1. Agenda
   Documents:
   02-01-2024.AGN_.PDF

2. Agenda
   Revised Agenda
   Documents:
   02-01-2024.AGN.DOCX

3. Packet
   PAZ-01-23
   Documents:
   PAZ-01-23.PACKET.PDF

4. Packet 2
   PAZ-02-23
   Documents:
   PAZ-02-23.PC_.PKT_.PDF
Yamhill County
DEPARTMENT OF PLANNING AND DEVELOPMENT
525 NE 4TH STREET • McMinnville, Oregon 97128
Phone: 503-434-7516 • Fax: 503-434-7544 • TTY: 800-735-2900 • Internet Address: http://www.co.yamhill.or.us/planning

AGENDA
YAMHILL COUNTY PLANNING COMMISSION
Thursday, February 1, 2024 - 7:00 p.m.
Yamhill County Courthouse, Room 32
535 NE Fifth Street
McMinnville, Oregon 97128
Attend via Zoom: https://us06web.zoom.us/j/97354678574  Webinar ID: 97354678574

Welcome! Thank you for attending today’s meeting. Public participation is encouraged. If you desire to speak on any item, please fill out a public comment card to indicate your intent to speak and provide to the secretary. Public participation also includes the ability to attend the hearing via Zoom. For attendees that are attending the meeting via Zoom, the Chair will ask if any Zoom attendees wish to provide public comment. At that time, attendees will be asked to use the “raise hand” function in Zoom and staff will unmute the participant. Participants wishing to speak will be asked to give their name and address for the record.

1. Roll Call
2. Approval of the minutes from January 4, 2024
3. DOCKET NO.: PAZ-01-23
   REQUEST: Approval of a Comprehensive Plan amendment from Very Low Density Residential to Industrial and a zone change from VLDR-2.5, Very Low Density Residential to LI, Light Industrial.
   APPLICANT: Green Power Electrical Contractors, Inc.
   OWNER: Bryce & Cherish Roberts
   TAX LOT: 5429-01200
   CRITERIA: Sections 502, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule.
   EXHIBITS:
   I. Application
   II. Light Industrial Zoning Ordinance
   III. Public Notice
   IV. Public Agency Reports
   V. Comments Received
4. **DOCKET NO.:** PAZ-02-23

**REQUEST:** Approval of a Comprehensive Plan amendment from Public, P, to Industrial, I and a zone change from PAI, Public Assembly Institution, to LI, Light Industrial.

**APPLICANT:** Orchard and Vineyard Supply LLC.

**OWNER:** MV, LLC

**TAX LOT:** 5417-00301

**CRITERIA:** Sections 801, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule.

**EXHIBITS:**

I. Staff Report
II. Application
III. Public Notice
IV. Public Agency Reports
V. Comments Received
VI. Light Industrial Zoning Ordinance

5. Other business

6. Adjourn

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**Public Testimony**

The Commission places great value on testimony from the public and thanks those who take the time to present their views. People who want to testify are encouraged to:

1. Provide written summaries for the record.
2. Recognize that substance, not length, determines the value of testimony.
3. Recognize that testimony is most helpful when it addresses the criteria.
4. Endorse rather than repeat testimony of other witnesses.
1. Roll Call

2. Approval of the minutes from January 4, 2024

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   **OWNER:** Bryce & Cherish Roberts

   **TAX LOT:** 5429-01200

   **CRITERIA:** Sections 502, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule.

   **EXHIBITS:**

   I. Application
   II. Light Industrial Zoning Ordinance
   III. Public Notice
   IV. Public Agency Reports
   V. Comments Received
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**APPLICANT:** Orchard and Vineyard Supply LLC.

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**CRITERIA:** Sections 801, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule.

**EXHIBITS:**

1. Staff Report
2. Application
3. Public Notice
4. Public Agency Reports
5. Comments Received
6. Light Industrial Zoning Ordinance

5. Other business

6. Adjourn

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4. Endorse rather than repeat testimony of other witnesses.
YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
STAFF REPORT

HEARING DATES: February 1, 2024 – Planning Commission Hearing
TBD – Board of Commissioners Hearing

DATE: January 22, 2024

DOCKET NO.: PAZ-01-23

REQUEST: Approval of a Comprehensive Plan amendment from Very Low Density Residential to Industrial and a zone change from VLDR-2.5, Very Low Density Residential to LI, Light Industrial.

APPLICANT: Green Power Electrical Contractors, Inc.

OWNER: Bryce & Cherish Roberts

TAX LOT: 5429-01200

LOCATION: 9155 SW Laughter Lane, Amity.

CRITERIA: Sections 502, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule.

REFERRALS: Public Works – No comments received to date.
Amity Rural Fire District – No comments received to date.
ODOT – No comments received to date.
Water Master – No comments received to date.
City of Amity – No comments received to date.
Sanitarian – “A change in zoning will not have an impact on the suitability (or lack thereof) of the property to support development. Any change in the use of existing structures or future development will have to meet all septic requirements as outlined in OAR Chapter 340 Divisions 071 and 073.”

EXHIBITS:
I. Application
II. Light Industrial Zoning Ordinance
III. Public Notice
IV. Public Agency Reports
V. Comments Received
FINDINGS:

A. Background Facts

1. Parcel size: Approximately 2-aces.

2. Access: SW Laughter Lane which provides access to Highway 99W.

3. On-site Land Use: There is a single-family dwelling and shop building located on the parcel, and an approved home occupation has been operated from the property since 2009.

4. Surrounding Zoning and Land Use: Adjacent parcels to the north, west, and east are zoned for Very Low Density Residential (VLDR-2.5) use. These VLDR-zoned lots are all dedicated to rural residential use, with single-family dwellings and accessory buildings (e.g., garages, shops, etc.) commonly found on these properties. The Portland & Western Railroad parallels the subject parcel’s eastern property line. Anderson Reservoir is located a short distance to the west of the subject parcel. Koenig Tractor Company is located across Highway 99W from the subject lot. Land to the south of the subject lot is zoned for Exclusive Farm Use (EF-80 zone). The lots in the EF-80 zone are commonly farmed with grass seed and hay production and vineyards being the most common farm uses occurring in the surrounding area. The parcel is located approximately 300-feet west of the Amity city limits.

5. Water: The application indicates the parcel is to be served by a well.


7. Exception: The property was found to be a built and committed exception to Goals 3 (Agricultural) and 4 (Forestry) in Code Area 5.16 adopted by Exception’s Statement II, April 23, 1980, and was plan designated VLDR, Very Low Density Residential. The exception area is not within an ‘unincorporated community’ as that term is defined by OAR 660-022-0010(10).

8. Previous Actions: A partition and special exception request was approved in 1978, Docket SE-19-78 and P-899-78. A request to rezone the subject parcel from AF-10 to VLDR-2.5 was approved in 2002, Docket Z-01-01 (Board Order 02-226). A lot line adjustment to transfer 5’ x 407’ strip of land from the subject parcel to 5430-00100, Docket L-12-04. A partition was approved in 2006, Docket P-04-05, that led to the creation of the subject parcel. A conditional use permit was approved in 2009, Docket C-11-08, for the Applicant to operate the electrical contractor’s business on the property.
B. Zone Change and Plan Amendment Provisions and Analysis

1. The application states that the intended use of the property is to allow for the growth of the electrical contracting business that has been operating on the property since 2009, as a home occupation. Home occupations are limited in several respects in statute and in the county zoning ordinance, most notably in terms of the number of employees that work at the business to no more than five (5), and that a home occupation business can only be operated from structures normally found within the underlying zoning district—which in this lot’s case is currently the Very Low Density Residential (VLDR-2.5) zone. The application notes that the electrical contracting business has thrived over the years and has outgrown the home occupation limitations and the Applicant would like the opportunity to grow the business to reach its maximum potential and stay on the property and within the community. The Applicant is requesting for the property’s comprehensive plan designation to be amended from the Very Low Density Residential District to the Industrial District, and a zone change from the VLDR-2.5 zone to the Light Industrial (LI) zone. The LI zone allows for a use such as Farm, industrial or contractors equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage. The Light Industrial section of the county zoning ordinance, Section 702.02, provides a list of permitted uses in the LI zone, and all permitted uses in this zone are subject site design review. One of the uses permitted in the LI zone is: Farm, industrial or contractor’s equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage, pursuant to 702.02(B) of the YCZO. The Applicant’s business is an electrical contractor’s business that involves providing electrical service to the local area. So long as the site meets the Site Design Review standards and the standards and limits listed in the LI zone, there is not a limitation on the number of employees who can work on-site, nor a limitation on the type of structure that can be used to support an industrial business. Following is an evaluation of the Applicant’s request for compliance with the comprehensive plan amendment and zone change criteria provided in Section 1208.02 of the YCZO.

2. This comprehensive plan amendment and zone change application must comply with the Yamhill County Comprehensive Plan, the Oregon Revised Statutes, and the Oregon Administrative Rules, which will be addressed throughout this report.

3. The application must also comply with the standards and criteria in YCZO Section 1208.02. These provisions are:

   (A) The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.

   Though the majority of the Yamhill County Goals and Policies are aspirational and not to be mistaken for, or interpreted as, approval criteria it is required that they be considered. It is a fact that some of the goals and policies conflict with one another. They are simply to be used as a guide to aid decision makers. For example, where goals or policies conflict the decision makers need to weigh the evidence and decide which goal or policy the request satisfies. Therefore, the
Planning Commission and Board of Commissioners would need to decide whether it is more appropriate for the 2-acre lot to be preserved for rural residential use or if it is better suited to rural industrial development.

Since an exception to Statewide Planning Goals 3 and 4 has already been taken for the subject parcel, Comprehensive Plan goals and policies related to agricultural and forest lands are not applicable. In addressing this standard, the application states, in part, that the zone change facilitates the continued occupancy of the property so the Applicant would not need to relocate, potentially leaving the county. Approval of the comprehensive plan amendment and zone change would also allow for the growth of the business, to hire additional staff, and continue to provide a valuable electrical contractor's services to the community of Yamhill County.

Goals and policies which staff feels are applicable are addressed below:

*Industrial Development Goal Statement I.H.1.* To concentrate industries of similar types, service needs, and performance characteristics within designated areas of each of the existing urban centers; to encourage adequate land for new industrial development within urban growth boundaries; to encourage the relocation of existing industries from undesirable locations in order to eliminate land use conflicts; to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base, while maintaining a high standard of environmental quality; and to protect the stability and functional aspect of industrial areas by protecting them from incompatible uses.

*Policy I.H.1.b:* To the greatest extent possible, industrial areas will be located within urban growth boundaries. Those industrial areas located outside urban growth boundaries will be compatible with the industrial development goal and will be located where they can be adequately served by necessary major utility lines, including electric power substations and transmission lines, trunk sewer lines, trunk water lines, and where appropriate, trunk gas lines.

The above goals and policies encourage the location of industrial uses within the urban growth boundaries. Although not located within an urban growth boundary, the Applicant's parcel is located approximately 300-feet west and 700-feet south of the Amity city limits and along a stretch of Highway 99W so much of the necessary infrastructure is in place for the transition of this property from residential land to Light Industrial operation and use. The subject parcel is bordered to the east by the Southern Pacific Railroad and Highway 99W, so the parcel has adequate access to a well-developed transportation network with existing major utility services. There is an existing well and septic system serving the dwelling and shop building and the Applicant has expressed no interest or need for the expansion of city sewer or water lines, or any other urban-scale utility service. The Applicant's business has operated onsite for many years and
there is no record of the electrical contracting business being incompatible with the surrounding residential lots. The proximity of this tract to the city of Amity strongly suggests that this industrial area, although outside of an urban growth boundary, can be adequately served by necessary major utility and access services.

The Applicant provided an extensive analysis of the county’s comprehensive plan and an equally extensive justification demonstrating that the proposed zone change and comprehensive plan amendment complies with the aspirational goals and policies outlined in the county’s comprehensive plan. Staff will provide some of the more salient points from the Applicant’s justification. The Applicant notes that Section I of the county’s comprehensive plan relates to urban growth, change, and economic development. The Applicant notes that approval of the comprehensive plan amendment and zone change would not result in a loss of valuable farm or forestland as this property is currently zoned for residential use. The site currently has developed all the wastewater, potable water, and utility services necessary for the business to continue operating from the subject parcel and to expand beyond the limitations placed on the operation of a home occupation, so no additional services are needed or requested by the Applicant.

Approval of the comprehensive plan amendment and zone change will allow the Applicant to continue operating their business from this site, but also to expand the business by hiring additional employees which will be of benefit to the local economy. The Applicant notes that there are no external impacts from the operation of the business, with no emissions or environmental impacts generated onsite because there is very little manufacturing occurring in conjunction with the business and the little manufacturing or repair of parts or materials is conducted within the existing shop building. For many years the existing business provides a necessary electrical service to residential, agricultural, and commercial structures in the surrounding area which supports and enhances the economic diversity and resilience of the local economy.

Section II of the county’s comprehensive plan is related to the protection of the county’s land and water resources. The Applicant notes that the subject parcel is not zoned for agricultural or forest use and is excepted from the state agricultural and forest Goals and Policies due to its VLDR zoning designation. This lot has been built and committed to rural residential use for decades so there will be no loss of farm or forest land, and a re-zoning to Light Industrial uses will not result in a loss of valuable resource land but will allow for a successful business to grow and further support the agricultural, residential, commercial, and industrial uses occurring in the surrounding area.

The guidance provided by Sections III (Transportation, Communications, Public Utilities) and IV (Public Land, Facilities, Services) of the comprehensive plan have been discussed in this staff report, but to summarize the subject parcel appears to be ideally situated in terms of transportation with direct access to a county road (Laughter Lane) that provides rapid and easy access to Highway
99W. The Applicant notes that both of these roadways are operating below designed capacity limits. The business is served by a well and septic system that are adequately serving the existing dwelling and shop building and no expansion of city services is required.

Section V (Environmental Quality) of the county's comprehensive plan provides goals and policies are presented to ensure that development and land use changes will not harm the environment. There are no emissions or other activities occurring at the site that would adversely impact the air, soil, or water quality of the parcel or surrounding lands. The operation of the existing business does not lead to harm to wildlife or otherwise compromise the wellbeing of the natural environment in the surrounding area because there is no pollution generated or other emissions created in conjunction with the business that could harm the natural environment.

Section VI (Energy Conservation) of the county comprehensive plan is particularly relevant because the Applicant is a construction and electrical contractor so they are very conscious of energy efficiency and conservation. The Applicant provides electrical service to a variety of users in the local area and identify as experts at providing green energy systems.

Section VII (Implementation, Evaluation, Review) of the comprehensive plan is procedural in nature and outlines mechanisms for which applications such as this one are evaluated. The comprehensive plan places an emphasis on citizen involvement, and a comprehensive plan amendment and zone change request must be processed using the county's "Type C" procedures which entails a public hearing before the county Planning Commission and Board of Commissioners following a public notice period. This process provides ample opportunity for members of the public to provide feedback to staff and decision makers regarding the proposed comprehensive plan amendment and zone change. The hearings allow for citizens interested or potentially impacted by this request to present either written or verbal testimony in favor or opposition to the request. Any comments submitted by citizens or public agencies will be entered into the record and shared with the Applicant, the Planning Commission, and the Board of Commissioners.

Staff finds that the Applicant has sufficiently addressed this criterion and further that the request is in compliance with the aspirational Goals and Policies provided by the Yamhill County Comprehensive Plan.
Regarding the need for the proposed use, criterion (B), the request is to convert a 2-acre lot from the VLDR zone to the Light Industrial zone, and this request is being made to facilitate the growth of the existing electrical contracting business beyond the five (5) employee limit imposed on all home occupations. The purpose of the LI zone is to provide for light and general industrial uses in locations that are compatible with adjacent urban development, per Section 702.01 of the YCZO. The Applicant’s electrical contracting business includes such activities as material and equipment construction and repair, storage of work materials, the provision of electrical and contracting service for barns, pole buildings, farm structures, and various industrial and commercial electrical devices and installations. This type of use is permitted, subject to site design review, pursuant to subsection 702.02(B) which allows “Farm, industrial or contractors equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage,”. The Applicant contends that the zone change and comprehensive plan amendment is necessary because they would like to be able to grow their successful business beyond what is permitted of a home occupation and also because there is a lack of LI zoned lots available in the county.

The applicant conducted an analysis of all available land zoned for light industrial use within the unincorporated areas of the county. This analysis found that most light industrial zoned land is found near the outskirts of incorporated cities or in rural unincorporated communities where light industrial uses were established prior to Oregon’s zoning regulations. The analysis found that many of these light industrial zoned lots are relatively small in size, and the majority of these lots have established uses in place so are not available to the Applicant. In all, the Applicant found that there are fewer than 25 lots zoned for Light Industrial use and these lots are fully developed and/or unavailable for purchase by the Applicant. The Applicant found that there are no (0) lots zoned for Light Industrial use in the area around Amity. The Applicant found that there are two small LI parcels in Sheridan, both of which are occupied by a wrecking yard. There is an industrial park located along Highway 99W, north of McMinnville which is also fully occupied, and small LI zoned lots locate south of McMinnville which are also occupied and unavailable for the Applicant’s use. The Applicant identified small pockets of LI zoned lots along the south edge of Dundee, and also just north of Dundee, however none of these lots are available. The Applicant found that there is LI zoned land north of Dayton, south of Highway 99W, that is fully developed and unavailable for use. The Applicant found that there is currently no land zoned for Light Industrial use in the Newberg area, as well. In contrast, the Applicant found that there is a greater abundance of VLDR-zoned
land in the county and further noted that there will be no net reduction in available housing if the comprehensive plan amendment and zone change request is approved because the existing dwelling will remain on the property and will function as a caretaker’s dwelling which is permitted in the LI zone in conjunction with a permitted use, such as the Applicant’s electrical contracting use.

5. (C) 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.

A portion of criterion (C) requires the proposed change to be shown to be appropriate considering the surrounding land uses along with the density and pattern of development in the area. A more comprehensive description of the surrounding land uses, the development pattern in the area, and changes to the surrounding area, as well as existing utilities and services in the area is provided in greater detail in Sections A.4., A.9., and B.3. of this staff report. Staff will consider whether the proposed zone change and comprehensive plan amendment from VLDR to LI is appropriate considering the surrounding land use information presented earlier in this staff report. The Applicant notes that the comprehensive plan amendment and zone change will not impact the current use of the subject lot. If approved, the change to the Light Industrial zoning designation will allow the Applicant to hire additional employees and grow the business beyond what is inherently permitted by the county’s home occupation standards which limit a home-based business to no more than 5 employees. The infrastructure needed for the business to operate and grow are already in place due to the operation of this business onsite since 2009. A dwelling is located on the property and will remain onsite as a caretaker’s dwelling that is permitted in conjunction with a use that is allowed in the LI zone. There is an existing accessory building on the property that is used as a warehouse and fully functional shop. There is adequate parking on the property to serve employees and any clients/patrons that need to visit the location, and the driveway serving the property accesses SW Laughter Lane which connects to Highway 99W. The warehouse/shop building is sited adjacent to the railroad tracks that are adjacent and parallel to the eastern property line of the subject lot. If approved, there would be no need for the development of new utilities or services, nor would there be a need for the expansion of existing utilities or services to support the business. The Applicant is not proposing any land division in association with the proposed zone change so the density of lots in the surrounding area will remain unchanged. The Applicant is not proposing any new construction activities to support the existing business so the pattern of development in the surrounding area will also remain unchanged. The Applicant’s business has operated on this lot since 2009 and appears to have been conducted in a manner that is compatible with the rural residential uses occurring in the surround area. The Applicant intends to maintain the existing home on the
property which will be in keeping with the development patterns common in this area. The subject parcel is quite close to Amity’s city limits and Urban Growth Boundary with other businesses operating just north of the subject lot within Amity’s city limits, also along Highway 99W.

6. (D) Other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.

As discussed in greater detail in section B.3. of this staff report, the Applicant submitted an analysis of the other lands in the unincorporated area of the county that are zoned for Light Industrial use. The Applicant identified several challenges to the use of the limited number of LI-zoned lots in the county. The Applicant evaluated these properties based upon the feasibility of these other LI-zoned lots to support the electrical contracting business. The Applicant found that there are currently no vacant and available Light Industrial zoned lots in the county that would be suitable to support the electrical contracting business. County staff also found that one of the available LI-zoned parcels is located within a hazard overlay district, namely the 100-year floodplain, which presents a challenge for the future development of that specific property. For the reasons provided in greater detail in the Applicant’s written narrative and distilled in Section B.3. of the staff report, the Applicant was unable to locate any available alternative lands that are as well-suited as the subject tract.

7. (E) The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.

As noted above, the property was found to be a built and committed exception to Goals 3 (Agricultural) and 4 (Forestry) in Code Area 5.16 adopted by Exception’s Statement II, April 23, 1989 and was plan designated VLDR, Very Low Density Residential. Goal 14 (Urbanization) requires a limitation on the intensity of development to that which is rural in nature, otherwise, an exception to the Goal is required. Additional limitations, such as setbacks and septic requirements would further limit development of additional structures on the property, thus limiting the scale to conform with other rural Light Industrial properties in the county. Section 702.07(C) in the LI zone states: The maximum parcel coverage shall be thirty (30) percent for any use. The subject tract is 2-acres in size, allowing a maximum of approximately 26,136-square feet of building footprint on the property. Additionally, the Planning Commission or Board of Commissioners has at their disposal the option of putting a Limited Use Overlay in place, described more fully in Section C. of the staff report below, and the establishment of a Limited Use Overlay on the parcel can act to place limits on the type of use(s) permitted on the property and/or to place more strict parcel coverage limitations, maximum building height, or other standards and limitations that the Planning Commission or the Board feels are a reasonable way to limit impacts to surrounding properties.
C. **Limited Use Overlay Provisions**

1. Section 904.03 of the YCZO contains provisions for limited use overlays. It states:
   
   **(A)** When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.
   
   **(B)** The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.
   
   **(C)** Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance.
   
   **(D)** Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.

If the plan amendment and zone change request is approved, the Applicant intends to continue operating the existing electrical contracting business onsite. A well is currently in place on the property which can be used to supply water to the business. There is an existing septic system serving the home and existing business. There is an existing driveway serving the home and business with access to Laughter Lane and beyond that to Highway 99W. Any future development of property to support or grow the contracting use would be subject to the site design review process to review the suitability of the existing services for any future potential expansion to the business or any new, future development by subsequent owners. If deemed appropriate, the Planning Commission and/or Board of Commissioners can choose to apply a limited use overlay to allow only the electrical contracting use described in the application which is a permitted use pursuant to subsection 702.02(B) of the YCZO. The Planning Commission and Board could also limit the parcel coverage permitted on the property which could in turn limit the size of any future developments on the property which may decrease traffic impacts to the surrounding transportation system, if deemed necessary. If imposed as part of the approval process, a Limited Use Overlay may be modified in the future through a future zone change request, so while the Limited Use Overlay can be challenging to revise these limitations are not etched in stone so future owners of the property have the opportunity to make changes if market demands change.
D. Goal 12 (Transportation Rule) Provisions and Analysis

1. The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-060 contains the provisions that must be met:

   (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

   (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

   (b) Change standards implementing a functional classification system; or

   (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

   (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

   (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

   (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

2. Regarding (a) and (b), a traffic impact analysis or trip generation analysis was not submitted with this land use request. Staff surmises that the justification for this is that the Applicant does not anticipate generating a significant increase in the volume of additional trips or traffic to/from the property because the business has been operating onsite for approximately 16-years and the operation of this business does not appear to have significantly impacted traffic on SW Laughter Lane or Highway 99W. If approved, the Applicant will have the opportunity to hire additional employees but will not significantly increase the number of patrons visiting the property. All affected transportation facilities are operating at acceptable performance levels. The functional classification of the transportation facilities will not be changed in the Yamhill County Transportation Plan. Any future physical expansion to the existing construction facility
would be subject to a site design review before building permits would be issued, and at that time staff could request a traffic impact analysis report be submitted with the site design review application. This would allow staff and decision-makers to evaluate the scale of any future expansion to the electrical contracting business and the potential impacts to traffic in the area, prior to approval of an expansion of the existing use or implementation of a new use on the subject parcel.

Planning staff did not receive any comments or concerns from either the county Public Works Department or the Oregon Department of Transportation.

CONCLUSIONS FOR APPROVAL:

1. The request is for a Comprehensive Plan amendment from Very Low Density Residential to Industrial and a zone change from VLDR-2.5, Very Low Density Residential to LI, Light Industrial.

2. The proposal is consistent with Comprehensive Plan goals and policies.

3. The proposal is consistent with Section 1208.02 of the Yamhill County Zoning Ordinance.

4. The Applicant has demonstrated that the use complies with the Transportation Planning Rule in that it will not have a significant effect on transportation facilities in the area.

CONCLUSIONS FOR DENIAL:

1. The Applicant has not demonstrated that the request satisfies Sections 1208.02(B) and (D) in that it has not been shown that there is a need for those uses allowed in the requested zone and that other land within the County is either unavailable or not as well suited for the use.

2. The Applicant has not adequately demonstrated that the use complies with the Transportation Planning Rule.

3. The proposal is inconsistent with Comprehensive Plan goals and policies

RECOMMENDATION:

A staff recommendation will be given after the receipt of additional testimony.
I. Application
# Land Use Application

**Applicant**
- Last name: GREEN POWER ELECTRICAL CONTRACTORS, INC
- First name: Roberts
- MI: Bryce and Cherish
- Mailing address (Street or PO Box): P. O. Box 836
- City: Amity, OR 97101
- Telephone: 503-835-0635
- E-mail address: bryce@gpecelectric.com

**Legal Owner (if different)**
- Last name: Roberts
- First name: Bryce and Cherish
- Mailing address (Street or PO Box): P. O. Box 836
- City: Amity, OR 97101
- Telephone: 503-835-0635
- E-mail address: bryce@gpecelectric.com

If the applicant is not the legal owner, state interest in property:
Legal owner is the owner of the Applicant

**Property Information**
- Address: 955 LAUGHTER LN
- Tax Lot(s): 1200
- R3439-01200
- Zone: VLDR 2.5
- Size of Tract (include all adjacent tax lots): 2.01 acres

1. **Type of Application (what is requested?):** Amendment to the Comprehensive Plan and a zone change to Light/General Industrial

2. **Justification for Request**
   - YCZO Section(s): See the attached justification Packet

   A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided.

3. **Present Use of Property:** Electrical contractor offices and warehouse

4. **Please list the type of buildings that are currently on the property (i.e., manufactured home, pole building, agricultural barn, etc.):**
   - One, stick built dwelling and one warehouse building

5. **Is there a septic system on the property?**
   - [ ] Yes
   - [ ] No

6. **How will water be provided?**
   - [ ] Well
   - [ ] City
   - [ ] Other

7. **How is the property accessed?**
   - Direct access to Laughter Lane and onto Highway 99
8. To your knowledge, do any of the following natural hazards exist on the property?

[ ] Floodplain  [ ] Areas of erosion
[ ] Fish or wildlife habitat  [ ] Soil limitations for building or septic

THE APPLICANT MUST SUBMIT:

1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.

2. Site plan drawn to scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed new buildings.

3. Written justification of how the application complies with the approval criteria. Attach additional sheets to this form.

4. Filing fee (make check payable to Yamhill County).

NOTE: Fees are not transferrable or refundable.

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Applicant's signature: [Signature]  Date: 11/21/23

Property owner's signature (if different): [Signature]  Date: 11/21/23

State of Oregon

County of Yamhill

Signed before me on this 21st day of November, 2023, by Joyce Roberts.

Notary Public for Oregon

My Commission expires 01/18/2024

[Stamp]

F:/Share/FORMS/PLANNING/Applications/2018/LANDUSE_APPL.docx
# Table of Contents

Plan Amendment and Zone Change Application

*GREEN POWER ELECTRICAL CONTRACTORS, INC.*

Application Form

Applicant's Justification

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</tr>
<tr>
<td>Exhibit H</td>
<td>Notification List and Map</td>
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</table>
BEFORE THE PLANNING DIVISION
FOR
YAMHILL COUNTY, OREGON

In the Matter of the Application of:

GREEN POWER ELECTRICAL
CONTRACTORS, INC.

For an Amendment to the Yamhill County
Comprehensive Plan from VLDR to Industrial
and a corresponding change in the zone from
VLDR 2.5 to Light/General Industrial (LI) on a
2.01 acre property located at 9155 SW Laughter
Lane, Amity, OR 97101, and further identified as
Tax Lot 1200, Map 5.4.29.

Case No. ________________

APPLICANT’S JUSTIFICATION FOR APPROVAL

COMES NOW Green Power Electrical Contractors, Inc. (GPEC) by and through its attorney, Wallace W. Lien, and does hereby submit the following factual information and legal justification for the approval of this application.

1. NATURE OF THE APPLICATION

GPEC is owned by Bryce and Cherish Roberts, who are the owners of the subject property. The land is used for their business operations. The business is authorized at this location under a home occupation, but has prospered to the extent that it has outgrown the limits imposed by the home occupation. In order to allow the business to continue to operate at this location, it is necessary to change the plan and zone designations from VLDR 2.5 to Light/General Industrial (LI).

This application then has two parts. The first is to amend the Comprehensive Plan to Industrial, and the second is to change the zone to the conforming LI district.

The subject property is fully developed, so no additional buildings are currently planned. No variance or adjustments are needed in order to accomplish the purpose of converting the current use from an allowed home occupation to an outright permitted use in the zone applied to the property. No increase in business activity, traffic or employment is proposed. The purpose of this application being to replace the outdated home occupation authorization with an outright permitted use status in the LI zone.

2. BACKGROUND INFORMATION

The subject property is 2.01 acres in size, created by Partition Plat 2006-28. It is rectangular in shape and contains the owner’s house and the shop building used in the business. The site was planned and zoned VLDR 2.5 in 2001 (Z-01-01).

The property is bounded along its full eastern border by the Portland & Western Railroad, beyond which is a long narrow parcel in commercial use. Adjacent to that parcel to the east is Highway 99W. To the north is SW Laughter Lane, beyond which is a rural residential parcel. To the south is a large active vineyard. To the west is
another rural residential parcel.

The subject property is within 500 feet to the west of the city limits of the City of Amity. Anderson Reservoir is located a short distance to the west of the site. Koenig Tractor Company is located across Highway 99W from the subject property. The Amity Fire Department, school district and Middle School buildings are within 1000 feet of the entrance to this property.

The existing home occupation was approved on February 3, 2009 in Docket No. C-11-08. In that decision, it was determined the site was appropriate for the proposed use, and that no natural features would affect the use of the site for this business. It was recognized that this use will not generate noise, vibration, glare or other disturbances for neighboring properties.

The property is generally flat, and has no identified floodplains, wetlands, landslide or other hazards located on it.

The house and shop buildings are served by a well and septic system. Access is directly onto SW Laughter Lane and then onto Highway 99W. Both roads are well maintained and adequate for the existing traffic.

3. COMPLIANCE WITH THE APPROVAL CRITERIA

This application complies with the approval criteria found at Yamhill County Zoning Ordinance (YCZO) Section 1208.02 as set forth below:

A. The proposed change is consistent with the goals, policies and any other applicable provisions of the Comprehensive Plan. As a general rule, Goals and Policies in a comprehensive plan are not considered to be approval criteria because they are expressions of hope for the future and not mandates for specific development. The following provisions of the Comprehensive Plan appear to be relevant to this application and are complied with as follows, but are not considered to be mandatory approval criteria:

Section I. Urban Growth and Change and Economic Development

Section A relates to urban area development. Goal 2 encourages the containment of urban services and facilities and other public capital improvements within existing urbanizing areas in order to achieve an orderly pattern of urban growth.

This Goal is achieved here as the subject property is already served by well and septic system with no need for any additional services. The site is basically fully built out, with no ability for expansion and therefore no need for any urban services to be extended.

Section B relates to rural area development, and provides that expansion of urban development into rural areas is a matter of public concern because of the unnecessary increase in costs of community services, conflicts between farm and urban activities, and the loss of open space and natural beauty around urban centers occurring as a result of such expansion. It goes on to state that encroachment of urban development into rural areas threatens to remove valuable farm lands from needed agricultural uses.

This section is also complied with for the same reason. The site is fully built out and provides its own septic and well with no pressure for the extension of urban services. Since the site is fully built it does not remove valuable farm lands. Further, the site is currently zoned VLDR 2.5 which allows one house. That house already exists on the property and will remain, therefore the residential component of the VLDR is maintained even with
the change to industrial.

It's Goal Statement #1 wants to provide an adequate amount of land, development areas and sites to accommodate those uses which are customarily found in rural areas or require or are better suited to rural locations, without compromising the basic goal relating to urban containment and orderly urban development. Subsection B provides, among other things, that all proposed rural area developments shall be based on a reasonable expectation of the demand for the use of such land or facilities within a reasonable period of time. Subsection C expects that all proposed rural area development and facilities be appropriately suited to the site proposed for that development, and not be located in any identified natural hazard area or site with soil limitations for septic systems, and have adequate access and availability of potable water.

This Goal is accomplished by recognizing the current industrial use of the subject property. The shop building is similar in size and style to several other buildings in the immediate vicinity. Such buildings are common place in this area. Since the site is fully developed there is no issue with urban development or the extension of urban services. The subject property has been in existence for years with no issues as to compatibility, access or use of the land itself. There are no natural hazards on the site, and the well and septic system are in excellent working condition and provide all of the utility needed for the house and shop building.

Subsection D provides that no proposed rural area development shall require or substantially influence the extension of costly services and facilities normally associated with urban centers, such as municipal water supply and sanitary sewerage or power, gas and telephone services, nor shall it impose inordinate additional net costs on mobile, centralized public services, such as police and fire protection, school busing or refuse collection.

As noted above, there is nothing about this property and its continued use that will cause any extension of services or facilities. This section is complied with.

Subsection F relates to economic development, and encourages economic diversification which generally results in a stronger, more stable local economy by increasing employment opportunities. Goal 1 here strives to maintain a rate and pattern of economic growth sufficient to prevent recurring high levels of unemployment and under-employment in the county, balance the real property tax base of the various cities, and strengthen local economic bases. Policy A encourages a diversified employment base, the strengthening of trade centers, and the attraction of both capital and labor intensive enterprises, consistent with the needs of each community and the county as a whole. Policy B indicates that the County will encourage economic development projects which do not conflict with the predominant timber and agricultural character of the county.

This section is complied with because of the very nature of the contractor business being employed on the site. This is a small but growing business serving rural Yamhill County. The primary reason for this application is that the business needs to employ more folks than is allowed by the current home occupation approval. The continued growth of this business will strengthen the economic base around Amity. In addition, this contractor business does not conflict with any timber or agricultural uses. In fact, the Applicant works closely with farmers for the construction of barns and pole and storage buildings needed to shelter farm equipment. According to this section, the County should encourage this Applicant to continue to grow at this location.

Subsection H relates to industrial development and recognizes that industrial development is important to the economic vitality of Yamhill County provided it does not impose a burden on local services. Goal 1 seeks to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base, while maintaining a high standard of environmental quality; and to protect the stability and functional aspect of industrial areas by protecting them from incompatible uses. Policy E encourages industrial uses to be located so that adequate buffer space is provided between incompatible land uses.
This section and its Goals and Policies are complied with here as it is recognized that industrial development such as that ongoing on this site it important to the economic vitality of the area, especially here where there is no need for any additional public services. By converting this VLDR site to an industrial site it will achieve a more balanced property tax, and stabilize the employment base. This is a clean business. There are no emissions or environmental impacts at all. Employees come and go from the site. Material is picked up and used in whatever job is assigned. Equipment and goods are stored in the building. Certain bits of manufacturing or parts or repair of equipment is done inside. There is no external impacts whatsoever. The business has been in place for many years without any issues from surrounding neighbors. Based on this historical precedence, it is clear that the current use of the property is compatible with its surroundings.

Policy H provides that established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation and full urban services are extended into the area, if appropriate, and the extension or designation of land use and services is consistent with all other goals and policies of the comprehensive plan.

This Policy is complied with as it provides the blueprint for this application. This is an established industrial area currently located in the VLDR zone. The business is growing, and that trend warrants this plan amendment to identify the site as industrial to match its current use.

Policy I states that industrial development will utilize the transportation system in an efficient and safe manner and reduce energy consumption by identifying for industrial development areas with alternative transportation opportunities, and by locating employment opportunities close to public transportation and, where appropriate, in community areas.

This Policy is complied with as the Applicant uses the existing SW Laughter Lane as its primary access, and it is just a few feet to the intersection with Highway 99W. These transportation routes are in good condition with the capacity to serve the subject property as it has been for the last several years. There is little traffic on SW Laughter Lane, and good site clearance for the railroad crossing and access onto Highway 99W. The Applicant has had no accidents at either the SW Laughter Lane or Highway 99W intersections. There is no public transport serving the immediate area of the subject property.

Policy L encourages industry that is energy conserving and energy efficient. Energy efficient and conservation measures that will be promoted include, efficient building, manufacturing, and heating practices; cogeneration systems including the burning of wastes; and utilization of new and alternative systems.

The Applicant provides a variety of goods and services, from construction of barns and pole buildings to residential and commercial electrical contracting services. Being in the electrical business, the Applicant is very conscience of energy conservation and efficiency, and employs all the latest innovations in the shop building. This Policy is complied with.

Finally, Policy N states that the county will recognize and encourage small scale industries as viable alternatives to larger, conventional enterprises.

This Policy is fully complied with here, where it is asked that the County recognize this small scale business and encourage it to remain at its current location. Failure to change the zoning will result in either the business being stifled in its growth, or it will have to find another location.
Section II. The Land and Water

This section is not relevant to this application as the land is not in agricultural or forest use, and is excepted from the agricultural and forest Goals and Policies due to its VLDR zoning. The land is already committed to a non-agricultural and forest use by virtue of this zoning. Further, the land is built on and committed to non-agricultural uses given the development of the house and the shop building on the land.

There are no fish bearing streams on or near the subject property, and the site is not within an identified wildlife habitat. Further, there are no identified open spaces on or near the property, and no mining operations that impact the site. The property has no scenic views and nothing of historical significance.

This section of the Comprehensive Plan is not relevant to this application, as none of the provisions are applicable here.

Section III. Transportation, Communications and Public Utilities

This section is also not relevant to this application as there are no transportation, communication or public utilities issues involved here that are covered in the plan. The subject property is on a local road that has an all weather surface and the capacity to serve the existing uses. There is a railroad crossing on SW Laughter Lane a block from its intersection with Highway 99W. Both SW Laughter Lane and Highway 99W at this location have sufficient capacity and adequate sight distance. There are no communications facilities involved here, and the site is served by a fully functional septic system and domestic water well.

Section IV. Public Land, Facilities, and Services

This section relates to the provision of public land, facilities and services and has nothing of relevance to this application.

Section V. Environmental Quality

This section seeks to ensure that development and land use changes will not harm the environment. In Goal Statement 1, the goal is to conserve and to protect natural resources, including air, water, soil and vegetation and wildlife, from pollution or deterioration which would dangerously alter the ecological balance, be detrimental to human health, or compromise the beauty and tranquility of the natural environment.

This application has no emissions or other activities that potentially could adversely impact the air or water quality. No pollution emanates from this facility. There are no discharges. The soil and vegetation are not impacted. There is no harm perpetrated on wildlife or human health. This Goal is complied with.

Policy B indicates the County will, in making land use decisions relative to industrial or other uses likely to pose a threat to air quality, consider proximity of the proposed use to residential areas and meteorological factors such as seasonal prevailing wind direction and velocity.

As stated above, there are no emissions or discharges coming from the subject property, and none will be in the future. While there are residences in the general area, none are in close proximity in any event. This operation has been ongoing at this location for many years with no issues of contamination, and there is no reason to believe any will occur in the future. This Policy is complied with.
Section VI. Energy Conservation

The business operation is a construction and electrical contractor, as such they are very conscience of energy conservation. They are experts at providing "green power", hence the business name: Green Power Electrical Contractors. While they sell and install energy efficient systems in their business model, they also employ those measure at their own facility.

Policy A states that the County will encourage and support the highest possible current and future energy efficient design standards in all land use issues. Given the nature of the Applicant's business and its current operations, this policy is complied with.

Section VII. Implementation, Evaluation, and Review

This section is basically procedural in nature and provides for the mechanism for which this application will be reviewed and decided. The County has a citizen involvement and requires public hearings and the opportunity to be heard for all affected citizens. The Plan recognizes that changing needs and conditions will necessitate review and updating of the Plan and Zoning Ordinance. This application follows this procedure, and will comply with all provisions for submission of evidence and testimony, and will participate in all hearings. It is the Applicant's position here that there has been changes in the area, and particularly with regard to the subject property, that warrant further review and updating of the Plan and zone.

All relevant provisions of the Yamhill County Comprehensive Plan are complied with.

B. 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.

The request here is to convert a small parcel of VLDR land to Light Industrial (LI) to accommodate the growing use currently on the property through a home occupation approval. The purpose and intent of the LI zone is to provide for light and general industrial uses in locations that are compatible with adjacent urban development. YCZO 702.01. The Applicant's business includes building contractor services, and electrical contracting services. The use includes material and equipment construction and repair, storage, sales of the services and repair and service of barns, pole buildings and other farm structures, and all sorts of industrial and commercial electrical devices and installations. These activities are outright permitted in the LI zone. YCZO 702.02(B).

Over the years since the Applicant obtained its home occupation, the need for its services has greatly increased. This need was met by increasing the amount of equipment and materials used by the business, as well as hiring more and more employees and skilled and licensed electricians. The quality of work and competitive pricing in all facets of the business created a sterling reputation for the company throughout Yamhill County.

The history of this business is primary evidence of the existing demonstrable need for building and electrical contractors in the County.

As to the balance of inventories, there is an abundance of VLDR 2.5 lands, platted and for sale that can fill any and all demand for such lands in the planning period. Just by way of example, Orchard View Ridge is a 10 lot subdivision platted on VLDR 2.5 land in 2017 as Plat 2017-19488 that is near the McMinvillie UGB, and all 10 of those lots remain on the market for sale 6 years after being listed. Many other such examples exist in the County as well. Therefore removing one 2 acre parcel from the VLDR 2.5 zoning will make no difference at all to that
inventory. It also must be noted that there is a house on the subject property that will continue to exist as a caretaker residence, meaning that there actually would be no loss of housing in the zone in any event.

Contrary to the abundance of VLDR zoning, there is hardly any suitable and available LI zoned land. A review of the online zone map shows no LI parcels south of Sheridan, and only 2 small LI parcels in Sheridan, both of which are in full use (wrecking yard). There is also no LI zoning around Amity. There are small parcels of LI zoning along the highway to the south of McMinnville, but those are also all occupied. There is the industrial park on the highway north of McMinnville before reaching Lafayette, also fully occupied. Nothing else near Lafayette or Dayton except for the McDougal's intersection where the LI land is fully occupied. There are small pockets of LI parcel along the south edge of Dundee, but none are available. There are a few parcels just north of Dundee, but again none are available and are fully occupied. There is nothing around Newberg in the LI zone.

All in all there are less than 25 total parcels in Yamhill County that carry the LI zone, and they are all either fully occupied or otherwise unavailable to purchase and use by a new owner. Adding one more parcel to the LI inventory will go a small distance toward remedying the lack of LI land in the County.

This criteria is complied with.

C. 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.

This planning change will not impact the use of the land. The purpose here is to legalize a home occupation that has been overextended. The site is fully functional with shop and warehouse and caretaker dwelling. The property has adequate parking and internal drives. The warehouse/shop building sits adjacent to the railroad tracks. The site is served by an existing septic system and domestic water well. As far as actual development goes on this site, nothing is being changed. No new buildings or other development.

This business has operated from this property for many years. As the business grew, nothing really changed as far as compatibility with the area. SW Laughter Lane is a dead end street. There are only a few rural residential tracts nearby. Highway 99W runs just to the east. The City of Amity UGB very close by. The subject property has not been the subject of any complaints or enforcement actions from any governmental agencies as to its operations. As soon the Applicant was reminded of the limits of its home occupation, this application was set in motion. It is the philosophy of the Applicant to comply with all rules and regulations and to do so in a timely manner.

As noted, no utilities of public services are needed at this site, and none are expected to be needed in the future.

This criteria is complied with.

D. Other lands in the County already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size or other factors.

As noted above, there are no suitable or available LI zoned lands in the County to which the Applicant could move its operation. The LI zone is little used, and generally amounts to small parcels or small groups of parcels on the fringe of the UGB of a few cities in the County.

The subject property is well suited for its current use. The land has the existing buildings and localized services sufficient for its use without putting pressure for expansion of public services. The site is located near a
major transportation route allowing it to serve the bulk of Yamhill County. With the caretaker’s dwelling, the purpose of the VLDR (to allow a rural residential home) is maintained while at the same time fitting into the permitted uses in the proposed LI zone.

This criteria is complied with.

E. The amendment is consistent with the current Oregon Administrative Rules (OAR’s) for exceptions, if applicable. The OAR’s are not applicable to this application, as the subject property has already been qualified for non-agriculture and non-forestry uses when it was zone VLDR 2.5.

This criteria is complied with.

4. CONCLUSION

This is a simple and straightforward application to make lawful an existing use that is a positive contributor to the economy of the County while not presenting any issues with its surroundings.

The LI zone is ideally suited to this use as it accommodates both the industrial nature of the contractor business, and retains the permitted use of the existing dwelling. It is the best of both worlds. The LI zone allows the existing business to continue, and the dwelling fills the prior need for rural residential housing.

The County has recognized the value of this business for years with its approval of the home occupation. As the business grew, no adverse impacts has been imposed on the surrounding area. The use is not a polluter and gives off no emissions. No pressure for public services is created as the site is on a septic and well. No complaints have been made about the use over the years indicating its compatibility with its surrounding uses.

The Applicant has met all of the approval criteria for this plan amendment and zone change, and asks that this application be approved.

RESPECTFULLY SUBMITTED this 27th day of October, 2023.

Wallace W. Lien, OSB No. 79-3011
SPECIAL WARRANTY DEED

Bryce Roberts, Grantor(s) hereby grant, bargain, sell and convey to Bryce M. Roberts and Cherish T. Roberts, as tenants by the entirety, Grantee(s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of and State of Oregon, to wit:

Parcel 3, Partition Plat 2006-28, recorded May 24, 2006 as Instrument No. 2006-11595,
Record of Partition Plats, County of Yamhill, State of Oregon

Grantee is lawfully seized in fee simple on the above granted premises and SUBJECT TO: all those items of record, if any, as of the date of this deed and those shown below, if any:

2007-2008 Real Property Taxes a lien not yet due and payable.

and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is $11,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 8th day of October 2007

Bryce Roberts

State of Oregon
County of Yamhill

This instrument was acknowledged before me on October 8, 2007 by Bryce Roberts.

My commission expires 8/4/2011
7/1/2022 to 6/30/2023 REAL PROPERTY TAX STATEMENT
YAMHILL COUNTY, OREGON 535 NE 5TH ST., ROOM 42, McMinnville, OR 97126 (503) 434-7521

PROPERTY LOCATION
9156 SW LAUGHTER LN
Account Acres: 2.0100

ALT NO: R5429 01200
Tax Code Area: 4.1

ACCOUNT NO: 201089

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When a mortgage company requests your tax information this statement is yellow and for your records only.

Online or Telephone payment options available - for instructions and conditions go to: www.co.yamhill.or.us/assessor

(See back of statement for instructions)

TAX PAYMENT OPTIONS

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NO STATEMENTS ARE SENT FOR THE FEBRUARY 15 OR MAY 15 INSTALLMENT DATES IF PAYING THE 2/3 OR 1/3 OPTION.

EXHIBIT B
GPEC Warehouse adjacent to the RR Tracks

Entrance from SW Laughter Lane

Parking in Front of the Warehouse Building
Internal Access Road to Shop Bay Doors

Internal Drives and Parking - House in the Background

Rear Repair and Maintenance Shop
Southeast Corner - Circular Drive and Parking Area

Circular Drive on East Side of Building Next to the RR

Access Drive to House from SW Laughter Lane

Exhibit F
House on the Subject Property

SW Laughter Lane Looking West from House Driveway

Intersection of SW Laughter Lane with Highway 99W

Exhibit F
Property to the North

Retail Store and Warehouse Adjacent to the East

Industrial Business Across Highway 99W
# NOTIFICATION LIST

Properties Located within 250 feet of the Subject Property
YCZO 1402.01(2)

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II. Light Industrial Zoning Ordinance
SECTION 700 – INDUSTRIAL DISTRICTS

702. LIGHT/GENERAL INDUSTRIAL DISTRICT (LI)  [Last Amended 7/9/98, Ord 648]

702.01 Purpose.

The purpose of the LI District is to provide for light and general industrial uses with similar service needs within urban growth boundaries and in other locations which are or will be compatible with adjacent urban development. Such areas shall maintain high performance standards for light and general industrial uses and shall coordinate site and building design through application of the site design review process.

702.02 Permitted Uses.

In the LI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 702.07 and pursuant to Section 1101 for site design review:

A. Manufacture of machine tools, medical and dental equipment, electronic instruments, mobile homes, and food products not generating noxious odors;

B. Farm, industrial or contractors equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;

C. Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;

D. Fruit, nut or vegetable packing, processing warehousing or cold storage operations;

E. Winery;

F. Veterinary hospital;

G. Accessory uses;

H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

I. Community or municipal water supply system;

J. Community or municipal sewer system; and

K. Signs, pursuant to the sign provisions set forth in section 1006;

L. Dwelling for a caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling.

[Amended 7/9/98, Ord 648]
702.03 Conditional Uses.

In the LI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10.

B. Utility facility, subject to Section 1101 for site design review.

[Added 5/15/85; Ord. 408]

702.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district, that is similar in character, scale and performance to the permitted uses specified in subsection 702.02 may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

702.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the LI District.

702.06 Nonconforming Uses.

Nonconforming uses found in the LI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

702.07 Standards and Limitations.

In the LI District, the following standards and limitations shall apply:

A. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet.

2. Depth-to-width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

B. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 702.07 (D).

C. Parcel Coverage.

The maximum parcel coverage shall be thirty (30) percent for any use.

D. Access.

Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by butting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or planting exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for any dwelling shall be forty-five (45) feet; and

2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the LI District shall be as provided in Section 1007.

***************
The following uses have been approved as a similar use in the LI district:

- RV storage (Docket SU-01-91 in TL File 5405-1001)
- Mini-storage
III. Public Notice
NOTICE OF PUBLIC HEARING
February 1, 2024, 7:00 p.m.
Room 32 of the Yamhill County Courthouse
535 NE 5th St.
McMinnville, Oregon

The YAMHILL COUNTY PLANNING COMMISSION will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing either in person or via Zoom. Comments submitted the day of the hearing will not be accepted via e-mail or fax but must be submitted in writing (12 copies) at the hearing. All issues and concerns should be raised for consideration by the Planning Commission prior to the close of the hearing because any appeal may be limited to the record of the hearing. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection, and copies may be purchased at a reasonable cost. A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. The location of the hearing is accessible to persons with disabilities. Please call the Planning Department if you will need any special accommodations to attend or participate in the meeting. For further information, contact Lance Woods (woods1@co.yamhill.or.us) at the Yamhill County Department of Planning and Development, 525 N.E. Fourth Street, McMinnville, 97128, or at (503) 434-7516.

DOCKET NO.: PAZ-01-23

REQUEST: Approval of a Comprehensive Plan amendment from Very Low Density Residential to Industrial and a zone change from VLDR-2.5, Very Low Density Residential to LI, Light Industrial.

APPLICANT: Green Power Electrical Contractors, Inc.

OWNER: Bryce & Cherish Roberts

TAX LOT: 5429-01200

LOCATION: 9155 SW Laughter Lane, Amity

CRITERIA: Sections 502, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.
The decision on the requested zone change will be based on whether the request complies with the review criteria found in Section 1208.02 of the Yamhill County Zoning Ordinance, as follows:

1208.02 Review Criteria

A quasi-judicial change to a zoning map may be authorized, pursuant to Subsection 1208.01, provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates compliance with the following criteria:

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.
APPLICANT: Green Power Electrical Contractors
R.O. Box 836
Amity OR 97101

I, Stephanie Coassen on the 12th day of January, 2024, sent the attached public notice of Docket No. DAZ-01-24 to the property owners identified by the PIN numbers listed above, and interested persons listed on this sheet.

STATE OF OREGON
County of Yamhill

The foregoing instrument was acknowledged before me this 18th day of January, 2024, by

Stephanie Coassen

Notary Public For Oregon
My Commission Expires 1-24-25

FORM: #12 * UPDATED: 3/18/2018 10:12 AM
IV. Public Agency Reports
A change in zoning will not have an impact on the suitability (or lack thereof) of the property to support development. Any change in the use of existing structures or future development will have to meet all septic requirements as outlined in OAR Chapter 340 Divisions 071 and 073.

Suzan

Suzanne Richardson, REHS
Yamhill County Planning and Development
(503)434-7516
My email address has changed: richardsons@yamhillcounty.gov
Environmental Health Specialist

The referenced docket is currently under consideration by Yamhill County. Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request.
V. Comments Received
No Comments Received to Date
I. Staff Report
HEARING DATES: February 1, 2024 – Planning Commission Hearing
TBD – Board of Commissioners Hearing

DATE: January 22, 2024

DOCKET NO.: PAZ-02-23

REQUEST: Approval of a Comprehensive Plan amendment from Public, P, to
Industrial, I and a zone change from PAI, Public Assembly Institution, to
LI, Light Industrial.

APPLICANT: Orchard and Vineyard Supply LLC.

OWNER: MV, LLC

TAX LOT: 5417-00301

LOCATION: 16700 OR-99W, Amity

CRITERIA: Sections 801, 702, and 1208.02 of the Yamhill County Zoning
Ordinance. Section 904, Limited Use Overlay may also be applied.
Comprehensive Plan policies may be applicable. OAR 660-12-0060
Transportation Planning Rule.

REFERRALS: Public Works- No comment.
Sanitarian- No comment.
ODOT- No comment.
Water Master – No comment.
Amity Rural Fire- No comment.
City of Amity– No comment.
DLCD- No comment.

EXHIBITS:
I. Application
II. Light Industrial Zoning Ordinance
III. Public Notice
IV. Public Agency Reports
V. Comments Received
FINDINGS:

A. **Background Facts**

1. **Parcel size:** Approximately 11.41 acres

2. **Access:** Direct access to Highway 99W

3. **On-site Land Use:** The tax lot is zoned PAI, Public Assembly Institution. The developed portion of the site is generally flat and currently contains three separate areas of operation: a large building with a parking area, another building with supporting parking, and a smaller warehouse surrounded on three sides by a flat grassy field. There are also undeveloped areas that include wooded areas, and Salt Creek that borders the property to the northwest.

4. **Surrounding Zoning and Land Use:** All parcels surrounding, except to the east are EF-80, exclusive farm use. The parcel directly east is zoned HI, Heavy Industrial. Land use consists of commercial farming, a seed elevator complex, vineyards and wineries, as well as an alpaca farm are all nearby. The town of Amity is 1 mile south of the subject parcel.

5. **Water:** The application indicates the parcel is to be served by a well.

6. **Sewage Disposal:** An existing septic system.

7. **Previous Actions:** On November 27, 1974, the Yamhill County Board of Commissioners adopted Ordinance No. 63 which plan designed the 11 acre property as Special Facility Institutional (PAI Public Assembly, Institutional) to accommodate the Mid-Valley Workshop and Rehabilitation Center.

B. **Zone Change and Plan Amendment Provisions and Analysis**

1. The applicant, Orchard and Vineyard Supply, LLC (OVS) seeks to change the subject property’s Comprehensive Plan map designation from “Public” to “Industrial” and the Zoning Map from “Public Assembly Institutional” to “Light Industrial.” OVS also seeks a “Limited Use Overlay” zone on the subject property.

OVS has several locations throughout the USA offering various services as well as retail locations. Some of the services OVS offers include - custom trellis design, soil testing, water storage and treatment, vineyard management, irrigation design, etc. The retail component of OVS sells items related to agriculture including - trellis supplies, netting, ground cover, weather protection, irrigation supplies, etc. The local OVS, which is in Yamhill County, is spread between 2 different locations, including McMinnville, and Lafayette. To become more efficient for their customer base, OVS intends to combine both the service facility and the retail facility into one central location at the proposed subject parcel. Over the last decade, OVS has grown considerably within the Yamhill County agricultural community, and a new location was necessary. The proposed
location will serve their existing community and provide for a space that will accommodate their business needs, without having to modify the existing footprint of the subject parcel.

2. This comprehensive plan amendment and zone change application must comply with the Yamhill County Comprehensive Plan, the Oregon Revised Statutes, and the Oregon Administrative Rules, which will be addressed throughout this report.

3. The application must also comply with the standards and criteria in YCZO Section 1208.02. These provisions are:

(A) The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.

Though the majority of the Yamhill County Goals and Policies are aspirational and not to be mistaken for, or interpreted as, approval criteria it is required that they be considered. It is a fact that some of the goals and policies conflict with one another. They are simply to be used as a guide to aid decision makers. For example, where goals or policies conflict the decision makers need to weigh the evidence and decide which goal or policy the request satisfies. Therefore, the Planning Commission and Board of Commissioners would need to decide whether it is more appropriate for the 11-acre lot to be preserved for public use or if it is better suited for industrial development.

Since an exception to Statewide Planning Goals 3 and 4 has already been taken for the subject parcel, Comprehensive Plan goals and policies related to agricultural and forest lands are not applicable. Approval of the comprehensive plan amendment and zone change would allow for the growth of the business, to hire additional staff, and continue to provide a valuable agricultural services to the community of Yamhill County.

Goals and policies which staff feels are applicable are addressed below:

*Industrial Development Goal Statement I.H.1:* To concentrate industries of similar types, service needs, and performance characteristics within designated areas of each of the existing urban centers; to encourage adequate land for new industrial development within urban growth boundaries; to encourage the relocation of existing industries from undesirable locations in order to eliminate land use conflicts; to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base, while maintaining a high standard of environmental quality; and to protect the stability and functional aspect of industrial areas by protecting them from incompatible uses.

*Policy I.H.1.b:* To the greatest extent possible, industrial areas will be located within urban growth boundaries. Those industrial areas located outside urban
growth boundaries will be compatible with the industrial development goal and
will be located where they can be adequately served by necessary major utility
lines, including electric power substations and transmission lines, trunk sewer
lines, trunk water lines, and where appropriate, trunk gas lines.

The above goals and policies encourage the location of industrial uses within the
urban growth boundaries. Although not located within an urban growth
boundary, the applicant's tract is located approximately less than one-mile from
the Amity city limits and along a stretch of Highway 99W that includes a mix of
Heavy Industrial (HI), and farm use (EF-40 and EF-80), so much of the necessary
infrastructure is in place for the transition of this property to be used for the farm
supply store, warehouse and services. The subject tract is bordered to the east by
Highway 99W and the applicant notes that the operation of the farm warehousing
and retail business from this location is ideal because it efficiently facilitates the
delivery and pick-up of farm supplies and materials. The applicant notes that the
farm warehousing and retail business envisioned at this location is compatible
with the character and available services of the surrounding area which include
other industrial and commercial businesses, such as a seed elevator complex,
commercial farming, and wineries. The applicant emphasized that the subject
parcel's location is ideal for their customer base and that the buildings on site can
be used effectively for their business needs. Although the location of the subject
parcel is outside of an urban growth boundary, the orchard and vineyard supply
company can be adequately served by necessary major utility and access services.

The applicant conducted an analysis of all available land zoned for light industrial
use within the unincorporated areas of the county. The GIS analysis identified 180
acres of LI-zoned land, with a vast majority of those parcels (85%) are already
occupied and not available. Additionally, the analysis found that the growth rate
within the Light Industrial subsector of Yamhill County, to be over 1.7% each
year over the next decade. This study demonstrates the need to establish more
land zoned Light Industrial, and that it will continue to grow.

The applicant has identified 19- LI zoned clusters of land located in the County,
many of them are smaller in size and already dedicated to specific uses that are
serving the communities surrounding these Light Industrial parcels. There are 2
eamples of the alternative sites listed below. Please find the entirety of the 19
site evaluations within the provided report by the applicant, on pages 41-48,
located within the application. Below are two examples of the alternative site
options:

Alternative Site #1 is a vacant site consisting of an 11.7 acre parcel just west of
the Sheridan area. The property is split zoned, with the western portion of the
property being located in the County and zoned LI, and the eastern portion of the
tax lot being located in the City of Sheridan. The property shares ownership with
the adjacent lumber mill to its east, which is appropriate for some light industrial
used but is not ideal for the types uses proposed for the subject site. The location
itself is not suitable for the agriculture community of which OVS serves, nor is the traffic/access convenient for large trucks and customers due to the access is through residential side streets.

Alternative Site #2 is only 5.3 acres and is not a suitable size for the proposed use. Additionally, the configuration of the site is impractical for development due to the site being split by Schatz Road.

The applicant’s analysis found that there were no available Light Industrial properties in the county that were comparably or better situated to the operation of a farm supply, warehousing, and retail business. The applicant found that the proposed zone change and comprehensive plan amendment is the most reasonable alternative available to the applicant. The similar types of uses and existing zoning in the surrounding area appear compatible with the proposed LI zone. An appropriate amount of land, properly located in the community, will help to assure a long-term diversified employment base, and will provide a useful service to residents of the local area.

Policy I.H.1.b states in part that industrial uses: ... will be located where they can be adequately served by necessary major utility lines, including electric power substations and transmission lines, trunk sewer lines, trunk water lines, and where appropriate, trunk gas lines.

The purpose of this policy is to assure that industrial uses, which are expected to utilize large amounts of water or electricity, will be located within close proximity to places where those utilities are located.

The applicant’s tract and the surrounding area do not have access to city water or sewer services. The applicant states that a well is already in place on the property which could meet the needs of the proposed business. The application states that the proposed use of the site will be served by a septic system. The County Sanitarian has said that any further development or change in use will need to meet all applicable wastewater management standards and requirements and will require an authorization permit. As discussed in greater detail above, the subject tract is located in an area with multiple light industrial and commercial uses, as well as being located a short distance from other towns along a major highway (99W), so the infrastructure in the surrounding area is fairly extensive and designed to support the industrial and retail businesses of a similar scale to the farm supply business described by the applicant.

The Yamhill County Comprehensive Plan, Section I.H., Goal 1, Policy h., directs Yamhill County to consider that:

Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation and full urban services are extended into the area, if appropriate, and
the extension or designation of land use and services is consistent with all other goals and policies of the comprehensive plan.

The proposed zone change and comprehensive plan amendment appears to be in keeping with the character of the surrounding area which include a mix of heavy industrial, commercial agriculture, wineries and residential uses. The current use of the property already appears to have adequate utilities and services in place to serve the proposed use of the property, which is similar in scale.

4. (B) 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.

Regarding the need for the proposed use, criterion (B), the application states that a farm supply store will be established on the tract if the plan amendment and zone change request is approved by the county. This is a permitted use in the LI-zone, per subsection 702.02(B) of the YCZO. The applicant conducted an economic analysis regarding the present supply and demand of agricultural enterprises. Oregon’s wine industry is rapidly growing and has become one of the major economic engines in the state. Within the application, on page 17, the analysis concludes that Yamhill County is the largest producer of wine in Oregon, and with that growth requires local industries to support the demand.

The applicant’s economic analysis also forecasts that employment in resource industries will continue to see growth in the future in the local area. The applicant’s proposed farm supply and storage business is designed to support and market to the thriving farming community in the local area.

The applicant’s request is for a zone change and comprehensive plan amendment on the subject parcel, from Public Assembly Institutional to Light Industrial, that is located next to an area that is both zoned and historically committed for heavy industrial uses.

Any change of use, or renovation of this property would require a Site Design Review Application, as well as approval from the County Sanitarian for the existing or proposed wastewater management system. Aside from the development of an approved septic system and fire safety service, the subject parcel will not require the extension or expansion of services to accommodate the proposed zone change and plan amendment.

The economic analysis conducted by the applicant found that there appears to be a demand for additional light industrial zoned land to facilitate the growth of standalone industries, as well as for those businesses that support the resource use industries (farm and forest uses) prevalent in the local area.
5. (C) 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.

A portion of criterion (C) requires the proposed change to be shown to be appropriate considering the surrounding land uses along with the density and pattern of development in the area. A more comprehensive description of the surrounding land uses, the development pattern in the area, and changes to the surrounding area, as well as existing utilities and services in the area is provided in greater detail in Sections A.4., and B.3. of this staff report. Staff will consider whether the proposed zone change and comprehensive plan amendment from PAI to LI is appropriate considering the surrounding land use information presented earlier in this staff report.

The subject property is located adjacent to a parcel that is zoned Heavy Industrial with operations related to agriculture. The subject parcel has direct access to a major transportation corridor that is Highway 99W, and lies a few miles south of McMinnville, the county’s largest population center. This nexus of development is of a much greater density and intensity than any other unincorporated area of the county. The long established commercial and industrial uses in this area appear to be adequately served by electrical, transportation, and communications utilities and services. Access to the property is via Highway 99W. If the plan amendment and zone change request is approved, any future change in use or development of the tract itself would be subject to the Site Design Review process. This Site Design Review allows for the county to evaluate the potential impacts more specifically to the properties in the surrounding area prior to approval of a use permitted in the Light Industrial zone. The Site Design Review process provides the county and applicant to evaluate the existing services to verify those in place are sufficient to support the specific development, or if not, to what extent improving existing services or establishing new services would be required.

6. (D) Other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.

As discussed in greater detail in section B.3. of this staff report, the applicant submitted an analysis of the other lands in the unincorporated area of the county that are zoned for Light Industrial use. The applicant identified several challenges to the use of the limited number of LI-zoned lots in the county. The applicant evaluated these properties based upon the feasibility of these other LI-zoned lots
to support the farm supply store that the applicant would like to develop on this property in the future, if the plan amendment, zone change, and subsequent site design review applications are approved. The applicant found that some of the other lots already designated for Light Industrial use have issues with access to major arterial roadways for customers and delivery vehicles, proximity to customers, while other lots were too small for the use being pursued by the applicant. For the reasons provided in greater detail in the applicant’s economic analysis and distilled in Section B.3. of the staff report, the applicant was unable to locate any available alternative lands that are as well-suited as the subject tract.

7. (E) The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.

As noted in the above findings, on November 27, 1974, the Yamhill County Board of Commissioners adopted Ordinance No. 63 which plan designed the 11-acre property as Special Facility Institutional (PAI Public Assembly, Institutional) to accommodate the Mid-Valley Workshop and Rehabilitation Center. The zoning maps used from 1976-1980 show the property as a built and committed exception to Goals 3 (Agricultural) and 4 (Forestry) with the Mid-Willamette Valley Workshop noted as being located on the property. If the property is rezoned to LI Light Industrial, additional limitations, such as setbacks and septic requirements would further limit development of additional structures on the property, thus limiting the scale to conform with other rural Light Industrial properties in the county. Section 702.07(C) in the LI zone states: *The maximum parcel coverage shall be thirty (30) percent for any use.* The subject tract is 11.41 acres in size, allowing a maximum of approximately 149,105-square feet of structures on the property. Additionally, the Planning Commission or Board of Commissioners has at their disposal the option of putting a Limited Use Overlay in place, as requested by the applicant, described more fully in Section C. of the staff report below, and the establishment of a Limited Use Overlay on the tract can act to place limits on the type of use(s) permitted on the property and/or to place more strict parcel coverage limitations, maximum building height, or other standards and limitations that the Planning Commission or the Board feels are a reasonable way to limit impacts to surrounding properties.

C. **Limited Use Overlay Provisions**

1. Section 904.03 of the YCZO contains provisions for limited use overlays. It states:

   (A) *When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.*

   (B) *The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.*
(C) Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance.

(D) Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.

If the plan amendment and zone change request is approved, the applicant intends to use the property to establish a farm supply and agricultural services facility. A well is currently in place on the property which can be used to supply water to the business. A septic system or other approved wastewater treatment system will need to be established to serve the proposed business. The application indicates that the existing driveway is planned to serve the proposed use of the property, if the zone change and plan amendment request is approved, the driveway and access will be addressed during any future site design review process. Aside from the establishment of a farm supply store and agricultural services, the applicant did not consider any alternative Light Industrial uses for the property. If deemed appropriate, the Planning Commission and/or Board of Commissioners can choose to apply a limited use overlay to allow only the specific farm supply store and services, as described in the application which are permitted uses pursuant to subsections 702.02(B) and 702.02(C) of the YCZO. The Planning Commission and Board could also limit the parcel coverage permitted on the property which could in turn limit the size of the retail store on the property which may decrease the amount of traffic impacts to the surrounding transportation system. A Limited Use Overlay may be modified in the future through a future zone change request, so while the Limited Use Overlay can be challenging to revise, these limitations are not etched in stone so future owners of the property have the opportunity to make changes if market demands change.

D. Goal 12 (Transportation Rule) Provisions and Analysis

1. The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-060 contains the provisions that must be met:

   (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

   (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

   (b) Change standards implementing a functional classification system; or
(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
(B) Degraded the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
(C) Degraded the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

2. Regarding (a) and (b), the applicant provided an estimated total of annual daily traffic (ADT) at 214. Further, the applicant states that the level of trip generation is similar to, if not less than, the levels of trip generation historically experienced on the subject property. It should also be noted that the existing zoning of PAI Public Assembly, Institutional allows for public assembly uses like, churches, auditoriums, armories, youth centers, social halls, fairgrounds, group camps and schools. Many of these uses would have far greater traffic impacts to the transportation facility than the proposed use. The applicant states that one of the reason the applicant has presented for the imposition of a Limited Use Overlay is to limit the scale of the types of development that could occur on the property. The levels of trip generation from the proposed light industrial use does not threaten to have a “significant effect” on any transportation facility in the area.

Planning staff did not receive any comments or concerns from either the county Public Works Department or the Oregon Department of Transportation.

CONCLUSIONS FOR APPROVAL:

1. The request is for a Comprehensive Plan amendment from Public to Industrial and a zone change from PAI, Public Assembly, Institutional to LI, Light Industrial.

2. The proposal is consistent with Comprehensive Plan goals and policies.

3. The proposal is consistent with Section 1208.02 of the Yamhill County Zoning Ordinance.

4. The applicant has demonstrated that the use complies with the Transportation Planning Rule in that it will not have a significant effect on transportation facilities in the area.
CONCLUSIONS FOR DENIAL:

1. The applicant has not demonstrated that the request satisfies Sections 1208.02(B) and (D) in that it has not been shown that there is a need for those uses allowed in the requested zone and that other land within the County is either unavailable or not as well suited for the use.

2. The applicant has not adequately demonstrated that the use complies with the Transportation Planning Rule.

3. The proposal is inconsistent with Comprehensive Plan goals and policies.

RECOMMENDATION:

A staff recommendation will be given after the receipt of additional testimony.
II. Application
**YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT**

**LAND USE APPLICATION**

525 NE Fourth Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>LEGAL OWNER (IF DIFFERENT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orchard and Vineyard Supply LLC</td>
<td>MV, LLC</td>
</tr>
<tr>
<td>Last name</td>
<td>First</td>
</tr>
<tr>
<td>Cross,</td>
<td>Matt</td>
</tr>
<tr>
<td>Mailing address (Street or PO Box)</td>
<td>Mailing address (Street or PO Box)</td>
</tr>
<tr>
<td>3800 Three Mile Lane</td>
<td>PO Box 28</td>
</tr>
<tr>
<td>City</td>
<td>State</td>
</tr>
<tr>
<td>McMinnville</td>
<td>OR</td>
</tr>
<tr>
<td>Telephone</td>
<td>Telephone</td>
</tr>
<tr>
<td>503-435-2700</td>
<td></td>
</tr>
<tr>
<td>E-mail address</td>
<td>E-mail address</td>
</tr>
<tr>
<td><a href="mailto:matt.cross@ovs.com">matt.cross@ovs.com</a></td>
<td><a href="mailto:kathy@mvadvancements.org">kathy@mvadvancements.org</a></td>
</tr>
</tbody>
</table>

If the applicant is not the legal owner, state interest in property:
Applicant is purchasing the subject property from the Legal Owner, and expects to close in February 2024

<table>
<thead>
<tr>
<th>PROPERTY INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Lot(s):</td>
</tr>
<tr>
<td>Zone: Public Assembly Institutional</td>
</tr>
<tr>
<td>Size of Tract (include all adjacent tax lots)</td>
</tr>
</tbody>
</table>

1. **TYPE OF APPLICATION** (what is requested?): Zone Change, Post-Acknowledgment Plan Amendment

2. **JUSTIFICATION FOR REQUEST**
   YCZO Section(s): 1208 - Quasi-judicial zone district boundary changes
   (See attached application narrative for further details)

   A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied or deemed incomplete until additional information is provided.

3. Present use of property: Pallet assembly

4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):
   Warehouses, offices, and sheds

5. Is there a septic system on the property? [ ] Yes [ ] No
   [ ] Well

6. How will water be provided? [ ] City [ ] Other

7. What road and/or easement is the property accessed from? Hwy 99W
**APPLICANT**

Orchard and Vineyard Supply LLC

Last name: Cross,  
First: Matt  
Mailing address (Street or PO Box): 3800 Three Mile Lane  
City: McMinnville  
State: OR  
Zip: 97128  
Telephone: 503-435-2700  
E-mail address: matt.cross@ovs.com

**LEGAL OWNER (IF DIFFERENT)**

MV, LLC

Last name: Schloffeldt,  
First: Kathy  
Mailing address (Street or PO Box): PO Box 28  
City: McMinnville  
State: OR  
Zip: 97128  
Telephone:  
E-mail address: kathy@mvadvancements.org

**PROPERTY INFORMATION**

- Tax Lot(s): R5417 / 00301  
- Zone: Public Assembly Institutional  
- Size of Tract (include all adjacent tax lots): 11.41 Acres

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   - Yes  
   - No

6. How will water be provided?  
   - Yes  
   - No  
   - City Water  
   - Other

7. What road and/or easement is the property accessed from?  
   - Hwy 99W
LAND USE APPLICATION

525 NE Fourth Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

APPLICANT

Orchard and Vineyard Supply LLC

Last name First MI
Cross, Matt

Mailing address (Street or PO Box)
3800 Three Mile Lane

City State Zip
McMinnville OR 97128

Telephone
503-435-2700

E-mail address
matt.cross@ovs.com

LEGAL OWNER (IF DIFFERENT)

MVA, LLC

Last name First MI
Schlofleldt, Kathy

Mailing address (Street or PO Box)
PO Box 28

City State Zip
McMinnville OR 97128

Telephone

E-mail address
kathy@mvadvancements.org

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Applicant is purchasing the subject property from the Legal Owner, and expects to close in February 2024

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Tax Lot(s): R5417 / 00301 Zone: Public Assembly Institutional

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4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):

Warehouses, offices, and sheds

5. Is there a septic system on the property? Yes □ No □

6. How will water be provided? Well □ City □ Other □

Hwy 99W

7. What road and/or easement is the property accessed from?
8. To your knowledge, do any of the following natural hazards exist on the property?

☑ Floodplain  ☐ Areas of erosion  ☐ Steep slopes
☐ Fish or wildlife habitat  ☐ Soil limitations for building or septic

THE APPLICANT MUST SUBMIT:

1. Completed application form, signed by the applicant and property owner (if different). The owner's signature must be notarized.

2. Site plan drawn to scale showing property lines, location and size of all existing buildings, existing and proposed access roads, and location and size of any proposed new buildings.

3. Written justification of how the application complies with the approval criteria. Attach additional sheets to this form.

4. Filing fee (make check payable to Yamhill County).

General land use application used for Conditional Use, Variance, Site Design Review, Floodplain, Willamette River Greenway, Comprehensive Plan Amendment and Zoning District Boundary Amendment, Comprehensive Plan Amendment, and Zone Change.

**NOTE: Fees are not transferrable or refundable.**

I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.

I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Matt Cross

Applicant's signature  Date

Property owner's signature (if different)  Date

State of ____________________________

County of ____________________________

Signed before me on this ______ day of ______________________, 20 ________

by ____________________________

Notary Public for Oregon
My Commission expires ____________________________

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8. To your knowledge, do any of the following natural hazards exist on the property?

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[Signature]  12/14/23

Applicant's signature  Date

[Signature]  [Signature]

Property owner's signature (if different)  Date

State of Oregon  County of Yamhill

Signed before me on this 14th day of December, 2023

by Matt Cross

[Stamp]

OFFICIAL STAMP
JULIE TRAINA
NOTARY PUBLIC - OREGON
COMMISSION NO. 1029587
MY COMMISSION EXPIRES AUGUST 4, 2026

Notary Public for Oregon
My Commission expires 8/4/26
8. To your knowledge, do any of the following natural hazards exist on the property?

- [x] Floodplain
- [ ] Areas of erosion
- [ ] Steep slopes
- [ ] Fish or wildlife habitat
- [ ] Soil limitations for building or septic

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Applicant’s signature

[Signature]

Date

12/12/2023

Property owner’s signature (if different)

[Signature]

Date

[Signature]

State of

County of

Signed before me on this _____ day of ____________, 20____, by ____________________________________________.

Notary Public for Oregon

My Commission expires

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APPLICATION FOR A
POST ACKNOWLEDGEMENT PLAN AMENDMENT
& ZONE CHANGE

BURDEN OF PROOF STATEMENT

YAMHILL COUNTY FILE NO. _____

DATE

December 13, 2023

REQUEST

PAPA: From “Public” to “Industrial”
Zone Change: From “Public Assembly Institutional” to “Light Industrial” with a Limited Use Overlay

APPLICANT

Orchard & Vineyard Supply, LLC.

CURRENT OWNER

MV, LLC

APPLICANT’S REPRESENTATIVE

Andrew H. Stamp, Esq.
Vial Fotheringham, LLP
17355 SW Boones Ferry Road
Lake Oswego, Oregon 97035
Phone: 503.684.4111
Facsimile: 503.905.2557
Email: Andrew.Stamp@vf-law.com

SITE ADDRESS/
MAILING ADDRESS

16700 OR-99W Amity, OR 97101

LOCATION:

~1 mile north of the City of Amity

TAX ASSESSOR’s DESCRIPTION

T5S, R4W, Section 17, TL 301

SITE AREA

Approximately 11.41 acres

CURRENT COMP PLAN DES.

Public

CURRENT ZONING

Public Assembly Institutional District (PAI)

FIRE PROTECTION

McMinnville RFPD

CRITERIA:

YCCP Section I(B), Policies B, C, D.
YCCP Section I(H), Policies, A, B, C, D, E, G, H, I, J.
YCCP Section III(A), Policies J, N.
YCCP Section IV(A), Policies B, O, Q.
YCCP Section V(A), Policy B.
Summary of Request

1. Purpose
2. Introduction to the Applicant and its Business Operations
3. Reasons Why this Application is Critical to the Future Success of OVS
4. Reasons Why This Application Should Be Approved

Facts
A. Site Description / Setting
B. Proposed Use of Subject Property
C. Employee Data
D. Anticipated Trip Generation

Applicable Regulations
a. Yamhill County Comprehensive Plan
b. Yamhill County Zoning Ordinance
c. Statewide Planning Goals
d. Transportation Planning Rule (TPR) Provisions and Analysis

Conclusion
1. **Purpose.**

The applicant, Orchard & Vineyard Supply, LLC ("OVS") seeks to change the subject property's Comprehensive Plan map designation from "Public" to "Industrial" and the Zoning Map from "Public Assembly Institutional" to "Light Industrial." OVS also seeks a "Limited Use Overlay" zone on the subject property in order to limit the scope of any impact analysis otherwise required by Code.

2. **Introduction to the Applicant and its Business Operations.**

OVS, a leader in specialty agriculture supplies and services in the Pacific Northwest, has been supporting farmers in the McMinvile community for 38 years. It offers a wide range of farming products and solutions, spanning from design solutions to planting, harvest, and processing. More specifically, OVS stocks trellising, training, pruning, irrigation, harvest, post-harvest, ag fabrics, and wildlife control products to support agriculture businesses throughout the seasons. OVS's subsidiary, Results Partners, LLC, manages high-profit crops like blueberries and grapes in the Willamette Valley. This unique combination provides full-service capabilities and an extensive product selection.

3. **Reasons Why this Application is Critical to the Future Success of OVS.**

OVS seeks to relocate a portion of its business operations to the subject property. Over the last decade, OVS has grown considerably within our agricultural community. In combination with this organic growth, OVS has added to its portfolio with the acquisition of several other companies that have contributed to the size and service posture. Through this growth, OVS’s operational needs have exceeded the capacity of its current footprint. As a result, OVS needs to relocate to a facility that will allow it to safely serve its current customer base and continue its natural growth. Additionally, OVS seeks to improve the culture and community of its employees by bringing the teams together under one roof. This will not only provide greater efficiency for OVS’s teams but also provide a distinct benefit to its customer base, who, in some cases, are forced to drive to multiple locations in the same day to obtain the full range of available products. OVS has been searching for a suitable property for three years without success. The subject property is a perfect fit for OVS, its employees, and its customers.

4. **Reasons Why This Application Should Be Approved.**

OVS does not propose to build any additional structures. Rather, OVS seeks to retrofit and improve existing structures located at the subject property. In essence, OVS seeks to breathe new life into an existing industrial facility, which is more environmentally sound than converting greenspace lands to industrial use. Fortunately, the existing facilities are well-suited for rural industrial use. In fact, the current tenant is engaged in manufacturing, which is an industrial use.

The current tenants are scheduled to depart the subject property at or before March of 2024. Ideally, OVS seeks to occupy the property immediately after the current tenants vacate the premises. OVS anticipates beginning operations at the subject property in the fall of 2024.
II. Facts.

A. Site Description / Setting.

The site in question consists of a single tax lot, T5S, R4W, Section 17, Tax Lot 301. (Exhibit 1). The developed portion of the site is generally flat and currently contains three separate areas of operation: a large building suitable for use as a warehouse and a supporting parking area (labeled “C” below), a suitable building that can be used for a corporate office and parking supporting that building (labeled “A”), and a smaller warehouse surrounded on three sides by a flat grassy field (labeled “B”). It also contains some undeveloped areas that are wooded and adjacent to Salt Creek, which borders the property to the northwest.

The property is surrounded by the following, in clockwise order:

- Directly to the north is a farm parcel owned by James M. and Dixie Andersen. It is zoned EF-80 and is in agricultural use.
- To the northeast is Advantage Seed’s elevator complex. This is zoned HI (Heavy Industrial).
- The east, south, and west sides of the property, across the Portland & Western railway and Highway 99W where applicable, is another farm parcel owned by R & B Kauer Properties, LLC. It is also zoned EF-80 and is also in agricultural use.
- Lastly, to the northwest is a farm parcel owned by James L Bunn, also zoned EF-80, and also in agricultural use.
B. **Proposed Use of Subject Property:**

**SECTION A (7000 sq ft):**
- OVS intends to use current building structure, adding minor repairs and aesthetics as the new corporate headquarters.
- Section A includes 5300 sq ft of employee parking, sufficient for OVS’s needs.

**SECTION B (2400 sq ft):**
- OVS intends to use the entirety of the current 2400 sq ft building with minor repairs and changes.

**SECTION C: (5500 sq ft office, 3000 sq ft retail):**
- OVS intends to use the current building structure for employee offices and an OVS retail store.
- This section includes 13,500 sq ft of parking, which will be used for customer and employee parking.
- It also includes a 14,000 sq ft warehouse to be used for storage of products and receiving shipments.

C. **Employee Data:**
- Total in Yamhill County: 130 Full Time, ~240 season contract
- McMinnville Headquarters: 17
- McMinnville Retail: 18
- Lafayette Retail & Service: 19
- McMinnville Crop Management (Results Partners): 130 FT

Total employees proposed to relocate to subject property: 44

D. **Anticipated Trip Generation:**
- Employees: 54/day x 2 = 108 Trip ends
- Customers: ~40/day x 2 = 80 Trip ends
- Outbound Deliveries (Trucks): 10/day x 2 = 20 Trip ends
- Inbound Deliveries (Trucks): 3/day x 2 = 6 Trip ends
- Total ADT: 214 Trip ends
III. Applicable Regulations.

a. Yamhill County Comprehensive Plan.

YCCP 1208.02(A) requires the applicant seeking a comprehensive plan map and zoning map amendment to demonstrate that "the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan." The applicant begins by addressing the goals and policies that we believe may be applicable to the present case. In some cases, this application raises certain goals and policies but ultimately concludes that they are not approval standards. Before addressing individual goals and policies, this application discusses the methodology for determining if a comprehensive plan provision is an "applicable" mandatory approval standard.

Determining whether any given Comprehensive Plan goal or policy is an "applicable" approval standard can present challenging questions for practitioners. Sometimes, the plan itself will provide a "roadmap" by expressly stating which, if any, of its policies are applicable approval standards. For instance, if the comprehensive plan specifies that a particular plan policy is itself an implementing measure, LUBA will conclude that policy applies as an approval criterion for land use decisions. *Murphey v. City of Ashland*, 19 Or LUBA 182 (1990). On the other hand, when the comprehensive plan emphasizes that plan policies are intended to guide development actions and decisions and that the plan must be implemented through the local code to have an effect, such plan policies are not approval standards for individual conditional use decisions. *Schollenberg v. Polk County*, 21 Or LUBA 425 (1991). Similarly, statements from introductory findings to a comprehensive plan chapter are not plan policies or approval standards for land use decisions. *19th Street Project v. City of The Dales*, 20 Or LUBA 440 (1991). Comprehensive plan policies that the plan states are specifically implemented through particular sections of the local code do not constitute independent approval standards for land use actions. *Murphey v. City of Ashland*, 19 Or LUBA 182 (1990). Where the county code explicitly requires that a nonfarm conditional use in an exclusive farm use zone "satisfy" applicable plan goals and policies, and the county plan provides that its goals and policies shall "direct future decisions on land use actions," the plan agriculture goals and policies are applicable to approval of the nonfarm conditional use. *Rowan v. Clackamas County*, 19 Or LUBA 163 (1990).

Yamhill County Comprehensive Plan is not particularly helpful in this regard. YCCP 2 states:

*Implementation of the County goals and policies can occur several ways. Many are implemented through county ordinance. Other goals and policies will apply to individual issues or proposals put forth by both private and public sectors. Still others will require action dependent upon the County's fiscal resources through time.*

In cases such as this where no roadmap is provided by the Plan itself, each goal and policy must be considered individually. The key is to look at the nature of the wording of the plan
provision at issue. LUBA has often held that some plan policies in the comprehensive plan will constitute mandatory approval criteria applicable to individual land use decisions, depending on their context and how they are worded. See Stephan v. Yamhill County, 21 Or LUBA 19 (1991); Von Lubken v. Hood River County, 19 Or LUBA 404 (1990). For example, where a comprehensive plan provision is worded in mandatory language — such as when the word “shall” is used — and is applicable to the type of land use request being sought, then LUBA will find the standard to be a mandatory approval standard. Compare Axon v. City of Lake Oswego, 20 Or LUBA 108 (1990) (“Comp plan policy that states that “services shall be available or committed prior to approval of development” is a mandatory approval standard); Friends of Hood River v. City of Hood River, 67 Or LUBA 179 (2013), aff’d in part, rev’d in part on other grounds, 263 Or App 80 (2014). Conversely, use of aspirational language such as “encourage” “promote,” or statements to the effect that certain things are “desirable” will generally not be found to be mandatory approval standards. Id.; Neuschwander v. City of Ashland, 20 Or LUBA 144 (1990); Citizens for Responsible Growth v. City of Seaside, 23 Or LUBA 100 (1992), aff’d w/o op. 114 Or App 233 (1993).

In some cases, an otherwise applicable plan policy will be fully implemented by the zoning code. Where the text of the comprehensive plan supports a conclusion that a city’s land use regulations fully implement the comprehensive plan and displace the comprehensive plan entirely as a potential source of approval criteria, demonstrating that a permit application complies with the city’s land use regulations is sufficient to establish consistency/compliance with the comprehensive plan. Save Our Skyline v. City of Bend, 48 Or LUBA 211-12; Murphy v. City of Ashland, 19 Or LUBA 182, 199 (1990); Miller v. City of Ashland, 17 Or LUBA 147, 169 (1998); Durig v. Washington County, 35 Or LUBA 196, 202 (1998) (explicit supporting language is required to establish that land use regulations entirely displace the comprehensive plan as a source of potentially applicable approval criteria for land use decisions). However, a local government errs by finding that its acknowledged zoning ordinance fully implements the acknowledged comprehensive plan, thus making it unnecessary to apply comprehensive plan provisions directly to an application for permit approval, where the acknowledged zoning ordinance specifically requires that the application for permit approval must demonstrate compliance with the acknowledged comprehensive plan and the county does not identify any zoning ordinance provisions that implement applicable comprehensive plan policies. Fessler v. Yamhill County, 38 Or LUBA 844 (2000).

The Oregon Court of Appeals has stated that in situations where comprehensive plan provisions are not mandatory approval standards for a land use application, but the application must be evaluated for consistency with applicable plan provisions, that evaluation may require some weighing and balancing of competing policies directed embodied in the applicable plan provisions. Waker Associates, Inc. v. Clackamas County, 111 Or App 189, 194, 826 P2d 20 (1992). YCCP 2 contemplates this exact kind of balancing approach:

Where certain goals and policies conflict with others, the final decision will require a weighing of the merits in order to achieve a balanced decision. Through time, the goals and policies are guides for consistent, reasonable and balanced land use decisions.

In this case, the applicable policies appear to be able to be applied consistently without conflict, and
therefore, it does not appear that balancing is needed. However, the applicant retains the option to revisit this issue if evidence or interpretation of policy language suggests that a balancing exercise is needed.

In the following sections of this narrative, the applicant has identified certain goals and policies that may – or may not - constitute approval standards. We do so without waiving any argument that the standard is not a mandatory approval standard or that the standard should be balanced against other standards.

The applicant has also made no effort to determine which, if any, policies are implemented by the Zoning Code. It is undoubtedly the case that some of the goals and policies set forth below are fully implemented by the code. Nonetheless, due to the detailed and time-consuming nature of that inquiry, the applicant does not make the attempt to connect specific Comprehensive Plan goals and policies to specific zoning code provisions. *Spiro v. Yamhill County*, 38 Or LUBA 133 (2000).

**SECTION I. Urban Growth and Change and Economic Development**

**B. Rural Development**

**SUMMARY** Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increase in costs of community services, conflicts between farm and urban activities, and the loss of open space and natural beauty around urban centers occurring as a result of such expansion. Recognizing the potential problems and conflicts arising from development in the rural area, major concerns connected with any rural area development proposal are its location, nature and scale. Encroachment of urban development into rural areas threatens to remove valuable farm lands from needed agricultural uses.

**GOAL STATEMENT**

1. To provide an adequate amount of land, development areas and sites to accommodate those uses which are customarily found in rural areas or require or are better suited to rural locations, without compromising the basic goal relating to urban containment and orderly urban development.

**Applicant's Response:** The applicant proposes a rural use of land. The primary activity constitutes a “commercial activity in conjunction with farm use” as that term has been developed by LCDC, LUBA, and the courts. *Balin v. Klamath County*, 3 LCDC 8, 19 (1979). In *Balin*, LCDC concluded that a farm implement and irrigation equipment dealership qualified as a commercial activity in conjunction with farm use. In reaching that conclusion, LCDC identified a key consideration for service providers and suppliers:

“Clearly the statute is not intended to allow the establishment of grocery stores and gas stations on agricultural lands solely because they are situated in a primarily agricultural area and serve primarily agricultural needs. However, it can and should be read to express a legislative judgment that commercial activities limited to providing...
products and services essential to the practice of agriculture directly to the surrounding agricultural businesses are sufficiently important to justify the resulting loss of agricultural land. The record shows that such an enterprise is proposed and is needed.” (Emphasis added).

Id. The above quoted language makes the point that even if a commercial activity primarily sells to farm uses, that may not be sufficient to allow the commercial activity to qualify as a commercial activity in conjunction with farm use. There is a second inquiry that must be satisfied. The products and services provided must be “essential to the practice of agriculture.” While farmers must eat and farm equipment frequently operates on gasoline, that nexus is not sufficient to make grocery stores or gas stations commercial activities in conjunction with farm use. The connection must be closer to “essential to the practice of agriculture.” Caselaw has found the connection to be satisfied by a winery, a hops warehouse, and a farm implement and equipment business. In this case, the core operations of OVS clearly meet that test.

Given that the use is allowed by ORS 215.283(2)(a), it is not an urban use of rural land. As a result, there is not concern that the decision to approve a PAPA and zone map amendment with a Limited Use Overlay (“LVO”) will result in encroachment of urban development into rural areas. There is also no concern that the zone change will remove valuable farm lands from needed agricultural uses because the site is already developed for non-resource use.

Policies.

B. All proposed rural area developments shall be based on a reasonable expectation of the demand for the use of such land or facilities within a reasonable period of time and no large-scale development shall be approved without:

1. The submission and approval of a layout and design concept, with provision for the staging and servicing of all phases of the development;
2. The approval of all federal and state agencies relative in any applicable health, safety and environmental controls; and
3. An adequate demonstration of the financial capacity and responsibility of the proponents to complete the development and provide for operation and maintenance services.

Applicant's Response: Policy I.B.1.B contains two separate and distinct requirements. First, the policy requires the applicant to demonstrate that there is a demand for the “development.” Although the Comprehensive Plan and Zoning Code does not contain a general-purpose definition of the term “development,” Policy C.1 is written in a manner that suggests that a change in use constitutes “development.”

The applicant does not seek a permit to build new buildings. Rather, the applicant intends to use existing buildings and facilities, and intends to occupy the premises as soon as they are vacated by the current landowner. The applicant understands that the current owner will vacate the premises in March of 2024. The applicant hopes to open to the public at this location by the fall of 2024.

The Comprehensive Plan and Zoning Code does not define the phrase “large-scale.”
Dictionary definitions are too broad to provide any meaningful guidance. The County has previously gone on record to LUBA stating that Section I.B.1.B was inapplicable to a recreational trail project because the trail is not the kind of rural area development to which it applies. In that discussion, the County stated that the policy is primarily directed at rural residential development. Schrepel v. Yamhill County, ___ Or LUBA ___ (LUBA No. 2020-067, Dec. 30, 2020), LUBA seemed to reject that argument, but stated that the County did not define the phrase “large scale.”

Perhaps the most useful indicator of legislative intent is provided by the contextual discussion set forth in subsections (1)-(3). These subsections suggest that “large scale development” includes developments that are large enough to require being built in “phases,” and where there is a concern that the developer may not have the “financial capacity and responsibility” to “complete the development” and “provide for operation and maintenance services.” This suggests applicability to a very large project, where the failure of the project would have consequences for the County. This case does not seem to fall within that level of development.

C. All proposed rural area development and facilities:
1. Shall be appropriately, if not uniquely, suited to the area or site proposed for development;

Applicant’s Response: LUBA has previously stated that YCCP Policy I.B.1.C.1. imposes a mandatory, as opposed to aspirational, criterion. Spiro v. Yamhill County, 38 Or LUBA at 138. LUBA further stated that the policy is subjective in nature. Id. Policy I.B.1.C.1 requires the applicant to demonstrate that the development is either “uniquely suited” or “appropriately suited” to the “area” or “site.” These terms are not defined in the code.

The applicant does not propose to build new “facilities” or new “development.” Rather, the applicant proposes what amounts to a change in use. Although the Comprehensive Plan and Zoning Code does not contain a general-purpose definition of the term “development,” Policy C.1 is written in a manner that suggests that a change in use constitutes “development.”

The term “appropriate” means “specifically suitable; fit; proper.” Webster's Third Int’l Dictionary, Unabridged (2002), p. 106. The term “unique” is defined as “being without a like or equal, single in kind or excellence.” Webster's Third New Int’l Dictionary, Unabridged (2002), at p. 2500. The dictionary defines “suitable” as meaning: “...2.a. adapted to a use or purpose; fit... b. appropriate from the viewpoint of propriety, convenience, or fitness...” Webster's Third New Int’l Dictionary, Unabridged (2002), at p. 2286.

YCCP Policy I.B.1.C.1. requires the County to consider whether the proposed development and its associated facilities are appropriately suited for the “area or site proposed for development. Neither the term area or site are defined terms. It is unclear whether the phrase “proposed for development” is intended to modify both the term “area” and “site,” or is it limited to modifying the term “site. We presume the latter, which is to say that the geographic scope of the term “area” seems to be broader that the “site to be developed.” The Board has previously noted that the phrase is written in the disjunctive. Paddock v. Yamhill County, 45 Or LUBA 39 (2003); Spiro v. Yamhill County, 38 Or LUBA 133 (2000). Therefore, LUBA has affirmed the Board’s ability to limit its
consideration of suitability to the “site to be developed.” The use of the phrase “area or site proposed for development” strongly suggests a small geographic focus for the suitability analysis. The applicant suggests that the terms should be interpreted to be synonymous in most cases, including this one.

Given all of the above definitions, YCCP Policy I.B.1.C.1. can be synthesized as requiring the applicant to demonstrate that the development or land use proposed by the applicant is especially suitable, fit, and proper for the location chosen by the applicant. Due to the subjective nature of the inquiry, the County undoubtedly has a wide degree of leeway to consider any number of issues about the relationship between the proposed use and the area or site. In Paddock, LUBA held that the County could reasonably interpret the reach of the policy narrowly, so as to not require that the county consider, for example, the potential off-site conflicts with existing wells on neighboring properties.

The applicant believes that when, as is the case here, the proposal involves the reuse of existing buildings, the primary focus of the criterion should be on answering the question of whether (1) the development is a good use of that existing infrastructure, and (2) there is anything about the site that makes it a poor location for the proposed use. As mentioned elsewhere in this narrative, the site contains a set of buildings that are adaptable to a wide range of rural commercial and rural industrial uses. The site includes 16,400 s.f. of general-purpose industrial warehouse space split between two buildings. The site also features 3,000 s.f. of retail space, and 12,500 s.f. of office space located in two buildings. This is very unique assemblage of buildings that is not easily replicated at other rural locations. The applicant seeks to take advantage of the unique opportunity to re-purpose a site that is going to be vacant as early as March of 2024. These facilities will not only accommodate the applicant’s current needs, but also have sufficient space to accommodate the applicant’s future expected natural growth. The applicant’s needs are also unique insofar as its space / facility needs are much greater than most rural-oriented small businesses. Furthermore, many of OVS’s customers arrive to the site in large trucks. Keeping this farm-related truck traffic off of city streets is a good reason to rezone the property.

Finally, it is worth pointing out that the vast majority of the permitted uses in the PAI zone are not industrial in nature. On the other hand, the existing warehouses and related buildings on this PAI-zoned site were built for, and did serve, a rural industrial manufacturing use for many years. In fact, it is relatively clear that the existing buildings on the site would not be very useful to the vast majority of PAI uses. For this reason, the existing structures and facilities on the site are better suited to rural industrial uses, a key point when considering whether to rezone the site.

2. Shall not be located in any natural hazard area, such as a floodplain or area of geologic hazard, steep slope, severe drainage problems or soil limitations for building or sub-surface sewage disposal, if relevant;

Applicant’s Response: Policy I.B.1.C.2 directs developers to avoid natural hazard areas when building structures. To address this criterion, the applicant first notes that the subject property does contain land which is located within a FEMA-mapped Area of Special Flood Hazard. This mapped floodplain is located on a portion of the subject property which is not proposed for facilities, development, or use.
The land is not mapped as having geologic hazards, steep slopes, severe drainage problems or soil limitations for building or sub-surface sewage disposal.

The soils on the subject property are reported by the USDA National Soil Survey as consisting of entirely silt loam and silty clay loam varietals with slopes mostly between 0% and 3%, other than near where Salt Creek flows to the northwest of the developed portion of the property. See Exhibit 6. The developable portion of the site is primarily (1) Willamette Silt Loam, which is a well-drained soil, and (2) Woodburn silt loam, which is a moderately well drained soil. These soils are not noted for drainage issues or for creating problems for septic systems.

3. Shall be furnished with adequate access and an adequate individual or community water supply, if required; and shall not be justified solely or even primarily on the argument that the land is less costly than alternative better sites or that federal or state aid is available in the form of subsidized water supply or sewerage extensions from nearby urban centers.

Applicant’s Response: Policy I.B.1.C.3 contains three separate requirements. The proposed development and facilities must have:

- adequate access;
- an adequate water supply;

In addition, as relevant here, the policy requires that the County not justify the development primarily on the basis that the land is less costly than alternative sites.

To resolve the first two questions, the County must establish what it means to provide adequate access and water supplies. Generally speaking, the term “adequate” means sufficient to meet a need or legally sufficient, even if it is “narrowly or barely sufficient.” See Webster’s Third New International Dictionary, Unabridged (2002) p. 25. LUBA has affirmed an interpretation of the term “adequate” where it was interpreted to mean “barely sufficient to meet the need.” Dickas v. City of Beaverton, 17 Or LUBA 578 (1989).

In this case, the site is fortunate to take direct access to S. Highway 99W. The site features excellent sight distance. This access is more than sufficient to meet the site’s needs. Furthermore, the applicant also does not require industrial levels of water or sewer services. Rather, the applicant’s need is simply to provide bathroom facilities for its customers and employees, and kitchen facilities for its employees.

With regard to the third issue, the applicant primarily chose to relocate their operations to the subject property due to the size of the site, its centralized location, and the ability of the existing buildings to be adapted to the applicant’s operations.

D. No proposed rural area development shall require or substantially influence the extension of costly services and facilities normally associated with urban centers, such as municipal water supply and sanitary sewerage or power, gas and telephone
services, nor shall it impose inordinate additional net costs on mobile, centralized public services, such as police and fire protection, school busing or refuse collection.

Applicant’s Response: Policy I.B.1.D implicates Statewide Planning Goal 14, and is intended to prevent UGBs from being undermined by the extension of urban level services and facilities into rural lands. In this case, municipal water and sewerage are not required by the proposed land use. Rather, the current well water and septic system arrangement will be adequate to serve the proposed use.

H. Industrial Development

SUMMARY Industrial development is important to the economic vitality of Yamhill County. The provision of adequate urban services is a major concern in an industry’s location and operation. Some industrial activities generate land, water and/or air pollution which can pose both a hazard and a nuisance to those living in the area. Industrial parks serve to consolidate industrial activities into a designated area in order to reduce incompatibility with surrounding land uses. Performance standards are a means of regulating industrial activity so as to moderate or abate objectionable features in their operation.

GOAL STATEMENT

1. To concentrate industries of similar types, service needs, and performance characteristics within designated areas of each of the existing urban centers; to encourage adequate land for new industrial development within urban growth boundaries; to encourage the relocation of existing industries from undesirable locations in order to eliminate land use conflicts; to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base, while maintaining a high standard of environmental quality; and to protect the stability and functional aspect of industrial areas by protecting them from incompatible uses.

Applicant’s Response: This Goal statement does not constitute an independent approval standard, both because the majority of its directives are written in non-mandatory terms, and also because the remainder of the provision is a staff directive that applies when uses are sited next to existing industrial areas. Nonetheless, the application meets the objective of the Goal statement. In this case, the applicant seeks to consolidate its operations into one location to improve the operational efficiency of the business. The use of existing soon-to-be-vacant facilities is ideal because it does not require vacant land to be consumed.

The applicant’s existing facilities are located at various different locations, which creates a number of inefficiencies for the overall operation of the business. Consolidating the operations under one roof will create better cohesion between the various work groups, and greatly improve employees’ ability to work as a team. Supply chain management is greatly simplified, because the connection between the warehouse and the retail space is measured in feet, not miles. Likewise, customers will greatly appreciate being able to obtain all of their needed supplies at one roof.
POLICIES

A. Heavy industrial uses with seasonal or high nuisance characteristics will be encouraged to locate or relocate only in or immediately adjacent to urban areas where all required services are available, well removed and shielded from existing or projected residential development; and conversely, that prime heavy industrial sites will be identified and protected from encroachment of other urban uses pending acquisition and development.

Applicant’s Response: Policy I.H.1.A concerns heavy industrial uses. In particular, the policy is focused on heavy industrial uses with high nuisance characteristics. The proposed use is not a “heavy industrial” use, nor does it have nuisance characteristics. Therefore, this criterion is not applicable.

B. To the greatest extent possible, industrial areas will be located within urban growth boundaries. Those industrial areas located outside urban growth boundaries will be compatible with the industrial development goal and will be located where they can be adequately served by necessary major utility lines, including electric power substations and transmission lines, trunk sewer lines, trunk water lines, and where appropriate, trunk gas lines.

Applicant’s Response: The first sentence of Policy I.H.1.B. is not a mandatory approval criterion because it is prefaced by the statement “to the greatest extent possible.” The purpose of this policy is to ensure compliance with Statewide Planning Goal 14 by not undermining existing UGBs with urban levels of development on rural lands. In other words, the policy is intended to further Statewide Planning Goal 14 by directing urban industrial uses to land inside an urban growth boundary. This policy is based on the recognition that most industrial uses are best located in areas where there are urban levels of services and facilities to serve them. In this case, the applicant proposes an unquestionable rural use of land authorized by ORS 215.283.

Policy I.H.1.B states in part that industrial uses “* * * will be located where they can be adequately served by necessary major utility lines, including electric power substations and transmission lines, trunk sewer lines, trunk water lines, and where appropriate, trunk gas lines.” The Board has previously stated that the purpose of this policy is to ensure that industrial users which are expected to utilize large amounts of water or electricity will be located within close proximity to places where those utilities are located. See Ord. 857 (2010); Ord. 926 (2023). In this case, the proposed use is not anticipated to require major utility lines, or major sewer or water lines beyond what already exists at the subject property. The need is only anticipated to be the continued provision of basic electrical power, water from wells, and an on-site septic system. This industrial use does not require the extension of utility lines in order to serve the use.
C. Industrial uses which are incompatible with surrounding residential or commercial development and cannot bear the cost of abating their incompatible characteristics, whether related to performance or appearance, will be encouraged to locate or relocate only within urban centers, where contact with residential development is, or will be at a minimum, and where all required services are immediately available.

Applicant’s Response: Policy I.H.I.C is directed a narrow set of situations. It applies when an existing industrial use has proven to be incompatible with adjacent residential and commercial uses. Furthermore, the policy is not written in mandatory terms, and is therefore is not an approval standard.

Policy I.H.I.C is not implicated in situations where the industrial use in question has the potential to produce off-site impacts, such as noise, dust, odor, and hazardous air pollutants. While these impacts can often be prevented through on-site management, unintended off-site impacts due to equipment failure, accidents, abnormal weather events and other causes may still pose risks to amenity, safety and human health. These impacts are particularly concerning where residential areas, hospitals, schools and other sensitive uses may be exposed.

Fortunately, the proposed rural industrial use is low impact. It does not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.

D. Industrial uses which are compatible with surrounding residential development and are willing to bear the cost of maintaining high performance characteristics and attractive site and building layout and design, will be encouraged to locate or relocate in designated industrial parks and that such parks and their staged development will be subject to planned unit development agreements.

Applicant’s Response: Policy I.H.I.D is not worded in a manner that makes it a mandatory approval criterion. The Policy stated that industrial uses meeting certain parameters “will be encouraged to locate or relocate in designated industrial parks * * *.” The use of the term “encourage” suggests that the policy was intended to be advisory in nature.

E. Industrial uses will be located so that adequate buffer space is provided between incompatible land uses.

Applicant’s Response: Policy I.H.I.E requires adequate buffers when “incompatible” land uses exist on neighboring land. The Yamhill County Comprehensive Plan does not define the terms “incompatible,” “buffer,” and “adequate” so it is appropriate to consider the dictionary definition of the term.

The term “compatible” is defined as “capable of existing together in harmony” and “capable of existing together without discord or disharmony.” Webster’s Third New International Dictionary, Unabridged (2002). See generally Vincent v. Benton County, 5 Or LUBA 266 (1982), aff’d, 60 Or App 324, 653 P2d 279 (1982) (noting this definition). See also Northwest Dist. Neighborhood Ass’n, v. City of Portland, 80 Or LUBA 269 (2019). Not surprisingly, the dictionary
defines the term “incompatible” as the opposite of the term “compatible,” which is to say that it is a use which is “incapable of harmonious association or of acting in accord.” Webster’s Third New International Dictionary, Unabridged (2002) p. 1144.

As mentioned above, the term “adequate” means sufficient to meet a need or legally sufficient, even if it is “narrowly or barely sufficient.” See Webster’s Third New International Dictionary, Unabridged (2002) p. 25. LUBA has affirmed an interpretation of the term “adequate” where it was interpreted to mean “barely sufficient to meet the need.” Dickas v. City of Beaverton, 17 Or LUBA 578 (1989).

The term “buffer” is a term of art in the field of land use planning. In this specialized context, the term “buffer” refers to land used to separate or manage incompatible land uses, often industrial uses and sensitive uses, to ensure land use compatibility and avoid land use conflict. Although buffers are not a substitute for best practice management of off-site impacts by industry, it is recognized that even ‘state of the art’ facilities are not always able to eliminate the potential for unintended off-site impacts. Buffers are often still needed to protect sensitive uses from these impacts and provide certainty for industry. Thus, for purposes of this approval criterion, the term “adequate buffer” is a strip of land that provides a degree of separation between incompatible land uses so as to allow both uses to function in harmony with one another.

In this case, there is no need for buffers because there are no “incompatible” land uses. There are no noise-sensitive uses adjacent to the subject property. To the west, south, and east, there is at least a 50-foot setback to neighboring property lines. The neighboring properties are used for agriculture. There are no obvious reasons why those agricultural uses would be considered “incompatible.” To the north and northwest, the neighboring property is a natural forested area and floodplain for Salt Creek. To the northeast, the property is zoned Heavy Industrial (HI). In that area, there are setbacks which buffer the HI uses on both sides of the boundary line.

The site is situated in a manner that provides an adequate buffer to adjacent uses. These natural vacant lands ensure that the heavy industrial and light industrial uses can co-exist.

G. Agricultural, forestry and mineral resource-oriented industry will be accommodated in areas close to the resources utilized, provided that such industrial uses are compatible with any nearby urban development, city water supply and sewerage are not required, and waste discharges constitute no threat to the environment.

Applicant’s Response: OVS provides products and services for agricultural farms such as wineries and vineyards. The proposed location, situated just south of the City of McMinnville, places it at the heart of the South Willamette American Viticultural Area (“AVA”). This central location provides excellent access to wineries and their associated vineyards in the Eola-Amity Hills, McMinnville, Yamhill-Carlton, and Van Duzer Corridor AVAs. This central location will assure that its customers will be accommodated in areas close to the resources utilized. In this case, the proposed industrial use is also a CACFU, which is compatible both with nearby agricultural operations and nearby urban development. Furthermore, city water supply and sewerage are not required, as wells and septic systems are sufficient. The waste discharge consists solely of that created by employee and customer bathrooms, and constitutes no threat to the environment so long
as the septic systems are properly maintained.

**H. Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation and full urban services are extended into the area, if appropriate, and the extension or designation of land use and services is consistent with all other goals and policies of the comprehensive plan.**

**Applicant’s Response:** Industrial Policy I.H.1.H allows Yamhill County to rezone land for industrial uses when such lands are located adjacent to “established industrial areas” in situations where:

- Development trends warrant such expansion or designation, or
- Full urban services are extended into the area, if appropriate. In either case, the decision must be “consistent with all other goals and policies of the comprehensive plan.”

In this case, the subject property is located next to an area that is both zoned and historically committed for heavy industrial uses. The development trends within Yamhill County warrant the decision to zone more land in a manner that allows a business that supports wineries and similar agricultural enterprises to thrive. Oregon’s wine industry is rapidly growing, and has become one of the major economic engines in the state. The emergence of the Oregon wine industry developed at the same time that Oregon’s timber-based industry saw a rapid and devastating decline. The University of Oregon’s Institute for Policy Research and Engagement Released its 2022 Oregon Vineyard and Winery Report in September 2023. It revealed the following about Oregon’s wine industry:

- Total wine grape production in 2022 increased nearly 20% over 2021 from 114,677 tons to a record 137,065 tons.
- Harvested acreage increased by 4% from 2021. Yield per harvested acre in 2021 increased by 15% over 2021.
- The estimated value of wine grape production in 2022 increased 22% or by $58.7 million to about $330 million.
- The average price per ton in 2022 decreased 6% from $2,575 in 2021 to $2,411 per ton in 2022 while the median price increased more than 6% to from $2,211 to $2,353.
- Total planted acreage increased by nearly 2,600 acres from 41,899 to 44,487, an increase of 6.2%. The leading variety in planted acreage and production remains Pinot Noir, accounting for nearly 60% of all planted acreage and 57% of wine grape production.
- Total tons crushed in 2022 increased by 8% over 2021, from 89,566 tons to 96,802 tons.
- Case sales increased 8% across all channels from 5.3 million to 5.7 million. Direct to consumer sales channels continued to rebound, increasing by 12% overall, with a 14% increase in tasting room sales. Sales into distribution channels increased by 8.9% in Oregon and 6.9% in U.S. states outside Oregon.
Exhibit 9. According to Oregon’s Blue Book (2020), Yamhill County is both the largest producer of wine in Oregon, and “the heart of Oregon’s wine industry.” Over 80 wineries and 200 vineyards represent the largest concentration of wine growers and producers in any county in the state. That fact alone makes the area surrounding McMinnville the ideal location for OVS’s consolidated operations.

It is important for the County to support the wine industry and wine industry suppliers such as OVS. The wine industry in the Willamette Region has had a huge impact on Oregon’s statewide economy with over 780 million dollars in wine-related tourism contributed to Oregon in 2016. Because of this growth, the local wine industry has created an increased demand for hotels, shopping, gas stations and restaurants, all of which pay into the state tax system.

Yamhill County’s orchard and vineyard industries will benefit at present and into the future from the type of business the applicant seeks to bring to this site. The County is well known for its viticulture and orchards, and these types of farms require specialized equipment and service that is best provided by a dedicated warehousing and retail operation. Many of Yamhill County’s residents are employed through these industries, and while the applicant will directly employ some residents, even more will benefit from the development generated as a result of the applicant’s goods and services being made available to its farmers. As discussed above, most of the light industrial land in the County is occupied, and the rest is unsuitable for the applicant’s business. Furthermore, no extension or designation of urban services is required for the site, as it is already adequately served by rural utilities that will remain sufficient for all sought use.

I. Industrial development will utilize the transportation system in an efficient and safe manner and reduce energy consumption by identifying for industrial development areas with alternative transportation opportunities, and by locating employment opportunities close to public transportation and, where appropriate, in community areas.

Applicant’s Response: Policy II.H.1.I is written in mandatory terms, and contains two operative mandates:

- Utilize the transportation system in an efficient and safe manner,
- Reduce energy consumption via:
  - Identifying areas with alternative transportation opportunities,
  - Locating employee opportunities close to public transportation.

The applicant’s goal is to consolidate its operations into one location, which provides a great opportunity to reduce employee travel between the three existing locations. By locating the consolidated operations at a location which is going to be vacant in March of 2024, the applicant is using rural land which already has an exception to Goal 3.

According to the Yamhill County Transit Area’s (“YCTA”) Transit Development Plan (“TDP”) dated October 2018, YCTA operates bus service in 10 cities across Yamhill County and connects riders to regional destinations including Grande Ronde, Hillsboro, Tigard, and Salem. YCTA
carries 300,000 trips per year on a combination of fixed-route, intercity, and demand-response service.

Medium- to high-density residential areas and concentrations of commercial/industrial uses have the highest potential for transit and are generally located in incorporated areas. The following overview of land use within Yamhill County cities highlights such opportunities. These opportunities were identified through zoning codes and maps, information on proposed developments, and public/stakeholder input.

* * * * *

Amity. Commercial and light industrial zones are along OR 99W, with adjacent medium-density residential zones on either side. The highest-density residential zoning is at the north end of the city.

YCTA operates intercity routes serve longer-distance travel needs between Yamhill County cities, and connections outside of the county. The intercity routes include Route 11, which connects McMinnville, Amity, and Salem. This service provides employees with the ability to live in McMinnville and Amity and use Route 11 to get to work.

The applicant did not locate any alternative rural industrial sites that would meet its unique siting criteria, and also provides alternative transportation opportunities which are superior to those available to subject property.

J. Non-railroad users will be discouraged from locating next to a railroad right-of-way.

Applicant’s Response: The purpose of Policy I.H.1.J is to steer incompatible uses away from railroad right-of-way. Policy I.H.1.J is not a mandatory approval standard because it uses non-mandatory terms (i.e. “discourage”). Furthermore, because the subject property is already developed, the approval of the zone change does not violate the spirit of Policy I.H.1.J.

N. The county will recognize and encourage small-scale industries as viable alternatives to larger, conventional enterprises.

Applicant’s Response: Policy I.H.1.N is written non-mandatory terms (i.e. “recognize and encourage”). While the applicant’s business is the largest of its type in the Northwest, it is also a highly specialized business that serves small-scale industries in the form of individual orchards and vineyards, and it is not on the scale of broad recognition by the public that this policy seems to seek to discourage. By its nature, the applicant’s business will remain dedicated to serving small farms.
SECTION III. Transportation, Communications and Public Utilities

A. Transportation

SUMMARY.

Efforts need to be coordinated among local, regional, state and federal agencies in order to develop a sound transportation system for the county. The regional transportation needs must be addressed primarily in respect to the utilization of the county's arterials as State thoroughfares. A major concern of the county is to develop a transportation system that will maintain and enhance the quality of life enjoyed by its residents. Due primarily to the increasing traffic load and traffic hazards on all county roads, there is a need to control access points for future development. In view of the rapidly increasing cost and decreasing supply of energy, it is imperative that all transportation decisions take into account the conservation of energy. The provisions of adequate bicycling and pedestrian paths within the county is a concern of the county residents. Such modes of transportation lend themselves particularly to the rural nature of the county. There is a potential for the McMinnville Municipal airport to be developed into a Basic Transport facility. Rail freight service to the county is provided by Southern Pacific Railroad. The county operates a limited public transit system. In order to protect the scenic resources of the county, outstanding highway views should be designated as scenic areas.

GOAL STATEMENT

1. To provide and encourage an efficient, safe, convenient and economic transportation and communication system, including road, rail, waterways, public transit and air, to serve the needs of existing and projected urban and rural development within the county, as well as to accommodate the regional movement of people and goods and the transfer of energy, recognizing the economic, social and energy impacts of the various modes of transportation.

Applicant's Response: Policy III, Goal Statement 1 does not set any mandatory approval standards applicable to a PAPA or zone change.

Policies

J. Yamhill County will require new development to:

1. Limit access points on highways designated as arterials when alternative access points are feasible.

2. Provide a frontage setback requirement of 50 feet from the public right-of-way of all designated arterials within the county for commercial and industrial development; and
3. Minimize direct access points onto arterial right-of-ways by encouraging the utilization of common driveways.

**Applicant’s Response:** Policy III.1.J applies to “new development,” which is not defined by the YCCP or the YCZO. The most logical interpretation of the phrase is to apply the policy in situations where undeveloped vacant land is proposed for its initial land use, or other situations where pre-existing structures are being removed and redeveloped with new structures.

In this case, the applicant does not propose new development, so the approval criterion is not applicable. Nonetheless, the subject property only has one access point. Consolidation of access with neighboring properties is not feasible.

**N. Yamhill County will utilize existing facilities and right-of-ways to the fullest extent possible provided that such use is consistent with the county comprehensive plan.**

**Applicant’s Response:** The applicant proposes no new access points.

**SECTION IV. Public Land, Facilities, and Services**

**A. Public Facilities and Services**

**SUMMARY** The county sees a need to integrate public facilities and services in an effort to eliminate costs and conserve energy. Coordination with all jurisdictions and affected agencies is essential in the development and maintenance of adequate public facility systems. The expansion of public facilities is a major factor in directing urbanization. The consolidation of water and sanitary sewer facilities can reduce the construction, operation and maintenance costs of such facilities. The joint acquisition and use of school and park sites can represent a substantial economic benefit to the cities and the county. There are a number of sites of historic and archaeological significance worthy of preservation within the county. It is necessary to identify, reserve and protect future domestic water supply sources in order to meet the increasing urban and rural needs. It is a concern of the county to regulate public and quasi-public institutional uses within rural areas of the county. Recycling of solid waste materials conserves natural resources and energy.

**GOAL STATEMENT**

1. To develop a timely, orderly and efficient arrangement of public services and facilities to serve as a framework for urban and rural development, including public lands and buildings, parks and recreation areas and facilities, schools, police and fire protection, domestic water supply, sanitary and storm sewerage and other drainage facilities, and power, gas and telephone services.

**Applicant’s Response:** This Goal statement does not set any mandatory approval standards applicable to a PAPA or zone change.
POLICIES

B. Public facilities and services for rural areas will be provided and maintained at levels appropriate for rural use only.

Applicant's Response: Policy IV.1.B is not implicated because the applicant proposes no changes to the public facilities and services already being provided to the subject property.

O. Groundwater supplies will be protected from critical draw-downs or disrupted flows occasioned by surrounding land use development or activities, such as mining and logging where municipal watersheds exist; surface water supplies will be protected from unusual increases in turbidity and sedimentation caused by farming, logging, mining, excavation or grading; and both ground water and surface water supplies will be protected from contamination by subsurface sewage disposal systems, sewage lagoons, sanitary landfill sites and other sources of pollution.

Applicant's Response: Policy IV.1.O is not implicated because the applicant proposes no changes to the water system already being provided to the subject property.

Q. The development of sanitary sewerage systems will be supported where such systems conform to all applicable federal and state standards pertinent to the collection, treatment, and final disposal of effluent; support will be given for the continued separation of sanitary and stormwater collection systems and the development of correction programs to reduce ground and surface water infiltration; support will be given for the separation and disposal of industrial wastes which differ significantly from normal domestic sewage in strength or composition, or which contain significant quantities of grease, chemicals or suspended metals; and the planning management criteria enunciated for domestic water systems should be applied with equal consideration to sanitary sewerage systems.

Applicant's Response: Policy IV.1.Q is not implicated because the applicant proposes no changes to the sanitary sewer system already being provided to the subject property.

SECTION V. Environmental Quality

A. Air, Water and Land Resources Quality

SUMMARY

Yamhill County has retained an overall high-quality natural environment, yet the impact of human activities on the environment has upset the natural ecological balances and the high aesthetic quality of the county in the past, and poses the threat of future deterioration. The increasing demands put upon the air resources of the county affect the capability of those resources to provide for a clean, enjoyable and safe environment. The Willamette Valley is prone to air pollution as a result of climatic and
physiographic conditions. Suspended particulates from a number of sources, including automobiles, dust, field and slash burning, and industry process losses, pose the largest air pollution problem for Yamhill County.

GOAL STATEMENT

1. To conserve and to protect natural resources, including air, water, soil and vegetation and wildlife, from pollution or deterioration which would dangerously alter the ecological balance, be detrimental to human health, or compromise the beauty and tranquility of the natural environment.

Applicant’s Response: This Goal Statement sets forth a broad goal to protect natural resources. The Goal Statement is not written in a manner that suggests that it must be applied as a mandatory approval standard. Nonetheless, the renovation of existing industrial facilities is the best way to conserve and protect natural resources. The consolidation of various facilities to one central location also provides environmental benefits as well. Therefore, the application does not run afoul of this Goal statement.

POLICIES

B. Yamhill County will, in making land use decisions relative to industrial or other uses likely to pose a threat to air quality, consider proximity of the proposed use to residential areas and meteorological factors such as seasonal prevailing wind direction and velocity.

Applicant’s Response: Policy V.1.B is not implicated because the applicant does not propose a use that poses any threat to air quality. The proposed use does not create any unusual odors, fumes, smoke, or toxic gases that would be detectable off-site. Moreover, the closest residential dwelling is approximately 875 feet away from the subject property. The applicant does propose to use vehicles that will create normal truck exhaust fumes, but emissions from those vehicles are not expected to travel that distance.

There are no meteorological factors such as seasonal prevailing wind at the subject property which would create a unique problem or otherwise cause odors, fumes, smoke, or gases to travel further than under normal atmospheric conditions.

SECTION VII. Implementation, Evaluation, and Review

B. Review and Update

SUMMARY

Changing needs and conditions will necessitate future review, evaluation, and updating of the Comprehensive Plan and its supporting documents. Intergovernmental coordination of all planning activities affecting land uses within the county are necessary to assure an integrated comprehensive plan for the entire area of Yamhill County.
[Note: No “Goal’ is set forth in the Plan relative to Section VII]

POLICIES

A. Yamhill County will review any development concepts or proposals which conflict with the Plan Map, goals or policies in light of changing needs and conditions and in keeping with established procedures of Plan evaluation, amendment, and update.

Applicant’s Response: The applicant’s development concept for the subject property does conflict with the current “Public” Plan Map designation for the subject property.

This case presents a good example where changing needs and conditions create a need to revisit the current zoning on a particular rural property. Virtually all – if not all - of the rural properties that were initially zoned for industrial uses obtained that zoning because of the fact that industrial businesses existed on the property at the time of initial zoning. Most of those businesses still exist in one form or another, and the turnover of rural industrial sites is extremely rare. This is especially true for the larger sites. As a result, there is not much opportunity for rural-oriented businesses to grow. Some businesses may be able to relocate to rural industrial lands, but this may not be feasible for businesses that primarily serve a rural agricultural industry and does not need or desire urban levels of public facilities and services.

The applicant’s business is currently located at three disparate sites throughout Yamhill County. It has gradually grown alongside its surrounding customers over the past 38 years it has been in business. This growth was in part organic in nature, but also resulted from acquisitions of two other now-integrated companies. OVS’s service company is also located at its own site, bringing the total number of current sites for this single business to four. This service company is vertically integrated with the applicant’s business and specializes in farm management. While the main company spun off its equipment sales into a separate company, that company (Oregon Equipment Sales, or OES) still shares a facility with the main company.

The applicant expects its business to continue to grow alongside the farming industry in the Willamette Valley. Efficiencies of scale are a critical element for the business’ success in providing its customers with the products and services they need at competitive prices, and current supply chain disruptions and inflationary pressures on product costs have necessitated the applicant to find ways to grow in scale while also consolidating its inventories and resources. Fuel prices are another critical factor as the applicant seeks to reduce its carbon footprint. By consolidating its sites into one major distribution center and headquarters, which the site in question is well-suited for, the applicant can reduce internal fuel consumption. This will be accomplished by eliminating the need for inventory transfers, and create a single location for customers to procure the products and services needed for their businesses. The applicant also cites safety as a motivating factor in seeking to relocate to the subject property, noting that its current sites do not provide enough space to safely run a business of the size and complexity required for the applicant to maintain its current business and facilitate growth.

The location of any potential site is critical to the decision-making process when
considering a move of this sort. The proposed site provides proximity to both customers and employees, with good access and visibility, unlike any other light industrial site within Yamhill County. The applicant’s business does not require the amenities of an urban location to facilitate the service required by its customers, and in fact, an urban location’s restrictions on space, noise generation, and heavy equipment traffic mean that the applicant’s business is much better suited for a rural location with good access to a major roadway. The applicant needs enough space to warehouse its products and support its expanding teams to fulfill the needs of local farmers, and the proposed site meets all of these criteria better than any other site available. The proposed site provides a 31% increase in office space, a 20% increase in retail space, a 52% increase in covered storage, a 50% increase in outdoor storage, and a 20% increase in available parking compared to the applicant’s current sites, facilitating their consolidation.

b. Yamhill County Zoning Ordinance.

SECTION 700
INDUSTRIAL DISTRICTS

702. LIGHT/GENERAL INDUSTRIAL DISTRICT (LI) [Last Amended 06/28/18; Ord. 906]

702.01 Purpose. The purpose of the LI District is to provide for light and general industrial uses with similar service needs within urban growth boundaries and in other locations which are or will be compatible with adjacent urban development. Such areas shall maintain high performance standards for light and general industrial uses and shall coordinate site and building design through application of the site design review process.

Applicant’s Response: This purpose statement is not an independent approval standard for a PAPA or zone change.

702.02 Permitted Uses. In the LI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 702.07 and pursuant to Section 1101 for site design review:

** **

B. Farm, industrial or contractor’s equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;

Applicant’s Response: The applicant proposes to use the site as a CACFU, which is allowed by right pursuant to YCZO 702.02(B). YCZO 702.02 allows for the “farm ** sales, repair, or service,” which is simply another name for a CACFU.

702.07 Standards and Limitations. In the LI District, the following standards and limitations shall apply:

A. Parcel Size and Dimension.
1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet.

Applicant’s Response: The site far exceeds the 20,000 square foot minimum limit.

2. Depth-to-width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

Applicant’s Response: This standard only applies to newly created parcels. It is not applicable in this case.

B. Setbacks. The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 702.07 (D).

Applicant’s Response: The existing buildings are all located more than thirty feet away from exterior property boundaries.

C. Parcel Coverage. The maximum parcel coverage shall be thirty (30) percent for any use.

Applicant’s Response: The Board has previously determined that “parcel coverage” is determined as a ratio of the total building square footage to the overall site size. Measured in this manner, the parcel coverage for the existing use is far less than 30%.

D. Access. Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by butting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

Applicant’s Response: No dwellings are proposed. This standard does not apply.

E. Clear-Vision Areas. A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or planting exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points
twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

Applicant’s Response: The site currently features a clear vision area ("CVA"), and a condition of approval can be imposed to maintain that CVA.

F. Height.

1. The maximum building height for any dwelling shall be forty-five (45) feet; and

2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

Applicant’s Response: All structures comply with this 45-foot height requirement.

G. [Does not exist]

H. Off-street Parking. Off-street parking and loading requirements for any use in the LI District shall be as provided in Section 1007.

Applicant’s Response: Section 1007 is addressed below.

SECTION 900
OVERLAY DISTRICTS

904. LIMITED USE OVERLAY DISTRICT (LU) [Last amended 12/05/02; Ord. 720]

904.01 Purpose. The purpose of the Limited Use Overlay District is to limit permitted use(s) and activities in a specific location to only those uses and activities which are justified and approved through Comprehensive Plan Amendments and/or zone changes. [Amended 12/05/02; Ord. 720]

904.02 Area of Application

The LU Overlay District shall apply to that specific area for which a reasons exception has been taken or other area as deemed appropriate to protect Goal 5 resources. The required use of the Limited Use Overlay District is intended to carry out the administrative rule requirement for exceptions pursuant to OAR 660-04-018 and ORS 197.732 and for Goal 5 resource protection pursuant to OAR 660-16-010. The Limited Use Overlay District may also be applied by the Board of Commissioners or Planning
Commission to Plan Amendments and/or zone changes. [Amended 12/05/02; Ord. 720]
904.03

904.03 Allowable Uses

A. When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.

B. The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.

C. Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance.

D. Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.

Applicant’s Response: YCZO 904.03 contains provisions for limited use overlays. If the plan amendment and zone change request is approved, the applicant requests that a “Limited Use Overlay” be placed on the subject parcel. The Limited Use Overlay establishes requirements and standards that would ensure any new development established on the property will be at a rural – rather than an urban – scale.

To ensure that the land remains rural, the applicant proposes to limit the development of the site in the following manner:

- Allowed land uses shall be limited to commercial activities in conjunction with farm use, including “farm * * * sales, repair, or service,” as well as any associated office uses associated therewith.
- Buildings shall be limited to those that exist on the site, or replacement buildings of a similar scale and intensity.
- ADT shall be limited to 249 trips per day, as measured on a yearly average.

Additionally, any new exterior site development proposed on the subject parcel would also be subject to site design review which allows the surrounding property owners to evaluate the request and submit comments and concerns to the county planning department which allows staff to establish additional conditions on any approval that would limit the potential negative impacts to a property in the surrounding area.

If deemed appropriate, the Planning Commission and/or Board of Commissioners can choose to apply a Limited Use Overlay, as proposed by the Applicant, which would limit the scale of development on the property to a scale similar to what a resident in the resource or non-resource zones in the county could currently request anywhere else in the unincorporated areas. The imposition of a Limited Use Overlay will also limit the amount of traffic to the property by employees or potential patrons, which would in turn limit the impact to the city water service, and
to the area that will need to be set aside for the development of an appropriately engineered septic system. The Planning Commission and Board could also limit the parcel coverage permitted on the property, which would then limit the size of the commercial development on the property, which may further decrease the amount of traffic impacts to the surrounding transportation system.

A future property owner could make a request for the Limited Use Overlay to be modified through a zone change request. While the Limited Use Overlay can be challenging to revise, these limitations are not etched in stone. Future owners of the property have the opportunity to make changes if market demands change.

904.04 Procedures

A. The Limited Use Overlay District is to be applied through a zone amendment application utilizing the Type C process at the time the underlying zone is being changed in the case of an exception.

B. It shall not be necessary to disclose in the public hearing notice of a zone change that a Limited Use Overlay may be applied.

C. The ordinance adopting overlay zone shall, by section reference or by name, identify those permitted uses in the zone that will remain permitted uses or become conditional uses. The description of the permitted or conditional use may be qualified as necessary to achieve the intent of the LU overlay zone.

Applicant's Response: This code section describes the process by which a Limited Use Overlay ("LOU") can be adopted. It does not impose criteria for the approval or denial of the LUO.

904.05 Map Amendment. The Official County Zoning Map shall be amended to show an LU on any parcel where the Limited Use Overlay District has been approved.

Applicant's Response: This provision is a directive to County staff.

904.06 Site Plan Review Uses approved in an LU District may be subject to Section 1101, Site Design Review. The LU Ordinance may indicate any special concerns or location requirements that must be addressed in the site plan. All other specifications and standards of the underlying zone remain in effect unless specifically altered by the site plan approval or adopting ordinance.

Applicant's Response: The applicant does not propose a site plan review use. The applicant seeks to occupy existing industrial buildings.

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Section 1007.00 - Off-Street Parking & Loading
1007.01 Purpose and Scope
The off-street parking and loading requirements of this section shall apply to those uses specifically listed in this section. A dwelling which is not a duplex or multi-family dwelling shall not be subject to the requirements of this section; however, a minimum off-street parking area sufficient to accommodate two (2) cars shall be provided for each such dwelling. The requirements for any use not specifically listed in this Section but which may require off-street parking and loading facilities shall be determined by the Director based upon the requirements for comparable uses listed herein. At the time of construction of a new building or structure, or at the time of enlargement or change in use of an existing building or structure within any zoning district, off-street parking spaces shall be provided as specified herein, unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area of the building or structure primary to the functioning of the particular use of the parcel, but shall exclude space devoted to off-street parking or loading.

Applicant’s Response: This subsection does not establish a separate approval criterion. Rather, it provides a methodology for calculating parking demand.

1007.02 Off-Street Parking and Loading Regulations. A plan drawn to scale indicating how the following off-street parking general provisions and design requirements are to be fulfilled shall accompany an application for a building permit:

A. General Provisions

1. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any parcel, building or structure change the use to which said parcel, building or structure is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and in violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are complied with.

Applicant’s Response: The applicant seeks to retain parking on the site as it currently exists.

2. In the event several uses occupy a single parcel, building or structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

Applicant’s Response: Depending how the proposed uses are broken down, it could be argued that the applicant proposes several sub-uses for purposes of parking demand, including two different types of CACFUs and an office use. Regardless of how the uses are categorized, there is more than sufficient parking to accommodate the parking demands of the proposed use.
3. Owners of two (2) or more uses, parcels, buildings, or structures, may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Director in the form of deeds, leases, or contracts to establish joint use.

Applicant’s Response: Not applicable.

4. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. All other required parking spaces shall be located not further than two hundred (200) feet from the use, parcel, building or structure they are required to serve, measured in a straight line from such use, parcel, building or structure.

Applicant’s Response: No dwellings are proposed.

5. Off-street parking spaces for dwellings shall not be located in a required front yard or in a required side yard on the street sides of a corner parcel.

Applicant’s Response: No dwellings are proposed.

6. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

Applicant’s Response: This is an ongoing requirement, compliance with which can be established with a condition of approval.

B. Design requirements for parking lots and loading areas shall be as follows:

1. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and drained as to avoid flow of water across sidewalks or onto adjacent private property;

Applicant’s Response: The Applicant does not seek to change the existing parking and loading area layout.

2. Except for parking to serve residential uses, parking and loading areas adjacent to residential zoning districts or adjacent to residential uses shall be designed to minimize disturbance of residents;

Applicant’s Response: YCZO 1007.02(B)(2) is intended to ensure compatibility between commercial and industrial land uses and adjacent residential districts with regard to parking. This criterion is primarily interested in ensuring that vehicles associated with commercial and industrial uses do not use residential streets as overflow parking. However, the standard also is broad enough
to regulate and limit such common impacts such as glare from headlights, noise from car doors, diesel fumes, and other similar impacts from affecting residential uses.

The criterion uses the term "minimize," which is an undefined term. The dictionary defines the term "minimize" to mean "to reduce to the smallest possible number, degree, or extent." Generally speaking, when the term "minimize" is used in zoning ordinances, it requires the applicant to reduce a conflict to the greatest possible extent, or to a level where the impact is not significant (aka: to a de-minimus level of impact). Examples of how LUBA reviews findings that include this term is provided by McAndrew v. Washington County, 78 Or LUBA 21 (2018) and Neketin v. Washington County, 45 Or LUBA 485 (2003).

The term "adjacent" is capable of more than one possible meaning and, therefore, requires interpretation. The term is not defined in the YCCP or YCZO. One possibility is that the phrase is intended to identify properties that abut the subject property. On the other hand, the term "adjacent" could mean "nearby." LUBA has held that this latter interpretation is reasonable and correct interpretation in a similar context. Stefan v. Yamhill County, 18 Or LUBA 820, 844-45 (1990). Even assuming the term is defined as meaning nearby, are no "adjacent" residential districts or uses that could be "disturbed" by parking activities associated with the proposed use. The dictionary defines the word "disturb" to mean: "to destroy the rest, tranquility, or settled state of: stir up, AGITATE, TROUBLE." Webster's Third New Int'l Dictionary, Unabridged p. 661 (2002).

In this case, the rural location of the site adequately mitigates and minimizes any potential impacts from a parking and loading perspective. With the nearest residence located over 600 feet away and separated by dense vegetation, there is no possibility that parking activity on the subject property will disturb that residential use, as that term is defined above. Distance attenuates sound, and light pollution will be contained on-site via the use of landscaping and light shields.

3. **Artificial lighting which may be provided shall be deflected so as not to shine or create glare in any residential zoning district or on any adjacent dwelling;**

**Applicant’s Response:** The applicant will accept a condition of approval requiring it to position artificial lights so that such light does not escape the confines of the subject property.

4. **Access aisles shall be of sufficient width for all vehicular turning and maneuvering;**

**Applicant’s Response:** The current parking arrangement has adequate access aisles to accommodate the turning movement of both trucks and trailers.

5. **Groups of more than four (4) parking spaces shall be located and served by a driveway so that their use will require no backing movements or other maneuvering within a road right-of-way other than an alley;**

**Applicant’s Response:** A driveway exists on the subject property. Parking on the subject property does not require backing movements or other maneuvering within a road right-of-way.
6. Service drives to off-street parking areas shall be designated and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the parcel; and

Applicant's Response: As currently situated, service drives to off-street parking areas are designated and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the parcel.

7. Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.

Applicant's Response: As currently situated, the service drives adequate clear-vision area to meet the criterion, as formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.

C. Off-street Parking Space Standards

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<thead>
<tr>
<th>USE</th>
<th>STANDARD</th>
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<tbody>
<tr>
<td>Duplex or multi-family dwelling</td>
<td>Two (2) spaces per dwelling unit</td>
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<tr>
<td>Residential home or facility</td>
<td>One (1) space per bedroom, plus one (1) space for each employee on maximum working shift</td>
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<tr>
<td>Retail commercial use</td>
<td>One (1) space per 300 square feet of floor area</td>
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<tr>
<td>Service commercial use</td>
<td>One (1) space per 400 square feet of floor area</td>
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<tr>
<td>Eating or drinking establishment, including wine tasting rooms</td>
<td>One (1) space per one-hundred (100) square feet of floor area, plus one (1) space for each employee on maximum working shift</td>
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<tr>
<td>Clinic</td>
<td>One (1) space per 200 square feet of floor area</td>
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<tr>
<td>Motels, resorts, bed and breakfast inns and similar rental uses</td>
<td>One (1) space per unit plus one (1) space for each employee on maximum working shift</td>
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<tr>
<td>Manufacturing or industrial use, including wineries</td>
<td>One (1) space for each employee on maximum working shift</td>
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<tr>
<td>Wholesale storage and related use</td>
<td>One (1) space per 2,000 square feet of floor or storage area</td>
</tr>
<tr>
<td>Churches and similar places of assembly</td>
<td>One (1) space per four (4) seats or eight (8) feet of bench length</td>
</tr>
</tbody>
</table>

Applicant’s Response: The applicant proposes the following uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Units</th>
<th>Metric</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>One per employee</td>
<td>Est. 50</td>
<td>50 spaces</td>
</tr>
<tr>
<td>Wholesale Storage</td>
<td>1 per 2,000 s.f.</td>
<td>14,000 s.f.</td>
<td>7 spaces</td>
</tr>
<tr>
<td>Retail Commercial</td>
<td>1 per 300 s.f.</td>
<td>3,000 s.f.</td>
<td>10 spaces</td>
</tr>
</tbody>
</table>

The applicant has more than 70 marked parking spaces on the site.
Section 1208.00 - Quasi-Judicial Zone District Boundary Changes

1208.01 General Requirements. A quasi-judicial zone map change is processed as follows:

A. An amendment may be initiated by the Board, the Commission, or by application of an owner of land.

B. An application for such a change by an owner of land shall be made in accordance with the Type C application procedure.

Applicant’s Response: This application for a Comprehensive Plan and Zone Map Amendment is initiated by the owner and contract purchaser of the subject site, in accordance with the Type C application procedure, below. The criteria in ZDO 1208.01(A) and (B) are met.

C. Such amendments shall be made only by the Board, after review and recommendation by the Commission. When the request includes a Comprehensive Plan map amendment, both the Commission and Board shall hold public hearings, pursuant to Section 1402 of this Ordinance, prior to the Board making a final decision. When the request does not include a Comprehensive Plan map amendment, the Commission shall hold a public hearing to review and make a decision on the proposed zone map amendment. The Board is not required to hold an additional public hearing, but may make a decision based upon the record of the Commission hearing. In either case, the zone map amendment shall not be final until the Board has adopted the amendment by ordinance. [Amended 7/9/98, Ord. 648]

Applicant’s Response: Pursuant to YCZO 1402, this application for a Comprehensive Plan and Zone Map Amendment requires two separate public hearings: one before the Planning Commission, and one before the Board of County Commissioners. It is understood the decision is not final until the Board adopts the amendment by ordinance. The criteria are understood and can be met.

D. Approval for a boundary change shall include findings satisfying the criteria in 1208.02 or 1208.03 as appropriate, and addressing applicable Comprehensive Plan goals and policies.

Applicant’s Response: Please see the responses to the Yamhill County Comprehensive Plan goals and policies and the criteria of approval within Section 1208.02, below. Further, YCZO 1208.03 contains the review criteria for amendments within Exclusive Farm Use and Agriculture/Forestry Zones; therefore, it is not applicable to this application. The criterion above is met, as applicable.

E. Changes to the applicable zoning maps shall be made and become effective upon filing with the County Clerk.

Applicant’s Response: The above requirement is informational.
1208.02 Review Criteria. A quasi-judicial change to a zoning map may be authorized, pursuant to Subsection 1208.01, provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates compliance with the following criteria, except as provided in Subsection 1208.03:

A. The proposed change is consistent with the goals, policies and any other applicable provisions of the Comprehensive Plan.

Applicant’s Response: Regarding the criterion set forth at YCZO 1208.02(A) above, since an exception to Statewide Planning Goals 3 have already been taken for the subject parcel, Comprehensive Plan goals and policies related to agricultural lands are not applicable. The proposed use does not require a new exception to Goal 3, both because the proposed use is a CACFU, which is a use allowed by ORS 215.283(2), and because the proposed use / development falls within the confines of ORS 660-004-0018(2). This issue is discussed in more detail below.

This application demonstrates that the County’s acknowledged Zoning Map may be amended in a way that is consistent with the applicable goals and policies of the YCCP. Please see the associated responses (beginning on page 39) above, which are incorporated here to support affirmative findings under the YCZO.

B. 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.

Applicant’s Response: This zoning map amendment standard requires that there be a “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.” To meet this standard, the County must first identify and justify the area selected for the required analysis. Friedman v. Yamhill County, 23 Or LUBA 306 (1992). In this case, the applicant has considered the entire county as the “area” in question.

In assessing the need for the applicant’s use, this criterion requires the Board of Commissioners to considering the importance of such uses to either:

- the citizenry of the area, or
- the economy of the area.

In this case, the success of companies like OVS is critical to both the citizenry and the local economy. As previously discussed, OVS stands as the leading supplier of farm supplies and equipment to the region’s wineries and associated vineyards. Wineries and their associated vineyards serve as an economic powerhouse for the County. Yamhill County has risen as one of the nation’s premier wine-producing regions, specializing in Pinot Noir and Pinot Gris. The influx of wineries has spurred wine tourism, drawing 1.5 million visitors annually to the County. These visitors play a crucial role in local wineries, where their retail purchases ensure good margins and sustain the vintner’s profitability. With the growth of the wine industry and its related tourism, there
arises a corresponding need for businesses supporting this industry to expand. The value of Yamhill County's wine industry has more than doubled since 2010.

OVS is representative of the businesses drawn to LI land, as they often rely on the predominant agricultural activities in the county. These firms in unincorporated areas typically cater to the specific needs of surrounding farms, vineyards, natural resources, and other rural businesses and residents. The rural economy of unincorporated Yamhill County revolves around nursery plants, viticulture, and a diverse range of field crops.

It's noteworthy that some uses permitted in the LI zone can also be situated in the HI and RI zones. However, the specific use related to "farm, industrial, or contractor’s equipment or materials manufacture, storage, sales, repair" is solely permissible in the LI zone. Similarly, businesses manufacturing machine tools, medical and dental equipment, electronic instruments, mobile homes, and non-noxious odorous food products, as well as warehousing, wholesale storage, distribution, and motor freight terminals within buildings, are confined to the LI zone.

Nevertheless, the demand for these services is increasing. The estimated annual growth rate for these combined LI subsectors was 1.7% per year, outpacing the 1.4% growth rate for total non-farm employment over the same period. Additionally, the population growth rate in Yamhill County since 2000 was just under 1.3% per year (PSU Population Research Center). This demonstrates that the growth of these LI subsectors has surpassed the county's population growth. The Office of Economic Development (OED) foresees continued positive growth in these subsectors in the Mid-Valley region (Linn, Marion, Polk, Yamhill) over the next decade and beyond. The projected growth rate is more moderate than seen in Yamhill County in recent decades. However, historical trends show that Yamhill County's employment growth rate since 2001 (1.4%) surpassed other Mid-Valley counties: Linn County (0.8%); Marion and Polk (1.2%). If these trends persist, Yamhill will outpace the OED forecasted rate.

The Light Industrial zone is typically situated near incorporated cities or rural unincorporated towns where appropriate light industrial uses traditionally existed. Many of these small clusters of LI uses predate the zoning code, and the LI zone was applied to reflect these established uses. These LI zoned areas are usually very small, covering a limited number of tax lots. An analysis using GIS resources estimates approximately 180 acres of LI zoned land, with the vast majority already occupied by light industrial uses. The few remaining vacant parcels zoned LI suffer from serious drawbacks that make them unsuitable for the majority of LI uses. Issues include poor visibility, inadequate size, the presence of wetlands, proximity to incompatible uses, among other concerns.

The vacant subject site is well suited for a map amendment to Light Industrial (LI), so that it can be used for an agricultural supply business. The rural economy of unincorporated Yamhill County is dominated by nursery plants, viticulture, and a variety of field plants. The subject amendment to LI is planned to allow agriculturally based warehouse and retail commercial services, a use which will directly benefit the extensive farming and local wine industries within Yamhill County. According to the Oregon Employment Department, Yamhill County specifically has a concentration of employment in crop production 19 times higher than the national average. Therefore, given the limited remaining capacity of LI zoned land in the county (85% of LI zoned
land is developed), amending the site to LI will support the development trends which show future growth is forecasted in these sectors and encourage businesses necessary to sustain it. For further information on the lack of available LI sites and alternative locations within Yamhill County, see Pages 39-48 (infra). In conducting this review of alternative sites, the applicant considered every property that is “appropriately zoned,” which is to say that the applicant considered all sites that are currently zoned for Light Industrial use. Compare DLCD v. Yamhill County, 42 Or LUBA 126 (2002). The LI zone is the only zone where OVS’s operations would be considered a use permitted by right. The vast majority, if not all, of the operations could be approved as a conditional use in the EFU zone, but the applicant prepared this application with the understanding that the County’s land use approval standards show a preference for reusing vacant, available PAI zoned land over undeveloped resource land.

Agriculturally based warehouse and retail commercial services located outside the limits of surrounding cities will help to sustain a viable local agriculture sector. The subject site is an ideal location to facilitate delivery and pick-up of farm supplies and materials (often by way of large vehicles and trailers), and allows storage and service of bulky equipment and goods without encumbering local City streets.

As discussed in the introductory sections of this application, OVS seeks one site to house its retail business, agronomy business, irrigation business, water treatment business, and corporate headquarters. To meet its operational needs at a consolidated location, and to provide additional room for natural growth, OVS requires a minimum of 10-20 acres of rural land.

In addition, OVS seeks to use the subject property to operate Results Partners, LLC, which is a farm management operation providing the complete farming needs for 10% of the Willamette Valley’s grape production. Currently, Results Partners, LLC operates from a site located at 10525 Hwy 99W, just a few miles from the proposed Amity site. It is critical for OVS to continue to have the proximity and connectivity with this downstream component of its business. Results Partners, LLC is the largest customer of OVS’s retail services.

C. 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.

**Applicant’s Response:** This code provision is a compatibility criterion. The term “appropriate” means “specially suitable: fit; proper.” Webster's Third Inter. Dictionary, Unabridged (2002), p. 106. The criterion set forth above requires the applicant to demonstrate that the zone change is “appropriate” given five factors:

- surrounding land uses,
- density development in the area
- pattern of development in the area
- changes in the vicinity
- availability of utilities needed by anticipated uses.
In this case, the county should limit the allowed uses “anticipated” on the property to the applicant’s proposed use, via the use of the Limited Use Overlay (“LUO”). Each of the five factors is discussed below.

1. The surrounding land use include the following uses: Guerrero Farms is located at 16001 Amity Dayton Hwy Amity, Oregon OR, which is northeast of the subject property. See T5S, R4W, Section 17, TL 100. This farm produces a diverse array of products ranging from Christmas trees, blueberries, strawberries, and peaches. Vintyr Winery and its associated vineyards are located to the southeast of the subject property, at 3336 SE Amity Dayton Hwy, Amity, OR 97101. See T5S, R4W, Section 17, TL 603 & 800. This property is a 35-acre vineyard with a bed & breakfast facility and event venue.

The subject property is bordered to the northeast by property zoned Heavy Industrial (HI). See T5S, R4W, Section 17, TL 200. Currently, that property is being used by Advantage Seed, a company that also services the agricultural industry.

The remaining land uses are rural residential in nature. Based on aerial photography, there does not appear to be much increase in residential density in the immediate area.

2. A portion of YCZO 1208.02(C) requires the proposed change to be shown to be appropriate considering the surrounding land uses along with the density and pattern of development in the area. With the exception of the rural heavy industrial use occurring on the neighboring parcel, the density of development in the area is extremely low. A few rural residential homes exist in the area, but the majority of the land surrounding the PAI and HI lands are either vacant unmanaged woodlands or agricultural lands. This pattern of development has remained consistent for the past 20 or more years, which indicates that the land use pattern is not in flux and has not been impacted by the PAI and HI zoned lands.

3. There are no major changes to the land uses occurring in the area. Having said that, uses related to the wine industry continue to proliferate in the vicinity.

4. Finally, YCZO 1208.2(C) requires a finding that utilities and services likely to be needed by the “anticipated uses” are available. When the County limits allowed uses on the property to the applicant’s proposed use, and the County interprets the term “anticipated uses” to consist solely of the proposed use, a reasonable person could construe the term “anticipated uses” to denote something less than the range of uses allowed in the zone. City of Newberg v. Yamhill County, 36 Or LUBA 473 (1999). In this case, the applicant only needs rural levels of water and sewer service, and does not require any increase in the levels of utilities such as electricity, storm drainage, police or fire services, etc. No additional services are needed to allow the land uses proposed by the applicant. The property is already served by a private well and a septic system designed to adequately manage wastewater. No connection to a municipal water system is needed or sought.

If the plan amendment and zone change request is approved, any future development of the tract itself would be subject to the site design review process. The site design review allows for the county to evaluate the potential impacts more specifically to the properties in the surrounding area.
prior to approval of a use permitted in the Light Industrial zone. The site design review process requires the County and applicant to evaluate the existing services to verify whether those in place are sufficient to support the specific development, or if not, to establish the extent to which improving existing services or establishing new services would be needed.

D. Other lands in the County already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size or other factors.

**Applicant’s Response:** As applied to the facts of this case, the term “[o]ther lands in the county already designated for the proposed uses” requires the applicant to consider all lands that are zoned Light Industrial (LI) as possible alternatives. Lands are considered to be “unavailable” if they are currently occupied by an existing use, so long as that property is not currently for sale. Lands are considered to be “not as well-suited” as compared to the subject property if the alternative land under consideration does not meet the operational parameters of the applicant’s proposed use. The applicant is not allowed to limit the inquiry to lands outside UGBs, because the criterion is not limited in that manner.

In this case, the applicant determined that its operational requirements necessitate the following criteria:

- A site that is 8-16 acres in size.
- A minimum of 5,000 square feet of retail space.
- A minimum of 15,000 square feet of warehouse space.
- A minimum of 12,000 square feet of office space.
- A minimum of 70 parking spaces.
- Excellent highway visibility.
- Reasonable cost.

As discussed elsewhere in this application, the applicant has completed an analysis of the other lands in the unincorporated area of the County that are zoned for Light Industrial. While there are 19 LI zoned clusters of land located in the County, many of them are smaller in size and already dedicated to specific uses that are serving the communities surrounding these Light Industrial parcels.
T5S, R6W, Section 34, TL 100. [No site address]

Alternative Site 1 is a vacant site consisting of an 11.7-acre parcel just west of the Sheridan area. The property is split zoned, with the western portion of the property being located in the County and zoned LI, and the eastern portion of the tax lot being located in the City of Sheridan. The property shares ownership with the adjacent lumber mill to its east, which is appropriate for some light industrial uses but is not ideal for the types of uses proposed for the subject site.

Alternative Site 1 is bordered to the north by the S. Yamhill River and a residential street, and a rail line to the west and south. However, there is no access from a highway or major arterial. Visibility and access are poor for any business that relies on those. It is accessed via SW Monroe
St., which is the aforementioned residential street and constitutes the only point of access due to the site being hemmed in by the river and rail line. This point of entry means delivery trucks and customers would be required to use the local residential streets of Sheridan. It is also not well positioned in the central area of the Willamette Valley for regional access. Because it is not centralized in the Valley, the market area around Sheridan will appeal to different types of business unlike the type of supply store (large agriculture) proposed by the applicant.

T5S. R6W. Section 36, TL 2700. [23100 Schatz Rd, Sheridan, OR 97378]

Alternative Site 2 is 5.3 acres in size, and is bisected by Schatz Road. Highway 18 is located to the north and west. Lands located to the east and south are in farm use. The site is currently occupied by OK Motor Sales & Towing, although a small portion of the site remains vacant. While visibility is high from Highway 18, the land being split by Schatz Road and the resulting unusual configuration of the lot make it impractical for redevelopment. Moreover, access to the site is limited, with only one entry point to the site. This site is about half the size of the site this application proposes. Between this limited size and the issue with its configuration, it would not be in consideration for the applicant’s business even if it were not already occupied.

T5S. R4W. Section 05, TL 900, 1000, 1001, 1002, 1003, 1004, 1005, 100, 1101, 1202, 1203, 1205, 1205, 1206. [Multiple Addresses]

Alternative Site 3 consists of several lots of varying sizes located north of Whiteson. The site’s location on Highway 99W roughly halfway between Amity and McMinnville in the central valley gives it good access to the local farm community. SE Old Station Road is located to the east and north, which provides the sites with secondary access. Adjacent lands include farmland and wooded area to the west and south. All lots within Site 3 are currently occupied with uses such as a screen-printing company, multiple RV storage sites, self-storage, an agricultural services supply distributor, and forklift rental. At a combined size of nearly 20 acres, the site is larger than the applicant would currently require, though its split ownership and bisection by OR 99W would make it unlikely that the applicant could acquire a large enough portion of the site to suit its needs.
Alternative Site 4 is a site consisting of four tax lots totaling approximately 12-acres. The site is located southwest of McMinnville. It is a high visibility location with good access, due to its proximity to Highway 18. The land is currently occupied by uses such as Prospero Northwest, a winery supply store, a roofing supply company, and general building supply distributor. This fractured ownership makes it difficult for the applicant to acquire sufficient land for its operations, even if the site was available to the applicant. On the other side of Highway 18 are fully occupied residential areas and active farming.

Alternative Site 5 is a site consisting of 2 tax lots totaling approximately 4-acres. The land is being used as a residence and for outdoor storage. The site is far too small to be considered a viable alternative to the subject property.

Alternative Site 6 is the only vacant alternative site in Yamhill County that has highway visibility and a central location. The property is owned by Town Investments, LLC. It consists of two tax lots with combine to form 13 acres. This property was recently rezoned to LI. See Ord. 918. The property takes access from Lone Oak Road.

OVS was in a very preliminary discussion with the Town family about the potential relocation to their property prior to the time the property was rezoned. Joe Perry, Board Chair of OVS, and Mike Town were the principal parties involved in the discussions. Unfortunately, there were a number of issues regarding the property that needed to be resolved, ranging from the need for a zone change, the lack of good accessibility, the close proximity of residential neighbors, concerns regarding crossing 99W southbound, and access to 99W northbound. Beyond those issues, it also became apparent that the lease rate sought for the property far exceeded market value, and was well outside of OVS's budget. Given that last factor, along with the other issues, OVS quickly ruled this site out as a viable alternative, and never submitted a Letter of Intent nor made any type of commitment to move forward with acquiring this site.
T4S, R4W, Section 11, TL 802, 803, 3800, 3801, 3900, 4100, 4290, 5600, 5700. [Multiple Addresses]

Alternative Site 7 is an unusually configured set of parcels split into multiple ownerships. It is located northeast of McMinnville, and is bordered by Hwy 99W to the north and a railway line to the south and west. The site is accessed from NE St. Joseph. Although OR 99W provides good visibility, there is no direct access to the highway.

Tax lots 802, 803, 3800, and 3801 together comprise a portion of OVS’s current operations. This collection of four tax lots is roughly 5 acres in total. While the site has served OVS well for many years, the company is now outgrowing this location. OVS is unable to expand its operations at this location due to the lack of vacant space and fractured ownerships. OVS has considered and rejected the possibility of expanding its operations onto Tax Lot 803. This tax lot is the only partially available land on this site. It is partially used by OVS’s tractor dealership for parking and storage. TL 803 is significantly smaller than the subject property for which the zone change is sought, with only one acre of land remaining open for use.

Tax lot 5600 and 5700 is the location of McMinnville Gas Inc., a family owned and operated business that provides propane to the local community. This business has been in existence at this location since 1946.

Tax Lot 4290 is the location of Oregon Barrel Works, a company that makes custom wine barrels for the local wine industry. The site is less than one acre in size, and is fully developed and occupied.
Alternative Site 8 is located in a very small community known as "Hopewell." The site was historically used as an automobile repair shop known as Fenton's Garage. The owner, Fenton Galor, passed away in 2013, and the shop is currently listed in Google as being "temporarily closed." Despite being potentially available, it is far too small to be a viable alternative to the subject property. The size of this site is entirely inadequate to serve the needs of the applicant's business, at 0.35 acres total. The site is located in a small urban-density community, and does not have any reasonable opportunity for expansion. This small community receives little traffic, has poor visibility, and the site's location within the community means that access to and from the site traverses the only road that serves the community's residents.

Alternative Site 9 is located several miles southeast of McMinnville, next to no major roads or highways. The site is currently occupied by Oregon Truss Co., which is a building supplier. There is a grocery store and deli adjacent to the site. To the east is Wallace Road, to the south is SE Fairview Road/SE Grand Island Road, and to all sides of the site is active farmland interspersed with single homes or small pods of residences. The site has moderate visibility and sufficient access via Wallace Road. At approximately 9 acres, it is too small for the applicant's proposed usage.

Alternative Site 10 is located several miles to the east of Lafayette. It is currently occupied by Waterdog RV, an RV dealership, as well as a motorcycle repair garage. Highway 99W is to the north/northwest of the site and Highway 223 is to the east. To the south and southwest there is active farmland, a mechanic, and a metal fabricator. OR 99W provides good visibility and access to the site. At a combined sized of approximately 8 acres, the site is it too small for the applicant’s proposed usage. Its split ownership is another critical obstacle to its redevelopment for the applicant’s usage.
Alternative Site 11 is a collection of 11 parcels totaling 16 acres. The site is located than a mile south of Dundee. The site is surrounded by cultivated farmland on the north, east, and south and a rail line and Highway 99W to the west. There are multiple rural residences to the north and east as well. Access is good via Highway 99W at SE Fulquartz Landing, with a rail line and at-grade rail crossing between the lot and the highway. This rail crossing makes the site inefficient for frequent truck traffic. The intersection at SE Fulquartz Landing features “right in/right out” access to and from the highway, ruling out left turns and forcing vehicles to travel 2.4 miles to the safest U-Turn location. Visibility is also limited. While the site appeared to be partially vacant, apart from some vehicles being stored on the fields, the land is under multiple ownerships, and the northeast and easternmost portions have recently been developed for rural residential and/or small farm use. The developed portions are currently creating an irregular configuration in the remaining vacant parcels of land. Due to the acreage, the site is the second largest area of contiguous light industrial land identified in the county and is likely large enough to accommodate the same uses that would be attached to the subject site. However, due the issues in visibility, the irregular configuration, the fractured ownership, and the substandard access, this land is unlikely to be developed as a single site.

Alternative Site 12 is located west of the City of Dundee and its residential areas to the east. The Site is currently occupied by two separate businesses. Tax Lot 204 is a 2-acre site which is currently occupied by a fiberglass supplier. Tax lot 201 is a 3.73-acre site owned by Crabtree Rock. This tax lot is used for warehousing and storage, vehicle repair, parking, and offices. It is an integral part of the rock-crushing operation occurring on Crabtree Rock’s heavy industrial zoned parcel to its west. The surrounding properties are in rural residential use with some farming occurring on all other sides. While NE Niederberger Road provides moderate visibility and accessibility to the site, and its proximity to OR 99W is appealing for the applicant’s proposed usage, its ownership in conjunction with its neighboring heavy industrial parcel and its extensive development into a highly specialized fiberglass supplier mean that acquiring and redeveloping this site would be unlikely and uneconomical. At less than six acres in size, the site is also smaller than the applicant’s proposed site.
Sites 13 and 14 are comprised of several parcels, each less than one acre in size. All land currently has warehouses, with three being occupied by greenhouses, a plastic fabrication company, and an auto repair shop. The nearest town is Gaston, which is several miles away. To the northeast, east, and southeast, it is surrounded by Wapiti Lake National Wildlife Refuge, with several creeks and small access roads that aerial view indicates are unpaved, and to the northwest, west, and southwest are active farmland with small access roads, also indicated to be unpaved. It is directly located on Highway 47. However, the lands are too small to be a viable alternative. The parcels’ split ownership and existing development make it unsuitable even if it could be acquired for the applicant’s purposes.

Alternative Site 15 is a 7.51-acre parcel located on the southeastern edge of the City of Newberg. It is too small to serve the Applicant’s needs. Moreover, it is a flag lot, which is to say that the only access is through a narrow strip between the Waste Management transfer station to its northeast and CalPortland’s concrete plant to its northwest. As a result, it has very poor visibility, as there is no way to see the site or even for the placement of adequate signage to direct customers. Access is via Wynooski Rd, which connects to OR 219, providing adequate street access through non-residential areas. Some of the site’s northernmost land appears to be in use by CalPortland, though the site is owned by Waste Management of Oregon, Inc. Aside from the aforementioned uses on the north end of the property, the rest of its surroundings are vacant land, due to Hess Creek flowing through the property and its surrounding wetlands preventing any development or use of that portion of the property or its neighbors. There is very little, if any, of this property that could be developed for industrial use.
ODOT ROW. [No Tax Lot Designation or site address]

Alternative Site 16 is located on the southern edge of the City of Newberg. While it may have been able to be developed at some point in time, it is now bisected by the Newberg Dundee Bypass and Wyonooski Street, leaving no room for development of any kind. It is unclear whether this property, which does not have an assigned tax lot number, is still considered light industrial land by mistake or not. Nevertheless, the site cannot be developed.

T3S, R2W, Section 20DD, TL 1900. [1050 Commerce Pkwy, Newberg, OR 97132]

Alternative Site 17 is a 2-acre site currently occupied by Vista Balloon Adventures. Because the property is developed occupied, and not for sale, it is not a viable alternative. Furthermore, it is too small for the applicant’s proposed use.

The Newberg Dundee Bypass is located to its south, yet due to the presence of berms between the property and the Bypass, visibility is deceptively poor. Access is only via Commerce Parkway, which meets Springbrook Road and connects to OR 219 from there. None of these streets run through residential areas or would in other ways be disqualified from carrying traffic such as that generated by the applicant’s business. Because the property is only 2 acres in size, it provides only a small amount of parking and office or warehouse space. It is bordered to the north and west by a small airport, making the site ideal for its current occupant; to the east by a bus barn; and to the south by the aforementioned berms providing isolation from the Bypass.

T3S, R2W, Section 19CB, TL 500, 600, 800, 801, 1802. [Multiple Addresses]

Alternative Site 18 is a collection of tax lots currently occupied by Northwest Self Storage. Because the site is developed occupied, and not for sale, it is not a viable alternative.

Alternative Site 18 is located along OR 99W with access via a small road named NE Dunberg Loop, which also provides access to the site’s northernly neighbor, a boat repair shop. To the west and additionally to the north are residences, with farm dwellings and agricultural land to the south and east. Visibility is also high along this major roadway. The site is relatively small at approximately 4 acres spread over Tax Lots 500, 600, 800, 801, and 802 of Map T3S R2W S19. While this site, between Newberg and Dundee along the major road connecting them, does provide excellent access and visibility, its size precludes it from consideration for the present application. It is perhaps ideally occupied by the type of business currently locating there, which serves the general population rather than specialized farmers.
T3S, R3W, Section 24, TL 7915, 7916, 7917, 7918. [Multiple Addresses]

Alternative Site 19 is occupied by several businesses, among them Newberg Steel & Fabrication, Inc., AgCon, and Ultra Quiet Floors. Because the properties are developed, occupied, and not for sale, they are not viable alternatives.

This lot is approximately 5.5 acres in size and is located along OR 99W in between Dundee and Newberg. It has access directly onto OR 99W with no formal intersection or road leading to either business. Visibility is high, as this is a busy thoroughfare between two populous cities. Its characteristics are generally shared with Alternative Site 18, as they are very close together. To its north and west are residences; its south and east are a mix of residences and small rural businesses such as a tack shop and equine supply. The site’s primary limitation from use in the present application would again be its size, if it were not already occupied by three separate businesses that would need to vacate for it to become available.

**E. The amendment is consistent with the current Oregon Administrative Rules (OAR’s) for exceptions, if applicable.**

Applicant’s Response: YCZO 1208.02(E) requires the applicant to demonstrate that the proposed amendment is consistent with LCDC administrative rules governing exceptions to Statewide Planning Goals. An “exception” is “essentially a variance,” which is to say that it is a comprehensive plan provision which allows a local government to waive compliance with a goal for “specific properties or situations.” *1000 Friends of Oregon v. Wasco County Court*, 299 Or 344, 352 (1985); ORS 197.732(8). However, it does not use typical variance procedures. Rather, Oregon law sets out a unique set of procedures for exceptions cases, which are briefly discussed below.

ORS 197.732 expressly authorizes local governments to adopt three different types of exceptions:

- “physically developed” (aka “built” exception)
- “irrevocably committed” (aka “committed” exception) and
- “reasons” exception.

A “built” exception is appropriate when the property at issue has been developed to the point where it can no longer be used for resource uses (in this case, farm uses). Conversely, a “committed exception” is used when land, though not yet developed, is surrounded by adjacent land uses that make it impracticable to use the subject property for resource uses. ORS 197.732(1)(b). A reasons exception is a “catch-all” which can be used under limited circumstances when the other two types of exceptions are not available. OAR 660-004-0025 addresses physically developed exceptions and OAR 660-004-0028 addresses irrevocably committed exceptions. Reasons exceptions are addressed at OAR 660-004-0020 and -0022. Yamhill County has already taken a “built” exception for this property, which is reflective of the fact that the property was developed prior to the time the
County first established a Comprehensive Plan that was compliant with the Statewide Planning Goals. The key question posed by this case is whether a new exception to Goal 3 or 4 is required for the proposed use.

OAR 660-004-0018 governs the general provisions governing exceptions. Its key provisions are discussed and addressed below.

**660-004-0018**

*Planning and Zoning for Exception Areas*

**(1) Purpose.** This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 and 660-014-0030 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule.

**Applicant’s Response.** In this case, the applicant proposes that the County “adopt plan and zoning provisions” that do not require any changes in the “density” of development. Similarly, the applicant does not require any changes to the “services required” by existing development. Thus, the only question is whether the County will, by approving the zone change, necessarily be “adopt[ing] plan and zoning provisions” that “would allow changes in existing types of uses.”

The PAI District is somewhat limited in the scope of permitted uses. Primarily, the zone is intended for any use providing for the public or private assembly of persons for religious, charitable, philanthropic, cultural, recreational, or educational purposes, including churches, auditoriums, armories, youth centers, social halls, fairgrounds, group camps, schools, kindergartens, play-schools, day nurseries and day-care schools. It also allows clinics, clubs or lodges, convalescent homes, nursing homes, cemeteries, farm uses, forestry uses, as well as a dwelling for a caretaker or watchman in conjunction with a permitted use.

The LI District allows a more broad range of permitted uses, including manufacture of machine tools, medical and dental equipment, electronic instruments, manufacture of mobile homes, and food products not generating noxious odors, farm, industrial or contractor’s equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage, warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building, fruit, nut or vegetable packing, processing warehousing or cold storage operations, wineries, veterinary hospitals, and dwellings for a caretaker or watchman in conjunction with permitted use.

OAR 660-004-0018(1) states that a new “built” exception to Statewide Planning Goal 3 is not required when the applicant proposes the continuation of existing types of development in the exception area. However, the applicant proposes a use, though similar to the existing use, is not allowed by right in the PAI zone due to the fact that it is not operated by a non-profit.
(2) For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and
zone designations shall authorize a single numeric minimum lot size and all plan and zone
designations shall limit uses, density, and public facilities and services to those that satisfy (a) or (b)
or (c) and, if applicable, (d):

(a) That are the same as the existing land uses on the exception site;

(b) That meet the following requirements:

(A) The rural uses, density, and public facilities and services will maintain the land as "Rural
Land" as defined by the goals, and are consistent with all other applicable goal
requirements;

(B) The rural uses, density, and public facilities and services will not commit adjacent or
nearby resource land to uses not allowed by the applicable goal as described in OAR 660-
004-0028; and

(C) The rural uses, density, and public facilities and services are compatible with adjacent or
nearby resource uses;

(c) ****

(d) For industrial development uses *** the industrial uses may occur in buildings of any size
and type provided the exception area was planned and zoned for industrial use on January 1,
2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

(3) Uses, density, and public facilities and services not meeting section (2) of this rule may be
approved on rural land only under provisions for a reasons exception as outlined in section (4) of this
rule and applicable requirements of OAR 660-004-0020 through 660-004-0022, 660-011-0060 with regard
to sewer service on rural lands, OAR 660-012-0070 with regard to transportation improvements on
rural land, or OAR 660-014-0030 or 660-014-0040 or 660-014-0090 with regard to urban development on
rural land.

(4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c)
and OAR 660-004-0020 through 660-004-0022, OAR 660-014-0040, or OAR 660-014-0090, plan
and zone designations must limit the uses, density, public facilities and services, and activities
to only those that are justified in the exception.

(b) When a local government changes the types or intensities of uses or public facilities and
services within an area approved as a "Reasons" exception, a new "Reasons" exception is
required.

(c) When a local government includes land within an unincorporated community for which an
exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through
660-004-0022 was previously adopted, plan and zone designations must limit the uses, density,
public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent.

Applicant’s Response. The history of this provision is important to understanding its meaning. Beginning in 2011, OAR 660-004-0018(2) was written in a manner that made sections (a), (b), and (c) independent mandatory criteria. Stated another way, subsections a, b, and c were not alternatives to one another, and an applicant had to satisfy all three in order to not take a new exception. LUBA and the Court of Appeals had an opportunity to interpret the 2011 version of the statute in Ooten v. Clackamas County, 70 Or LUBA 338 (2014), aff’d, 270 Or App 214 (2015).

The Ooten case involved a paving business in Clackamas County called Hal’s Construction and Paving, which had been operating from its same location for decades. The business was located on property which Clackamas County had zoned as rural residential, as a result of exceptions to Goal 3 and 4. The RRFF-5 zone was somewhat limiting for Hal’s operations. At the County’s suggestion, Hal’s applied to change the zoning of their property from rural residential to rural industrial. The County approved the request, but a neighbor, Mr. Brian Ooten, challenged the approval. Mr. Ooten claimed that Hal’s needed to take a new Goal exception to Goals 3 and 4, which essentially required Hal’s to prove once again that the land was not suitable for agriculture or forestry.

Mr. Ooten appealed the decision to LUBA. LUBA held that Hal’s needed to take a new exception, even though the County had already found (and LCDC acknowledged) that (1) the property was not suitable for agriculture or forestry and (2) the property could be used for rural residential dwellings on 5-acre lots.

The legal issue in Ooten hinged on whether OAR 660-004-0018(2)(a) and (2)(b) should be read in the conjunctive or disjunctive. LUBA discussed the meaning of the word “and” as it appears at the end of the 2011 version of OAR 660-004-0018(2)(c):

In several prior versions of OAR 660-004-0018(2), the word “or” appeared, first between OAR 660-004-0018(2)(a) and (b), and later between OAR 660-004-0018(2)(c) and (d). The 2011 amendments replaced the word “or” between (c) and (d) with “and.” “And” is generally used to describe conjunctive requirements. Accordingly, we conclude that subsections (2)(a) and (2)(b) apply to the application for a plan amendment and zone change.

Thus, LUBA found that a new exception was required to rezone the land from RRFF-5 to Rural Industrial. In a concurring opinion, Board Member Bassham stated that he agreed with the majority’s conclusion as a correct technical reading of the statute, but that result “does not make much sense, and probably was not the intent of the 2011 amendments” to the rule. The Court of Appeals affirmed LUBA’s decision.

The 2015 legislature quickly passed a bill to reverse the result in Ooten. See 2015 Or Laws Ch 477 (HB 3214). HB 3214 required LCDC to redraft OAR 660-004-0018(2) to enable an existing industrial use like Hal’s to go from one exception zone to another without having to take a
new exception. The 2015 law, which is codified at ORS 197.734, states:

**197.734 Exceptions to certain statewide planning goal criteria; rules.**

(1) The Land Conservation and Development Commission shall adopt or amend rules regarding the statewide planning goal criteria described in ORS 197.732(2)(a) and (b). The rules adopted or amended pursuant to this subsection must allow a local government to rezone land in an area physically developed or committed to residential use, as described in ORS 197.732, without requiring the local government to take a new exception to statewide planning goals related to agricultural and forest lands. The rules must allow for a re zoning that authorizes the change, continuation or expansion of an industrial use that has been in operation for the five years immediately preceding the formal land use planning action that was initiated for the change, continuation or expansion of use.

(2) The rules adopted pursuant to subsection (1) of this section must provide that:

(a) The rezoned use will maintain the land:

   (A) As rural land as described by commission rule; and

   (B) In a manner consistent with other statewide planning goal requirements;

(b) The rural uses, density and public facilities and services permitted by the rezoning will not commit adjacent or other nearby resource land to uses that are not permitted by statewide planning goals related to agricultural and forest lands;

(c) The rural uses, density and public facilities and services permitted by the rezoning are compatible with the uses of adjacent and other nearby resource land uses; and

(d) The land to be rezoned is not in an area designated as a rural or urban reserve under ORS 195.141. [2015 c.477 §1]

Importantly, the legislature commanded LCDC to allow for “a re zoning that authorizes the change, continuation or expansion of an industrial use that has been in operation for the five years immediately preceding the formal land use planning action that was initiated for the change, continuation or expansion of use.” To date, the applicant has not been able to locate where LCDC has incorporated that mandate into Chapter 660. For this reason, ORS 197.734 applies directly in this case.
Having said that, LCDC did amend OAR 660-004-0018(2) to allow land that is previously subject to a physically developed or irrevocably committed exception to apply subsections (a) (b) and (c) in a disjunctive manner. As written, the rule no longer requires compliance with all subsections of Section-0018(2) to avoid the need to take a reasons exception under Section -0018(4).

OAR 660-004-0018(2) imposes limits on residential uses in physically developed or irrevocably committed exception areas. For such uses, OAR 660-004-0018(2)(a) and (b) limit new uses on an exception site to “those * * * [t]hat are the same as the existing land uses on the exception site” and those that will maintain the land as “[r]ural [l]and’ as defined by the goals[.].” If the new uses are not the same as the existing land uses or will not maintain the land as rural land, then a new exception is required in order to use the site for a new use. *Ooten v. Clackamas County*, 70 Or LUBA 338 (2014).

In this case, OAR 660-004-0018(2)(a) does not apply because the applicant does not propose a use “[t]hat [is] the same as the existing land uses on the exception site.” *Doty v. Coos County*, 42 Or LUBA 103 (2002).

However, OAR 660-004-0018(2)(b) is written in the alternative to Subsection (2)(a), and allows development without a new exception so long as the three requirements set forth at OAR 660-004-0018(2)(b)(A)-(C) are met. In this case, the land in question will remain rural land, as explained in the findings responsive to Goal 14. The rural uses, density, and public facilities and services will not commit adjacent or nearby agricultural land to uses not allowed by Goal 3. In fact, the use proposed by the applicant is no more intensive than the pallet manufacturing use that currently occupies the site. To the contrary, the proposed use is a CACFU, which is a “conditional” use authorized by ORS 215.283(2).

OAR 660-004-0018(2) imposes no similar limits on industrial uses in such areas. Indeed, OAR 660-004-0018(2)(d) provides that industrial uses in physically developed and irrevocably committed exceptions areas planned and zoned prior to January 1, 2004, may occur in “buildings of any size and type,” subject to certain statutory limits at ORS 197.713 and 197.714. However, this particular property was not zoned for industrial uses on January 1, 2004, and therefore OAR 660-004-0018(2)(d) does not apply.

Fortunately, the applicant need only satisfy one of the alternatives, which it clearly does. In summary, the applicant is not required to take a new exception to Goal 3 because its proposed operations fall within OAR 660-004-0018(2)(b)(A)-(C).

c. Statewide Planning Goals.

A Post Acknowledgement Plan Amendment (PAPA) is a planning responsibility under ORS 197.175(1) and is subject to compliance with the statewide planning goals. Thus, to the extent they are applicable, the applicant demonstrates compliance with the Statewide Planning Goals, as follows:
Goal 1 – Citizen Involvement. Citizen involvement is always applicable to quasi-judicial applications such as this. As stated in the Goal, the purpose is: “To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.” Goal 1 has five stated objectives that are relevant to the PAPA and zone change:

- **Citizen Involvement** – To provide for widespread citizen involvement.
- **Communication** – To assure effective two-way communication with citizens.
- **Citizen Influence** – To provide the opportunity for citizens to be involved in all phases of the planning process.
- **Technical Information** – To assure that technical information is available in an understandable form.
- **Feedback Mechanisms** – To assure that citizens will receive a response from policy-makers.

Statewide Planning Goal 1 is met via the implementation of the provisions in the acknowledged Zoning Code that relate to citizen participation. This application will be reviewed by staff, the Yamhill County Planning Commission, and the Board of County Commissioners. At least two public hearings will be conducted with notice and opportunity to be heard presented, as required by the YCZO. The property will be posted with notice as well as mailed notice to surrounding property owners and affected governmental agencies. At the public hearings, anyone wishing to present relevant testimony or documentary evidence will be allowed to do so. Adequate citizen involvement is guaranteed in this case.

Goal 2 – Land Use Planning. The Comprehensive Plan and Zoning Code are acknowledged to be in compliance with statewide planning goals and guidelines. Goal 2’s coordination obligation will be met because the applicant and County shall seek public comment from any affected unit of government, including and any special district whose boundaries overlap with the site.

Goal 3 – Farm. The applicant’s proposed zone change does not involve agricultural land. Therefore, Goal 3 does not apply to this land. The County had already taken a “physically developed” exception for the subject property. No new exception to Goal 3 is needed for reasons stated elsewhere in this application.

Goal 4 - Forest. The subject property does not contain land that meets the definition of “forest land.” The County has never sought to apply Goal 4 to the subject property. Therefore, Goal 4 does not apply to this land.

Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources. The subject property is not designated as an open space, scenic, or historic area and has no natural resources to protect. There are no natural resources located on the portion of the subject property at issue. There are no landslide hazard areas. There are no historic resources or cultural areas located or identified on the site. There are no identified mineral or aggregate resources on the site. The site is not located downtown or in a neighborhood conservation district. Therefore, this goal is satisfied.
Goal 6 – Air, Water and Land Resources Quality. Although some natural resources (riparian areas and creek) are located on the lower terrace of the property, the applicant proposes no changes to those lands. The proposed use of this property will be for rural industrial use. The distribution operations do not generate any substantive wastes or emissions, other than odors from trucks. The applicant is dedicated to being a sustainable enterprise. Metal and plastic containers are collected and recycled. There are no significant water demands, and no potential for pollution. This application will not affect in any way the air, water, or land resources. Therefore, this goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards. Although some natural resources (riparian areas and creek) are located on the lower terrace of the property, the applicant proposes no changes to those lands. There are no identified landslide areas on the subject property. There are no identified wetlands or floodplains on the portion of the subject property subject to this application. The portion of the subject property subject to this application is basically flat and devoid of natural hazards. Goal 7 is complied with by this application.

Goal 8 – Recreational Needs. Goal 8 is “to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.” When LUBA reviews a post-acknowledgment comprehensive plan or land use regulation amendment for compliance with Goal 8, the relevant concern is whether the amendment has direct or secondary effects on “recreation areas, facilities and opportunities” inventoried and designated by the acknowledged plan to meet the local government’s recreational needs. Goal 8 does not require that there will be no adverse effects on any recreational activity occurring in the vicinity of the proposed amendment. Salem Golf Club v. City of Salem, 28 Or LUBA 561 (1995). In this case, the subject property is currently zoned PAI, which allows certain recreational uses as an allowed use in the zone. Nonetheless, the County does need to re-evaluate compliance with Goal 8 due to that fact. Rather, when, for example, a local government rezones private property that once supported a private golf course, but which is not in the local government’s park plan or Goal 8 inventory, LUBA has held that Goal 8 does not require the local government to consider acquisition of that property to establish a new public golf course to satisfy a “recreational golf need.” Smith v. City of Salem, 61 Or LUBA 87 (2010). See also Whittemore v. City of Gearhart, 75 Or LUBA 374 (2017). Thus, the property is not designated or inventoried in a manner that requires the application of Goal 8. This goal is not applicable.

Goal 9 - Economic Development. Goal 9 does not apply to this application, as Goal 9 only applies to areas within an urban growth boundary. OAR 660-09-0010(1). Port of St. Helens v. Land Conservation & Development Committee, 164 Or App 487, 495, 996 P 2d 1014 (2000).

Goal 10 – Housing. Goal 10 provides for the housing needs of Oregon citizens by specifying that jurisdictions must plan for and accommodate needed housing types “at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” Goal 10 requires local governments to inventory buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.
In this case, the subject property is not zoned for housing. The applicant proposes to rezone the property for rural industrial uses. This goal is not applicable in such circumstances.

Goal 11 – Public Facilities and Services. Goal 11 concerns the provision of public health, safety, and welfare facilities such as water, sewer, and transportation. OAR 660-011-0005(5). The applicant proposes no changes to existing public facilities and services provided to the site. As such, Goal 11 does not apply to this application.

Goal 12 – Transportation. Goal 12 requires local governments to “provide and encourage a safe, convenient, and economic transportation system.” In the quasi-judicial context, Goal 12 requires a local government, when approving a comprehensive plan amendment, to either demonstrate that “transportation systems” affected by the amendment will be “safe and adequate,” or by demonstrating that the proposed change will not result in greater or different transportation demands than those allowed by the existing acknowledged designations. The transportation impacts of the proposal are discussed supra. The application does not have a significant impact on a transportation facility.

Goal 13 – Energy. LUBA and the Courts have never given any regulatory affect to this Goal. The proposed PAPA and zone change presents a positive alternative from an energy consumption and efficiency standpoint, when compared to any decision which would result in current operations being split into multiple components at multiple locations.

Goal 14 – Urbanization. The land is considered “rural” because it is located outside of a UGB. Goal 14 is violated if the applicant proposes an urban use on rural land without taking an exception to Goal 14. LUBA has pointed out that the determination of whether a proposed land use is rural or urban will in most cases require a case-by-case analysis. Hammack & Assoc. v. Washington County, 16 Or LUBA 75, 80 (1987), aff’d Hammack v. Washington County, 89 Or App 40, 747 P2d 373 (1987); 1000 Friends of Oregon v. LCDC (Curry Co.), 301 Or 447, 724 P2d 268 (1986). In Curry County, the Oregon Supreme Court identified a number of relevant factors which must be considered when determining whether a use is “urban or “rural.” When combined with

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1 Notably, Goal 12 applies directly to comprehensive plan amendments. Mulford v. Town of Lakeview, 36 Or LUBA 715 (1999). The fact that the local government has adopted comprehensive plan policies and development approval criteria that are intended to implement Goal 12 and will be applied to subsequent development proposals does not obviate the need to show goal compliance at the time the plan amendment is finalized. Bicycle Transportation Alliance v. Washington County, 127 Or App 312, 873 P2d 452, on reconsideration, 129 Or App 98 (1994).

2 The term “transportation systems” is defined in Goal 12 as “one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.”

other case law from LUBA and the courts, the list of relevant factors can be summarized as follows:

- The size and extent of commercial and industrial uses;
- Propensity to attract consumers from urban areas. City of Sandy v. Clackamas County, 3 LCDC 139 (1979); Conaway v. Coos County, 2 Or LUBA 190 (1980). Shaffer v. Jackson County, 17 Or LUBA 922 938 (1990) (LUBA stated in dicta that a determination that commercial uses are limited to serving the needs and requirements of the rural area, “that factor might be significant, or even determinative, in deciding whether [that] commercial use is rural or urban.”); City of Ashland v. Jackson County, 2 Or LUBA 378 (1980).
- Proximity to UGB. Cox v. Yamhill County, 29 Or LUBA 263 (1995) (A church that does not require urban services and serves “primarily a rural population” is not a rural use despite being located only 1000 feet outside a UGB); City of Sandy v. Clackamas County, 3 LCDC 139 (1979) (30,000 square foot shopping center located 4 miles from the nearest UGB is an urban use of land); Geaney v. Coos County, 34 Or LUBA 189, 200 (1998) (PAPA from rural residential to commercial triggers the need for an exception to Goal 14, when the decision would allow any number of commercial uses of any size as a permitted use.
- Types and levels of facilities and services, esp. water & sewer. Doob v. Josephine County, 32 Or LUBA 364, 373 (1996); DLCD v. Douglas County, 17 Or LUBA 466, 473 (1987).
- Dependence on a site-specific resource. In Shaffer v. Jackson County, 17 Or LUBA 922 938 (1990), LUBA held that whether an industrial use is dependent on a site-specific resource is relevant in determining whether the industrial use is rural in nature.

Note: Density, parcel size and ownership patterns are not particularly relevant when determining whether a commercial or industrial use is “urban” or “rural” in nature. Hammack v. Washington County, 89 Or App 40, 747 P2d 373 (1987).

LUBA has held that when a change in the type or intensity of an existing use is proposed for an exception area, the county must (1) make findings showing either that Goal 14 does not apply or the proposal complies with an existing Goal 14 exception; or (2) take a new Goal 14 exception.

Leathers v. Marion County, 31 Or LUBA 220 (1996). In this case, the applicant is uncertain if the County has taken a previous Goal 14 exception for the subject property. The applicant suspects that the County has not done so, which, if true, would mean that the applicant is limited to proposing a rural use of land, as oppose to an “urban” use of land.

Fortunately, it is relatively easy to conclude that the applicant is not proposing an “urban use of rural land.” As an initial matter, the applicant does not propose to build any new structures, and none of the existing structures are of such a size or magnitude that suggests that they are urban in nature. Second, they applicant proposes to use rural levels of water (a well) and septic systems. Third, and perhaps most importantly, the applicant’s customers are overwhelmingly rural farmers. Given that LUBA has suggested that a determination that commercial uses are limited to serving the needs and requirements of the rural area may be significant, or even determinative, the applicant believes that the proposed use can easily be justified as being rural in nature.

OAR 660, Division 12, is the Oregon Transportation Planning Rule (the TPR) adopted by the Land Conservation and Development Commission (LCDC). The TPR implements Goal 12, Transportation, and is an independent approval standard in addition to Goal 12 for map amendments, OAR 660-012-0060(1) and (2) apply to amendments to acknowledged maps, as is the case with this application. Where a zoning map is part of the city’s zoning ordinance, an amendment of the zoning map constitutes a land use regulation amendment, within the meaning of OAR 660-012-0060, and must meet the requirements of OAR 660-012-0060(1) if the zoning map amendment will significantly affect a transportation facility. Adams v. City of Medford, 39 Or LUBA 464 (2001).

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the applicant must determine if the application has a “significant effect,” as that term is defined in OAR 660-012-0060(1). The County may rely on transportation improvements found in Transportation System Plans (TSPs), as allowed by OAR 660-012-0060(3)(a), (b), and (c), to show that failing intersections will not be made worse or intersections not now failing will not fail. If there is a “significant effect,” then the applicant must demonstrate appropriate mitigation under OAR 660-012-0060(2), et seq.

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Applicant’s Response: Regarding (a) and (b), one of the reasons the applicant has presented for the imposition of a Limited Use Overlay is to limit the scale of any commercial development that could occur on the property. As mentioned previously in this application, the LUO as proposed by the applicant will prohibit any industrial development of the property that has a significant effect on a transportation facility.

As previously noted, the applicant estimates a daily trip generation of 212 ADT, including the following trips:

- Employees: 54/day x 2 = 108 Trip ends
- Customers: ~40/day x 2 = 80 Trip ends
- Outbound Deliveries (Trucks): 10/day x 2 = 20 Trip ends
- Inbound Deliveries (Trucks): 3/day x 2 = 6 Trip ends
- Total ADT: 214 Trip ends

This level of trip generation is similar to, if not less than, the levels of trip generation historically experienced on the subject property. These levels of trip generation do not threaten to have a “significant effect” on any transportation facility in the area.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the
absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Applicant's Response: This section of the Transportation Planning Rule requires coordination with affected transportation service providers. The County and State provide the roads that serve the subject property; Highway 99 is functionally classified as a Principal Arterial and is under Oregon Department of Transportation (ODOT) jurisdiction. Additionally, the County has a duty to coordinate with transportation facility and service providers and other affected agencies, as applicable. Therefore, the criteria of OAR 660-012-0060(4) can be met with adequate coordination.

IV. Conclusion.

Please contact me with any questions or concerns you may have.

Submitted this 13th day of December, 2023.

VIAL FOTHERINGHAM, LLP

/s/ Andrew H. Stamp

Andrew H. Stamp, OSB # 974050
Of Attorneys for Applicant
Property Information Report

16700 S HIGHWAY 99W AMITY, OR 97101-2024

Ownership Information

Owner Name: MV LLC
Mailing Address: PO BOX 28 McMinnville, OR 97128-0028

Property Description

County: Yamhill
Map / Tax Lot: R5417 /00301
Account Num: 196665
Property ID: 196665
Land Use: Parcels with improvements, Use Not Specified
Subdivision:
Legal Description: SEE METES & BOUNDS

Property Characteristics

Property Type: OTHER
Building SF:
House Style:
Living Area SF:
Year Built:
Square Feet:
Bedrooms:
1st Floor SF:
Bathrooms:
2nd Floor SF:
Lot Size: 497,020
3rd Floor SF:
Acres: 11.41
Attic SF:
Garage Type:
Bsmnt SF:
Garage SF:
Fin Bsmnt SF:

Assessment Information

Real Market Value: $ 2,117,466
Land Value: $ 357,020
Total Assessed Value: $ 1,007,340
Assessed Yr: 2022
M-S Rate: 12.2104

Taxes: $ 13,946.22
Imp. Value: $ 1,760,446
Levy Code: 4.1
Tax Year: 2022

Previous Sale Information

Sale Amount:
Document Num:
Sale Date:
No Transactions Found.

This information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said Services may be discontinued. No liability is assumed for any errors in this report.

All information provided by ValueCheck, Inc is deemed reliable, but not guaranteed.
Accuracy of the information may vary by county.

Copyright © 2023 ValueCheck, Inc.
7/1/2022 to 6/30/2023 REAL PROPERTY TAX STATEMENT
YAMHILL COUNTY, OREGON 535 NE 5TH ST., ROOM 42, McMinnville, OR 97128 (503) 434-7521

**PROPERTY LOCATION**
16700 HIGHWAY 99W
AMITY, OR 97101

**ALT NO:** R5417  00301
Account Acres: 11.41

**ACCOUNT NO:** 196665
Tax Code Area: 4.1

---

**VALUES:**

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<tr>
<th></th>
<th>LAST YEAR</th>
<th>THIS YEAR</th>
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<tbody>
<tr>
<td><strong>REAL MARKET VALUES (RMV):</strong></td>
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<tr>
<td>LAND</td>
<td>439,967</td>
<td>357,020</td>
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<td>STRUCTURES</td>
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<td>1,760,446</td>
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<td>RMV TOTAL</td>
<td>2,174,541</td>
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**ASSESSED VALUE:**

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<td>361,726</td>
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<tr>
<td>TOTAL TAXABLE</td>
<td>978,000</td>
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**PROPERTY TAXES:**

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<tr>
<td></td>
<td>11,918.59</td>
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<tr>
<td></td>
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**2022 - CURRENT TAX BY DISTRICT:**

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
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<tr>
<td>AMITY SD 4J</td>
<td>4,814.68</td>
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<tr>
<td>CHEMKEKA COMM COLLEGE</td>
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<td>WILLAMETTE REG ESD</td>
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<td><strong>EDUCATION TOTAL:</strong></td>
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<td>AMITY FIRE</td>
<td>846.47</td>
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<tr>
<td>AMITY FIRE LOCAL OPTION</td>
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<tr>
<td>CHEMKEKA LIBRARY</td>
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<td>YAMHILL CO EXT SERVICE</td>
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<tr>
<td>YAMHILL CO SOIL &amp; WATER</td>
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<td>YAMHILL COUNTY</td>
<td>2,596.42</td>
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<tr>
<td><strong>GENERAL GOVERNMENT TOTAL:</strong></td>
<td><strong>4,059.48</strong></td>
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<tr>
<td>AMITY FIRE BOND</td>
<td>667.06</td>
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<td>AMITY SD 4J BOND</td>
<td>3,211.10</td>
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<td>CHEMKEKA COLLEGE BOND</td>
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<td><strong>BONDS AND OTHER TOTAL:</strong></td>
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**2022 - 2023 TAX BEFORE DISCOUNT**

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<tr>
<td></td>
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**When a mortgage company requests your tax information this statement is yellow and for your records only.**

Online or Telephone payment options available - for instructions and conditions go to: www.co.yamhill.or.us/assessor

---

**TAX PAYMENT OPTIONS**

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<thead>
<tr>
<th>Payment Options</th>
<th>Date Due</th>
<th>Discount Allowed</th>
<th>Net Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>FULL PAYMENT</td>
<td>Nov 15, 2022</td>
<td>418.39 3% Discount...</td>
<td>$13,527.83</td>
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<tr>
<td>1/3 PAYMENT</td>
<td>Nov 15, 2022</td>
<td>No Discount...</td>
<td>$4,648.74</td>
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**TOTAL (after discount):**

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<tr>
<td></td>
<td>13,527.83</td>
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</tbody>
</table>

Delinquent tax amount is included in payment options listed below.

---

**2022 - 2023 Property Tax Payment**

**ACCOUNT NO:** 196665

**PROPERTY LOCATION:** 16700 HIGHWAY 99W

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<tr>
<th>Payment Options</th>
<th>Date Due</th>
<th>Discount Allowed</th>
<th>Net Amount Due</th>
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<tr>
<td>FULL PAYMENT</td>
<td>DUE Nov 15, 2022</td>
<td>(Includes 3% Discount)</td>
<td>$13,527.83</td>
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<tr>
<td>2/3 PAYMENT</td>
<td>DUE Nov 15, 2022</td>
<td>(Includes 2% Discount)</td>
<td>$9,111.53</td>
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<td>1/3 PAYMENT</td>
<td>DUE Nov 15, 2022</td>
<td>(No Discount offered)</td>
<td>$4,648.74</td>
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Mailing address change on back

1648244**GS**1.239**4/4**AUTOS-DIGIT 97128
MV LLC
PO BOX 28
MCMINNVILLE OR 97128

---

Please make payment to:

YAMHILL COUNTY TAX COLLECTOR
PO BOX 6369
PORTLAND, OR 97228-6369
# Property Account Summary

**10/9/2023**

Click image above for more information

<table>
<thead>
<tr>
<th>Account Number</th>
<th>196665</th>
<th>Property Address</th>
<th>16700 HIGHWAY 99W, AMITY, OR 97101</th>
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## General Information

<table>
<thead>
<tr>
<th>Alternate Property #</th>
<th>R5417 00301</th>
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<tr>
<td>Property Description</td>
<td>See Metes &amp; Bounds</td>
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<tr>
<td>Property Category</td>
<td>Land &amp;/or Buildings</td>
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<td>Tax Code Area</td>
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<td>Remarks</td>
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## Tax Rate

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<tr>
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<td>Account Acres</td>
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## Parties

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<tr>
<th>Role</th>
<th>Name</th>
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<tr>
<td>Owner</td>
<td>MV LLC</td>
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## Related Properties

- Partial Exemption 714844

## Property Values
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<th>Tax Year 2023</th>
<th>Tax Year 2022</th>
<th>Tax Year 2021</th>
<th>Tax Year 2020</th>
<th>Tax Year 2019</th>
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<tr>
<td>Assessed Value AVR</td>
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<td>$1,007,340</td>
<td>$1,339,726</td>
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<td>$1,760,446</td>
<td>$1,734,574</td>
<td>$1,700,563</td>
<td>$1,560,150</td>
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<tr>
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<td>$978,000</td>
<td>$949,515</td>
<td>$921,859</td>
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<td>Assessed Value Exception</td>
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<td>Market Value Exception</td>
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<td>SA Land (MAVUse Portion) SAVL</td>
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### Active Exemptions

No Exemptions Found

### Tax Balance

#### Installments Payable

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<th>Year</th>
<th>Installment</th>
<th>Due Date</th>
<th>Principal</th>
<th>Interest, Penalties and Costs</th>
<th>Total Due</th>
<th>Cumulative Due</th>
<th>Discount</th>
<th>Adj Total Due</th>
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<tbody>
<tr>
<td>2023</td>
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<td>11/15/2023</td>
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<td>$4,713.74</td>
<td>$4,713.74</td>
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<td>$4,713.74</td>
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View Detailed Statement
Clicking the Make Payment button will take you to a 3rd party payment site. Service Fee: Credit Card-2.55% with $2.00 minimum, VISA Debit - $4.00, eCheck - $2.00

Installments Payable/Paid for Tax Year(Enter 4-digit Year, then Click-Here): 2023

### Receipts

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<th>Date</th>
<th>Receipt No.</th>
<th>Amount Applied</th>
<th>Amount Due</th>
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<td>$11,419.25</td>
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<th>Transfer Type</th>
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<td>Manf Struct Size</td>
<td>Year Built</td>
<td>Improvement Grade</td>
<td>Stories</td>
<td>Bedrooms</td>
<td>Full Baths</td>
<td>Half Baths</td>
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<td>----------------</td>
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<td>-------------------</td>
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</table>

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Version 4.0.3.0
BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that MV Advancements, an Oregon non-profit corporation, hereinafter called "Grantor", for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto MV, LLC, an Oregon limited liability company, hereinafter called "Grantee", and unto Grantee's heirs, successors and assigns, all of the Grantor's right title and interest in and to property situated in the County of Yamhill, State of Oregon, described as follows, to wit:

A parcel being part of the Jerome B. Walling Donation Land Claim No. 42, Section 17, Township 5 South, Range 4 West, Williamette Meridian, Yamhill County, State of Oregon. More precisely described as beginning at the Northwest corner of that tract described in Film Volume 93, Page 1900 to the Valley Seed Processing, Inc., a corporation; thence North 39° 20' West 260.31 feet; thence South 50° 40' West 145.09 feet; thence North 67° 34' 30" West 150.07 feet to the center of Salt Creek; thence along said center of Salt Creek South 1° 08' 45" East 64.69 feet; thence North 86° 55' 30" West 155.53 feet; thence South 66° 12' 45" West 173.98 feet; thence South 00° 33' 00" West 229.95 feet; thence North 37° 00' 30" East 215.04 feet; thence South 31° 41' 30" East 372.61 feet; thence South 00° 33' 30" East 100.00 feet; thence North 89° 25' 30" West 180.00 feet; thence South 56° 36' 20" West 300.45 feet to the travelled center of existing private road; thence along travelled center of existing private road South 34° 43' East 1013.00 feet to the Northerly margin of the Southern Pacific Railroad right-of-way; thence Northeasterly along said Northerly margin of the Railroad to the Southeast corner of said Valley Seed Processing, Inc. tract; said corner being North 25° 49' 12" East 719.67 feet of the last point; thence North 39° 20' West 435 feet; thence North 26° 36' East 500 feet to the point of beginning; said point also being 963.75 feet South and 492.18 feet West to the Southeast corner of the Joseph Watts Donation Land Claim; containing 11.14 acres more or less.

Also including a non-exclusive right-of-way along said private road lying South of described tract. ALSO EXCEPTING and reserving a non-exclusive right-of-way of that private road lying within said described tract.

The true and actual consideration paid for this transfer, stated in terms of dollars is $0, and is for consideration other than dollars (estate planning purposes).

To Have and to Hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON...
ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ___ day of March 2019.

By: ____________________________
   David C. Haugeberg, President

By: ____________________________
   LuAnn Anderson, Secretary

STATE OF OREGON

County of Yamhill

On this ___ day of March, 2019, personally appeared the above-named David C. Haugeberg, as President of MV Advancements, an Oregon non-profit corporation, and acknowledged the foregoing Bargain and Sale deed to be said corporations voluntary act and deed.

Notary Public for Oregon
My Appointment Expires: August 27, 2021

STATE OF OREGON

County of Yamhill

On this ___ day of March, 2019, personally appeared the above-named LuAnn Anderson, as Secretary of MV Advancements, an Oregon non-profit corporation, and acknowledged the foregoing Bargain and Sale deed to be said corporations voluntary act and deed.

Notary Public for Oregon
My Appointment Expires: September 02, 2019

Page 2 of 2 – Bargain and Sale Deed
### Business Name Search

<table>
<thead>
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<th>Registry Nbr</th>
<th>Entity Type</th>
<th>Entity Status</th>
<th>Jurisdiction</th>
<th>Registry Date</th>
<th>Next Renewal Date</th>
<th>Renewal Due?</th>
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<td>OREGON</td>
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<td>Foreign Name</td>
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### Associated Names

**Principal Place of Business**

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## Business Name Search

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### Entity Name

MV, LLC

### Foreign Name


## Associated Names

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### Country

UNITED STATES OF AMERICA

**Please click here for general information about registered agents and service of process.**

### Registered Agent

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### Country

UNITED STATES OF AMERICA

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### Country

UNITED STATES OF AMERICA

### Member

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Current Zoning

HI = HEAVY INDUSTRIAL
PAI = PUBLIC ASSEMBLY
EF-80 = EXCLUSIVE FARM USE
T 55 R 6 W  Section 34  TL 100

11.72 acres

Split zoned
T5S R3W Section 32 TL 700

"Hopewell"
T55 R3W Section 16

TL 2401, 2900, 3000, 3100

Oregon Truss Site
T2S R4W Section 2 AD TL 600, 900, 800, 900, 1000, 1100
T2S R4W Section 2 DD TL 100, 400, 500
T2S R4W Section 2 DA TL 100, 200, 300
MAP LEGEND

Area of Interest (AOI)
☑️ Area of Interest (AOI)

Soils
☐ Soil Map Unit Polygons
☑️ Soil Map Unit Lines
☐ Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot

☑️ Spoll Area
☑️ Stony Spot
☑️ Very Stony Spot
☑️ Wet Spot
☑️ Other

Special Line Features
- Streams and Canals

Water Features
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
☑️ Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Yamhill County, Oregon
Survey Area Date: Version 12, Sep 8, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 28, 2020—Jun 22, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
# Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres In AOI</th>
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<td>2012A</td>
<td>Waldo silty clay loam, 0 to 3 percent slopes</td>
<td>8.4</td>
<td>14.5%</td>
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<td>2301A</td>
<td>Amity silt loam, 0 to 3 percent slopes</td>
<td>13.8</td>
<td>23.8%</td>
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<tr>
<td>2304C</td>
<td>Carlton silt loam, 2 to 12 percent slopes</td>
<td>0.8</td>
<td>1.3%</td>
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<td>2306A</td>
<td>Dayton silt loam, 0 to 2 percent slopes</td>
<td>4.5</td>
<td>7.7%</td>
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<td>2309A</td>
<td>Willamette silt loam, 0 to 3 percent slopes</td>
<td>5.0</td>
<td>8.6%</td>
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<tr>
<td>2310A</td>
<td>Woodburn silt loam, 0 to 3 percent slopes</td>
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<td>25.4%</td>
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<td>2310C</td>
<td>Woodburn silt loam, 3 to 12 percent slopes</td>
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<td>7.4%</td>
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<tr>
<td>2310F</td>
<td>Woodburn silt loam, 20 to 55 percent slopes</td>
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<td><strong>Totals for Area of Interest</strong></td>
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<td><strong>58.0</strong></td>
<td><strong>100.0%</strong></td>
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Yamhill County, Oregon

2310C—Woodburn silt loam, 3 to 12 percent slopes

Map Unit Setting
National map unit symbol: 1j8b5
Elevation: 100 to 350 feet
Mean annual precipitation: 40 to 50 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: Farmland of statewide importance

Map Unit Composition
Woodburn and similar soils: 93 percent
Minor components: 7 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Woodburn

Setting
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Convex, linear
Across-slope shape: Linear
Parent material: Silty glaciolacustrine deposits

Typical profile
Ap - 0 to 9 inches: silt loam
A - 9 to 17 inches: silt loam
2Bt1 - 17 to 25 inches: silty clay loam
2Bt2 - 25 to 32 inches: silty clay loam
2BCt1 - 32 to 39 inches: silt loam
2BCt2 - 39 to 54 inches: silt loam
2C1 - 54 to 68 inches: silt loam
2C2 - 68 to 80 inches: stratified fine sandy loam to silt loam
3C3 - 80 to 92 inches: stratified fine sandy loam to silt loam

Properties and qualities
Slope: 3 to 12 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr)
Depth to water table: About 25 to 32 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very high (about 12.2 inches)

Interpretive groups
Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Ecological site: R002XC008OR - Valley Terrace Group
Forage suitability group: Moderately Well Drained < 15% Slopes
(G002XY004OR)
Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
Hydric soil rating: No

Minor Components

Amity
Percent of map unit: 5 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave, linear
Other vegetative classification: Somewhat Poorly Drained
(G002XY005OR)
Hydric soil rating: No

Dayton
Percent of map unit: 2 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Yamhill County, Oregon
Survey Area Data: Version 12, Sep 8, 2023
Yamhill County, Oregon

2310F—Woodburn silt loam, 20 to 55 percent slopes

Map Unit Setting
National map unit symbol: 1j8b7
Elevation: 100 to 400 feet
Mean annual precipitation: 40 to 50 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: Not prime farmland

Map Unit Composition
Woodburn and similar soils: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Woodburn

Setting
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Silty glaciolacustrine deposits

Typical profile
Ap - 0 to 9 inches: silt loam
A - 9 to 17 inches: silt loam
2Bt1 - 17 to 25 inches: silty clay loam
2Bt2 - 25 to 32 inches: silty clay loam
2BCt1 - 32 to 39 inches: silt loam
2BCt2 - 39 to 54 inches: silt loam
2C1 - 54 to 68 inches: silt loam
2C2 - 68 to 80 inches: stratified fine sandy loam to silt loam
3C3 - 80 to 92 inches: stratified fine sandy loam to silt loam

Properties and qualities
Slope: 20 to 55 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water
(Ksat): Moderately high to high (0.20 to 1.98 in/hr)
Depth to water table: About 25 to 32 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very high (about 12.2 inches)

Interpretive groups
Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: C
Ecological site: R002XC008OR - Valley Terrace Group
Hydric soil rating: No

Data Source Information

Soil Survey Area: Yamhill County, Oregon
Survey Area Data: Version 12, Sep 8, 2023
Yamhill County, Oregon

2309A—Willamette silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2lkz
Elevation: 140 to 230 feet
Mean annual precipitation: 40 to 50 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Willamette and similar soils: 96 percent
Minor components: 4 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Willamette

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Convex, linear
Parent material: Silty glaciolacustrine deposits

Typical profile

Ap - 0 to 6 inches: silt loam
A - 6 to 13 inches: silt loam
AB - 13 to 24 inches: silt loam
BA - 24 to 33 inches: silt loam
2Bt - 33 to 45 inches: silty clay loam
2BCt - 45 to 53 inches: silty clay loam
2C - 53 to 60 inches: silty clay loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr)
Depth to water table: About 45 to 53 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very high (about 12.2 inches)

Interpretive groups

Land capability classification (irrigated): 1
Land capability classification (nonirrigated): 1
Hydrologic Soil Group: B
Ecological site: R002XC008OR - Valley Terrace Group
Forage suitability group: Well drained < 15% Slopes
(G002XY002OR)
Other vegetative classification: Well drained < 15% Slopes
(G002XY002OR)
Hydric soil rating: No

Minor Components

Amity
Percent of map unit: 3 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave
Other vegetative classification: Somewhat Poorly Drained
(G002XY005OR)
Hydric soil rating: No

Dayton
Percent of map unit: 1 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Yamhill County, Oregon
Survey Area Data: Version 12, Sep 8, 2023
Yamhill County, Oregon

2301A—Amity silt loam, 0 to 3 percent slopes

Map Unit Setting
   National map unit symbol: 1j8b1
   Elevation: 150 to 400 feet
   Mean annual precipitation: 40 to 50 inches
   Mean annual air temperature: 50 to 54 degrees F
   Frost-free period: 165 to 210 days
   Farmland classification: Prime farmland if drained

Map Unit Composition
   Amity and similar soils: 96 percent
   Minor components: 4 percent
   Estimates are based on observations, descriptions, and transects of
   the mapunit.

Description of Amity

Setting
   Landform: Terraces
   Landform position (three-dimensional): Tread
   Down-slope shape: Linear
   Across-slope shape: Concave, linear
   Parent material: Silty glaciolacustrine deposits

Typical profile
   Ap - 0 to 7 inches: silt loam
   A - 7 to 16 inches: silt loam
   E - 16 to 22 inches: silt loam
   Bt1 - 22 to 28 inches: silty clay loam
   Bt2 - 28 to 35 inches: silty clay loam
   C - 35 to 72 inches: silt loam

Properties and qualities
   Slope: 0 to 3 percent
   Depth to restrictive feature: More than 80 inches
   Drainage class: Somewhat poorly drained
   Capacity of the most limiting layer to transmit water
      (Ksat): Moderately high (0.20 to 0.57 in/hr)
   Depth to water table: About 16 to 22 inches
   Frequency of flooding: None
   Frequency of ponding: None
   Available water supply, 0 to 60 inches: Very high (about 12.2
      inches)

Interpretive groups
   Land capability classification (irrigated): 2w
   Land capability classification (nonirrigated): 2w
   Hydrologic Soil Group: C/D
   Ecological site: R002XC007OR - Valley Swale Group
Map Unit Description: Amity silt loam, 0 to 3 percent slopes—Yamhill County, Oregon

Forage suitability group: Somewhat Poorly Drained
(G002XY005OR)
Other vegetative classification: Somewhat Poorly Drained
(G002XY005OR)
Hydric soil rating: No

Minor Components

Dayton
Percent of map unit: 3 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave
Hydric soil rating: Yes

Willamette
Percent of map unit: 1 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Convex
Other vegetative classification: Well drained < 15% Slopes
(G002XY002OR)
Hydric soil rating: No

Data Source Information

Soil Survey Area: Yamhill County, Oregon
Survey Area Data: Version 12, Sep 8, 2023
Yamhill County, Oregon

2310A—Woodburn silt loam, 0 to 3 percent slopes

Map Unit Setting
National map unit symbol: 1Jb4
Elevation: 100 to 290 feet
Mean annual precipitation: 40 to 50 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: All areas are prime farmland

Map Unit Composition
Woodburn and similar soils: 93 percent
Minor components: 7 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Woodburn

Setting
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Convex, linear
Parent material: Silty glaciolacustrine deposits

Typical profile
Ap - 0 to 9 inches: silt loam
A - 9 to 17 inches: silt loam
2Btt - 17 to 25 inches: silty clay loam
2Bt2 - 25 to 32 inches: silty clay loam
2Bct1 - 32 to 39 inches: silt loam
2Bct2 - 39 to 54 inches: silt loam
2Ct - 54 to 68 inches: silt loam
2C2 - 68 to 80 inches: stratified fine sandy loam to silt loam
3C3 - 80 to 92 inches: stratified fine sandy loam to silt loam

Properties and qualities
Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water
(Ksat): Moderately high to high (0.20 to 1.98 in/hr)
Depth to water table: About 25 to 32 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very high (about 12.2 inches)

Interpretive groups
Land capability classification (irrigated): 1
Land capability classification (nonirrigated): 1
Hydrologic Soil Group: C
Ecological site: R002XC008OR - Valley Terrace Group
Forage suitability group: Moderately Well Drained < 15% Slopes (G002XY004OR)
Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
Hydric soil rating: No

Minor Components

Amity
Percent of map unit: 5 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave, linear
Other vegetative classification: Somewhat Poorly Drained (G002XY005OR)
Hydric soil rating: No

Dayton
Percent of map unit: 2 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Concave
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Yamhill County, Oregon
Survey Area Data: Version 12, Sep 8, 2023
Yamhill County, Oregon

2012A—Waldo silty clay loam, 0 to 3 percent slopes

Map Unit Setting
   National map unit symbol: 1lym1
   Elevation: 100 to 900 feet
   Mean annual precipitation: 40 to 60 inches
   Mean annual air temperature: 50 to 54 degrees F
   Frost-free period: 165 to 210 days
   Farmland classification: Farmland of statewide importance

Map Unit Composition
   Waldo and similar soils: 86 percent
   Minor components: 14 percent
   Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Waldo

Setting
   Landform: Flood plains
   Landform position (three-dimensional): Tread
   Down-slope shape: Linear
   Across-slope shape: Concave, linear
   Parent material: Clayey alluvium

Typical profile
   Ap - 0 to 8 inches: silty clay loam
   A2 - 8 to 13 inches: silty clay loam
   BAg - 13 to 19 inches: silty clay
   Bg - 19 to 40 inches: silty clay
   BCg - 40 to 50 inches: silty clay
   Cg - 50 to 60 inches: silty clay

Properties and qualities
   Slope: 0 to 3 percent
   Depth to restrictive feature: More than 80 inches
   Drainage class: Poorly drained
   Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
   Depth to water table: About 0 to 8 inches
   Frequency of flooding: Occasional
   Frequency of ponding: Frequent
   Available water supply, 0 to 60 inches: High (about 10.5 inches)

Interpretive groups
   Land capability classification (irrigated): 3w
   Land capability classification (nonirrigated): 3w
   Hydrologic Soil Group: C/D
   Ecological site: R002XC0050 - High Flood Plain Group
   Forage suitability group: Poorly Drained (G002XY006OR)
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

Minor Components

Chehalem, occasionally flooded
- Percent of map unit: 5 percent
- Landform: Flood plains
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Convex, linear
- Hydric soil rating: No

Wapato
- Percent of map unit: 5 percent
- Landform: Flood plains
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Concave, linear
- Other vegetative classification: Poorly Drained (G002XY006OR)
- Hydric soil rating: Yes

Mcbee
- Percent of map unit: 2 percent
- Landform: Flood plains
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Convex
- Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
- Hydric soil rating: No

Waldo, nonflooded
- Percent of map unit: 1 percent
- Landform: Alluvial fans
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Concave
- Other vegetative classification: Poorly Drained (G002XY006OR)
- Hydric soil rating: Yes

Chehalis
- Percent of map unit: 1 percent
- Landform: Flood plains
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Convex
- Other vegetative classification: Well drained < 15% Slopes (G002XY002OR)
Hydric soil rating: No

Data Source Information

Soil Survey Area: Yamhill County, Oregon
Survey Area Data: Version 12, Sep 8, 2023
2022 Oregon Vineyard and Winery Report
September 2023

Overview:

Oregon grape production, crush and crop value increased in 2022.
- Total wine grape production in 2022 increased nearly 20% over 2021 from 114,677 tons to a record 137,065 tons.
- Harvested acreage increased by 4% from 2021. Yield per harvested acre in 2021 increased by 15% over 2021.
- The estimated value of wine grape production in 2022 increased 22% or by $58.7 million to about $330 million.
- The average price per ton in 2022 decreased 6% from $2,575 in 2021 to $2,411 per ton in 2022 while the median price increased more than 6% to from $2,211 to $2,353.
- Total planted acreage increased by nearly 2,600 acres from 41,899 to 44,487, an increase of 6.2%. The leading variety in planted acreage and production remains Pinot Noir accounting for nearly 60% of all planted acreage and 57% of wine grape production.
- Based on data provided by growers, IPRE estimates that between 35% and 40% of planted acreage is certified sustainable or organic (including but not limited to USDA Organic, Biodynamic, Deep Root Coalition, LIVE, etc.).
- Total tons crushed in 2022 increased by 8% over 2021, from 89,566 tons to 96,802 tons.
- Case sales increased 8% across all channels from 5.3 million to 5.7 million. Direct to consumer sales channels continued to rebound, increasing by 12% overall, with a 14% increase in tasting room sales. Sales into distribution channels increased by 8.9% in Oregon and 6.9% in U.S. states outside Oregon.
- Based on data provided by wineries, IPRE estimates that 3% to 5% of case sales were for sparkling wines.
- Export sales increased by a modest 4.0% with Canada accounting for 45% of export sales.
- Approximately 30% of grapes harvested in Oregon appear not to have been crushed in Oregon suggesting a continuing trend of Oregon tonnage sold out of state.

Vineyard Section:

Table 1: Wine Grapes: Acreage, yield, production, price and value by variety, 2021-2022

<table>
<thead>
<tr>
<th>Variety</th>
<th>All Planted Acreage</th>
<th>Harvested Acreage</th>
<th>Yield per Harvested Acre</th>
<th>Production</th>
<th>Price per Ton</th>
<th>Value of Production</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acres</td>
<td>Acres</td>
<td>Acres</td>
<td>Acres/Tons</td>
<td>Tons/Tons</td>
<td>Dollars</td>
</tr>
<tr>
<td>Albariño</td>
<td>143</td>
<td>147</td>
<td>107</td>
<td>128</td>
<td>2.20</td>
<td>1.96</td>
</tr>
<tr>
<td>Gamay</td>
<td>138</td>
<td>202</td>
<td>97</td>
<td>163</td>
<td>2.46</td>
<td>2.70</td>
</tr>
<tr>
<td>Malbec</td>
<td>151</td>
<td>151</td>
<td>150</td>
<td>170</td>
<td>1.62</td>
<td>1.80</td>
</tr>
<tr>
<td>Merlot</td>
<td>817</td>
<td>823</td>
<td>828</td>
<td>777</td>
<td>2.28</td>
<td>3.35</td>
</tr>
<tr>
<td>Pinot Blanc</td>
<td>231</td>
<td>240</td>
<td>250</td>
<td>250</td>
<td>3.62</td>
<td>3.87</td>
</tr>
<tr>
<td>Pinot Gris</td>
<td>5,740</td>
<td>5,974</td>
<td>5,485</td>
<td>5,546</td>
<td>3.44</td>
<td>4.76</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>25,123</td>
<td>26,648</td>
<td>23,707</td>
<td>24,729</td>
<td>2.88</td>
<td>3.25</td>
</tr>
<tr>
<td>Riesling</td>
<td>400</td>
<td>520</td>
<td>469</td>
<td>477</td>
<td>2.92</td>
<td>2.99</td>
</tr>
<tr>
<td>Syrah</td>
<td>1,739</td>
<td>1,766</td>
<td>1,657</td>
<td>1,679</td>
<td>2.21</td>
<td>2.97</td>
</tr>
<tr>
<td>Tempranillo</td>
<td>398</td>
<td>404</td>
<td>365</td>
<td>381</td>
<td>2.79</td>
<td>2.96</td>
</tr>
<tr>
<td>Viognier</td>
<td>398</td>
<td>416</td>
<td>392</td>
<td>368</td>
<td>1.66</td>
<td>3.13</td>
</tr>
<tr>
<td>Other*</td>
<td>1,050</td>
<td>1,723</td>
<td>1,161</td>
<td>1,418</td>
<td>2.56</td>
<td>3.25</td>
</tr>
<tr>
<td>Total</td>
<td>41,859</td>
<td>44,487</td>
<td>39,084</td>
<td>40,774</td>
<td>2.93</td>
<td>3.36</td>
</tr>
</tbody>
</table>

1 Includes estimates for incomplete responses.
2 Price per ton is the median value of price received by Oregon grape growers for each variety (see Table 4).
3 Value of production is derived by multiplying production by price.
4 Other includes all other varieties, including some varieties for which collected data were insufficient for individual reporting.
5 Totals may not add up due to rounding.
6 No data reported, or reported data were insufficient to develop estimates.

2022 Oregon Winery and Vineyard Report
September 2023
<table>
<thead>
<tr>
<th>Region</th>
<th>Number of Vineyards</th>
<th>All Planted Acreage</th>
<th>Harvested Acreage</th>
<th>Yield per Harvested</th>
<th>Production</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Willamette Valley</td>
<td>842</td>
<td>890</td>
<td>24,467</td>
<td>25,897</td>
<td>22,392</td>
</tr>
<tr>
<td>South Willamette Valley</td>
<td>123</td>
<td>126</td>
<td>4,601</td>
<td>5,337</td>
<td>4,552</td>
</tr>
<tr>
<td>Umpqua Valley</td>
<td>85</td>
<td>85</td>
<td>3,856</td>
<td>3,941</td>
<td>3,581</td>
</tr>
<tr>
<td>Rogue Valley</td>
<td>207</td>
<td>207</td>
<td>5,886</td>
<td>6,054</td>
<td>5,697</td>
</tr>
<tr>
<td>Columbia River</td>
<td>138</td>
<td>151</td>
<td>2,223</td>
<td>2,317</td>
<td>2,004</td>
</tr>
<tr>
<td>Other Oregon</td>
<td>16</td>
<td>17</td>
<td>866</td>
<td>940</td>
<td>857</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,411</td>
<td>1,476</td>
<td>41,899</td>
<td>44,487</td>
<td>39,084</td>
</tr>
</tbody>
</table>

1 Includes estimates for incomplete responses.
2 Numbers fluctuate due to inconsistent responses and consolidation of vineyard operations.
3 Includes Yamhill-Cariton, Chehalem Mountains, McMinnville, Ribbon Ridge, Dundee Hills, Eola-Amity Hills, Laurelwood District, Tualatin Hills, and Van Duzer Corridor AVAs, and areas north of the northern boundaries of Benton and Linn counties.
4 Includes Benton, Lane, and Linn counties.
5 Includes Elkton Oregon and Red Hill Douglas County AVAs.
6 Includes Applegate Valley AVA.
7 Includes the Oregon side of Columbia Gorge, Columbia Valley and Walla Walla Valley AVAs, including The Rocks District of Milton-Freewater.
8 Includes Snake River Valley AVA as well as any area not within other denoted AVA boundaries.
9 Totals may not add up due to rounding.
<table>
<thead>
<tr>
<th>Variety</th>
<th>North Willamette Valley</th>
<th>South Willamette Valley</th>
<th>Umpqua Valley</th>
<th>Rogue Valley</th>
<th>Columbia River</th>
<th>Other Oregon Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Planted Acreage</td>
<td>Harvested Acreage</td>
<td>Production</td>
<td>Planted Acreage</td>
<td>Harvested Acreage</td>
<td>Production</td>
</tr>
<tr>
<td></td>
<td>Acres</td>
<td>Acres</td>
<td>Tons</td>
<td>Acres</td>
<td>Acres</td>
<td>Tons</td>
</tr>
<tr>
<td>Albariño</td>
<td>56</td>
<td>54</td>
<td>120</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cabernet Franc</td>
<td>15</td>
<td>6</td>
<td>16</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cabernet Sauvignon</td>
<td>113</td>
<td>107</td>
<td>428</td>
<td>129</td>
<td>91</td>
<td>250</td>
</tr>
<tr>
<td>Chardonnay</td>
<td>2,307</td>
<td>1,874</td>
<td>4,967</td>
<td>281</td>
<td>226</td>
<td>773</td>
</tr>
<tr>
<td>Gamay</td>
<td>162</td>
<td>126</td>
<td>301</td>
<td>34</td>
<td>30</td>
<td>107</td>
</tr>
<tr>
<td>Gewürztraminer</td>
<td>44</td>
<td>42</td>
<td>38</td>
<td>29</td>
<td>27</td>
<td>83</td>
</tr>
<tr>
<td>Malbec</td>
<td>15</td>
<td>8</td>
<td>24</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Merlot</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Pinot Blanc</td>
<td>222</td>
<td>206</td>
<td>723</td>
<td>39</td>
<td>37</td>
<td>139</td>
</tr>
<tr>
<td>Pinot Gris</td>
<td>3,524</td>
<td>3,399</td>
<td>15,498</td>
<td>1,493</td>
<td>1,431</td>
<td>6,438</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>18,280</td>
<td>17,001</td>
<td>53,382</td>
<td>3,064</td>
<td>2,858</td>
<td>8,546</td>
</tr>
<tr>
<td>Riesling</td>
<td>281</td>
<td>258</td>
<td>899</td>
<td>36</td>
<td>35</td>
<td>100</td>
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<tr>
<td>Syrah</td>
<td>318</td>
<td>302</td>
<td>1,238</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tempranillo</td>
<td>65</td>
<td>55</td>
<td>246</td>
<td>20</td>
<td>16</td>
<td>26</td>
</tr>
<tr>
<td>Viognier</td>
<td>21</td>
<td>20</td>
<td>99</td>
<td>21</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Other*</td>
<td>413</td>
<td>378</td>
<td>1,362</td>
<td>129</td>
<td>121</td>
<td>364</td>
</tr>
<tr>
<td>Total, 2022*</td>
<td>25,897</td>
<td>23,890</td>
<td>79,486</td>
<td>5,337</td>
<td>4,946</td>
<td>16,934</td>
</tr>
<tr>
<td>Total, 2021</td>
<td>24,467</td>
<td>22,392</td>
<td>69,370</td>
<td>4,601</td>
<td>4,552</td>
<td>14,958</td>
</tr>
</tbody>
</table>

1 Includes estimates for incomplete responses.
2 See Growing Area descriptions in Vineyard Section Table 2.
3 Other includes all other varieties, including some varieties for which collected data were insufficient for individual reporting.
4 Varieties do not add to total due to insufficient data to develop estimates for some varieties
- No data reported, or reported data were insufficient to develop estimates.

---

*2022 Oregon Winery and Vineyard Report, September 2023*
<table>
<thead>
<tr>
<th>Variety</th>
<th>Statewide¹</th>
<th>North Willamette Valley²</th>
<th>South Willamette Valley²</th>
<th>Umpqua Valley²</th>
<th>Rogue Valley³</th>
<th>Columbia River³</th>
<th>Other⁴ Oregon Areas³</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Avg</td>
<td>Med</td>
<td>Low¹</td>
<td>Avg</td>
<td>Med</td>
<td>Low¹</td>
<td>Avg</td>
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<tr>
<td></td>
<td>Dollars</td>
<td>Dollars</td>
<td>Dollars</td>
<td>Dollars</td>
<td>Dollars</td>
<td>Dollars</td>
<td>Dollars</td>
</tr>
<tr>
<td>Cabernet Franc</td>
<td>2,660</td>
<td>2,184</td>
<td>1,136</td>
<td>2,685</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cabernet Sauvignon</td>
<td>2,863</td>
<td>2,560</td>
<td>932</td>
<td>3,450</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Chardonnay</td>
<td>2,925</td>
<td>2,861</td>
<td>1,502</td>
<td>4,114</td>
<td>2,807</td>
<td>2,993</td>
<td>1,948</td>
</tr>
<tr>
<td>Gamay</td>
<td>2,871</td>
<td>2,810</td>
<td>2,719</td>
<td>3,335</td>
<td>2,890</td>
<td>2,904</td>
<td>2,703</td>
</tr>
<tr>
<td>Gewürztraminer</td>
<td>1,418</td>
<td>1,535</td>
<td>820</td>
<td>1,591</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Malbec</td>
<td>2,463</td>
<td>2,200</td>
<td>1,858</td>
<td>2,838</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Merlot</td>
<td>2,214</td>
<td>1,988</td>
<td>1,179</td>
<td>2,638</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Pinot Blanc</td>
<td>2,213</td>
<td>2,013</td>
<td>1,627</td>
<td>2,967</td>
<td>1,822</td>
<td>1,900</td>
<td>1,608</td>
</tr>
<tr>
<td>Pinot Gris</td>
<td>1,684</td>
<td>1,800</td>
<td>1,307</td>
<td>3,795</td>
<td>1,664</td>
<td>1,785</td>
<td>1,407</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>2,592</td>
<td>2,712</td>
<td>1,056</td>
<td>5,824</td>
<td>2,607</td>
<td>2,971</td>
<td>1,608</td>
</tr>
<tr>
<td>Riesling</td>
<td>1,720</td>
<td>1,651</td>
<td>585</td>
<td>3,047</td>
<td>2,304</td>
<td>2,100</td>
<td>1,380</td>
</tr>
<tr>
<td>Sauvignon Blanc</td>
<td>1,831</td>
<td>1,804</td>
<td>1,466</td>
<td>2,099</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Synx</td>
<td>2,731</td>
<td>2,388</td>
<td>1,396</td>
<td>3,685</td>
<td>1,640</td>
<td>2,397</td>
<td>1,299</td>
</tr>
<tr>
<td>Tempranillo</td>
<td>2,168</td>
<td>2,000</td>
<td>1,762</td>
<td>2,526</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>All other varieties</td>
<td>2,123</td>
<td>2,103</td>
<td>1,136</td>
<td>3,277</td>
<td>2,124</td>
<td>2,411</td>
<td>1,324</td>
</tr>
<tr>
<td>Average</td>
<td>2,411</td>
<td>2,353</td>
<td>1,720</td>
<td>2,561</td>
<td>2,737</td>
<td>2,480</td>
<td>1,938</td>
</tr>
</tbody>
</table>

¹ Includes estimates for incomplete responses. Refinements to the 2018 and subsequent data collection forms specified that respondents should only report sales to third-party entities (in or outside Oregon).
² Statewide prices include data from all regions, including those with insufficient data to report separately.
³ See Growing Area descriptions in Vineyard Section Table 2.
⁴ Averages are weighted by the number of tons sold at the price reported by Oregon grape growers.
⁵ Lows are a weighted average of the lowest three prices reported by Oregon grape growers.
⁶ Highs are a weighted average of the highest three prices reported by Oregon grape growers.
⁷ Other includes all other varieties, including some varieties for which collected data were insufficient for individual reporting.

- No data reported, or reported data were insufficient to develop estimates.
## Winery Section:

### Table 1: Wineries – Number and crush by region, 2021-2022

<table>
<thead>
<tr>
<th>Region</th>
<th>All Wineries</th>
<th>Number Crushing Grapes</th>
<th>Total Wine Grapes Crushed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2021</td>
<td>2022</td>
<td>2021</td>
</tr>
<tr>
<td>North Willamette Valley</td>
<td>695</td>
<td>730</td>
<td>368</td>
</tr>
<tr>
<td>South Willamette Valley</td>
<td>86</td>
<td>89</td>
<td>44</td>
</tr>
<tr>
<td>Umpqua Valley</td>
<td>53</td>
<td>53</td>
<td>41</td>
</tr>
<tr>
<td>Rogue Valley</td>
<td>127</td>
<td>137</td>
<td>66</td>
</tr>
<tr>
<td>Columbia River</td>
<td>73</td>
<td>79</td>
<td>33</td>
</tr>
<tr>
<td>Other Oregon</td>
<td>24</td>
<td>25</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,058</td>
<td>1,116</td>
<td>565</td>
</tr>
</tbody>
</table>

1 Includes estimates for incomplete responses.
2 Survey respondents identified one of these growing regions as their production location. See Growing Area descriptions in Vineyard Section Table 2.
3 Includes all TTB bonded wineries and Winery and Growers Sales Privilege License holders (issued by the OLCC).
4 Numbers fluctuate year over year due to inconsistent responses.

### Table 2: Wineries – Crush by grape source location and crush region, 2021 and 2022 totals

<table>
<thead>
<tr>
<th>Region</th>
<th>Sourced in Oregon, 2022</th>
<th>Sourced from Other States, 2022</th>
<th>All Crush, 2021</th>
<th>All Crush, 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tons</td>
<td>Tons</td>
<td>Tons</td>
<td>Tons</td>
</tr>
<tr>
<td>North Willamette Valley</td>
<td>69,695</td>
<td>1,193</td>
<td>65,831</td>
<td>70,888</td>
</tr>
<tr>
<td>South Willamette Valley</td>
<td>9,490</td>
<td>103</td>
<td>9,046</td>
<td>9,593</td>
</tr>
<tr>
<td>Umpqua Valley</td>
<td>4,453</td>
<td>0</td>
<td>3,807</td>
<td>4,453</td>
</tr>
<tr>
<td>Rogue Valley</td>
<td>6,947</td>
<td>604</td>
<td>7,076</td>
<td>7,551</td>
</tr>
<tr>
<td>Columbia River</td>
<td>3,632</td>
<td>337</td>
<td>3,475</td>
<td>3,969</td>
</tr>
<tr>
<td>Other Oregon</td>
<td>209</td>
<td>139</td>
<td>331</td>
<td>348</td>
</tr>
<tr>
<td><strong>Total, 2022</strong></td>
<td>94,426</td>
<td>2,376</td>
<td></td>
<td>96,802</td>
</tr>
<tr>
<td><strong>Total, 2021</strong></td>
<td>85,356</td>
<td>4,210</td>
<td>89,566</td>
<td></td>
</tr>
</tbody>
</table>

1 Includes estimates for incomplete responses.
2 Survey respondents identified one of these growing regions as their production location. See Growing Area descriptions in Vineyard Section Table 2.
### Table 3: Wineries – Sales by channel, 2021 and 2022<sup>1</sup>

<table>
<thead>
<tr>
<th>Year</th>
<th>Tasting Rooms</th>
<th>Wine Clubs</th>
<th>Web/Phone Orders</th>
<th>Wholesale</th>
<th>Direct to trade</th>
<th>Sold Nationally (excluding Oregon)</th>
<th>Sold Internationally</th>
<th>Private Label</th>
<th>Total Cases</th>
<th>Value of Sales (Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>497,393</td>
<td>423,070</td>
<td>182,949</td>
<td>728,938</td>
<td>157,222</td>
<td>3,438,871</td>
<td>162,939</td>
<td>125,778</td>
<td>5,717,159</td>
<td>956,424,346</td>
</tr>
<tr>
<td>2021</td>
<td>437,312</td>
<td>379,889</td>
<td>167,120</td>
<td>663,599</td>
<td>150,062</td>
<td>3,216,910</td>
<td>156,372</td>
<td>123,963</td>
<td>5,295,226</td>
<td>844,376,688</td>
</tr>
</tbody>
</table>

<sup>1</sup> Includes estimates for incomplete responses.

<sup>2</sup> Sold in Oregon was broken out into the categories of Wholesale and Direct to trade for 2019. Reports from 2018 and earlier reflect both Wholesale and Direct to trade sales.

### Table 4: Wineries – Export sales by destination, 2021 and 2022<sup>1</sup>

<table>
<thead>
<tr>
<th>Year</th>
<th>Canada</th>
<th>Mexico</th>
<th>Denmark</th>
<th>United Kingdom</th>
<th>Sweden</th>
<th>All Other Europe</th>
<th>Hong Kong/China</th>
<th>Japan</th>
<th>South Korea</th>
<th>All Other Asia</th>
<th>All Other Destinations</th>
<th>All Export Sales</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>73,323</td>
<td>706</td>
<td>6,925</td>
<td>15,479</td>
<td>4,067</td>
<td>7,169</td>
<td>3,927</td>
<td>12,856</td>
<td>3014</td>
<td>2,037</td>
<td>33,435</td>
<td>162,939</td>
</tr>
<tr>
<td>2021</td>
<td>71,926</td>
<td>679</td>
<td>6,719</td>
<td>15,008</td>
<td>3,884</td>
<td>7,078</td>
<td>3,896</td>
<td>12,032</td>
<td>2,888</td>
<td>1,921</td>
<td>30,342</td>
<td>156,372</td>
</tr>
</tbody>
</table>

<sup>1</sup> Includes estimates for incomplete responses.
Economic impact of Oregon’s wine industry statewide, 2016

Total economic impact: $5.61 billion

- Retailer/restaurant wine sales: 946.9 or 16.9%
- Tourism: 786.8 or 14%
- Wine grape/winery sales: 629.9 or 11.2%
- Distributor's sales: 526.3 or 9.4%
- Other indirect effects: 527.7 or 9.4%
- Wine industry induced revenue: 782.8 or 14%
- Vineyard expenses: 157.2 or 2.8%
- Taxes, fees, other: 206.2 or 3.7%
- Tourism/on-premise employees: 314.7 or 5.6%
- Other indirect services: 247.8 or 4.4%
- Industry induced†: 225.2 or 4%
- Winery/vineyard employees: 130.2 or 2.3%
- Grocery, retail, distributor, other employees*: 124.4 or 2.2%
At Orchard & Vineyard Supply, we stock trellising, training, pruning, irrigation, harvest, post-harvest, ag fabrics, and wildlife control products to support you throughout the seasons. We offer full-service capabilities and a larger product and category selection than anyone in the industry.

PRODUCT CATEGORY OFFERINGS BY STATE
Trellis, Irrigation, Ag Fabrics, Harvest, Wildlife Control, Pruning, Hand Tools, Power Tools, PPE, Workwear

SERVICE OFFERINGS BY STATE

OREGON
• Custom Trellis Design
• Field Scouting
• Soil Testing
• Dust Control Application
• Liquid Lime Blend Application
• Water Hauling
• Wine Tank Rental (The Dalles, OR only)
• Water Treatment
• Pump House Design & Installation
• Water System Design & Installation
• Water Storage Tank Installation
• Vineyard Management

WASHINGTON
• Custom Trellis Design
• Custom Irrigation Design
• Irrigation Automation
• Irrigation Winterization/Maintenance
• Full Filter & Pump Installation, Repair & Alteration
• HDPE and Steel Fabrication for Pump/Filter Stations
• MacroBin Rental
• Wine Tank Rental

CALIFORNIA
• Sub-contracted Trellis Installation
• Irrigation Design
• Wine Tank Rental
• Power Tool Demos

NEW YORK
• Custom Trellis Design
• Power Tool Demos

ECOMMERCE
• Shipping Nationwide
• Reseller Options Available
• Custom Quotes
• Bulk Discounts
Unlocking Opportunities
We believe it’s not just about selling supplies and doing business, but about enhancing lives.

Supporting Farmers, Feeding America
Our products and services play a vital role in helping farmers feed America. By rezoning this land, we’re strengthening our mission to support those who sustain us all.

OVS Mission
Orchard & Vineyard Supply’s mission is to be a value-added partner for growers of high value cropping systems through a comprehensive offering of innovative and competitively priced products and services.

We aim to make growers’ and farmers’ lives easier through premium customer service, top-quality products, and a wide range of solutions to increase their crop efficiency, profitability, and yield. We are proud to have a team that cares about our customers and works with the sustainability of our planet in mind.

Empowering Our Community
We are dedicated to supporting our community through sponsorships, donations, volunteering, mentorship, and a host of initiatives aimed at making a positive impact on the lives of those we serve. Some of our recent, local support:

- Bounty of Yamhill County, Youth Enrichment Society, Oregon State University, George Fox University, AHIVOY, McMinnville High School, ABC-Dayton Education Foundation, FFA Yamhill, FFA McMinnville, Juliette’s House, Henderson House, and more!

Current Yamhill County Teams
- McMinnville HQ: 17
- McMinnville Retail: 18
- Lafayette Retail: 19
- Results Partners, McMinnville: 130

Creating Jobs for our Community
Our commitment to the community runs deep. By rezoning this land for industrial use, we’re paving the way for new job opportunities. Local talent deserves local work, and we’re proud to contribute to Yamhill County’s employment growth.

Steamingly & Reducing Traffic
Our vision extends beyond business—it’s about making life better for everyone. By consolidating retail locations, we reduce traffic congestion, lowering emissions, and improving the environment we all share.

Uniting Our Team for Excellence
Teamwork is the heartbeat of our success. Bringing our Lafayette, McMinnville, and Headquarter teams under one roof ignites collaboration, efficiency, and innovation. Together, we’re poised to achieve even greater heights.

Why This Property Aligns with our Vision
- Ample Yard Space: Our outdoor products need room to thrive, and this property offers the perfect canvas for growth.
- Convenient Parking: For our valued customers and dedicated staff, parking is hassle-free and abundant.
- Prime Location: Strategically placed, we’re just minutes away from the majority of our Willamette Valley customers, ensuring swift deliveries and service.
- Enhanced Safety Measures: Our commitment to team well-being includes 12’ or under stacked products, creating a safer working environment.
- Aesthetically Improved: We’ll revamp the property with a clean, efficient retail store and warehouse, blending functionality with aesthetics.
III. Public Notice
January 10, 2024

VIA EMAIL

News Register
611 E Third St.
McMinnville, Oregon 97128

VIA EMAIL: Ccrafton@newsregister.com

Please publish the following notice of public hearing in the January 12, 2024, issue of the News Register. Please bill this office and supply us with an affidavit of publication.

Sincerely,

[Signature]

Kenneth P. Friday
Planning Director

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the Yamhill County Planning Commission will hold a public hearing on February 1, 2024, at 7:00 P.M. in room 32 of the Yamhill County Courthouse, located at 535 East Fifth Street, McMinnville to consider: DOCKET PAZ-01-23, a request by Green Power Electrical Contractors for approval of a Comprehensive Plan amendment from Very Low Density Residential to Industrial and a zone change from VLDR-2.5, Very Low Density Residential to LI, Light Industrial. The parcel is identified as Tax Lot 5429-1200 and is located at 9155 SW Laughter Ln, Amity. This application is being reviewed based on criteria in Sections 502, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule. Interested parties are invited to send written comment to woodsli@co.yamhill.or.us or may appear and testify at the hearing. DOCKET PAZ-02-23, a request by Orchard and Vineyard Supply LLC for approval of a Comprehensive Plan amendment from PAI, Public Assembly Institutional, to LI, Light Industrial. The parcel is identified as Tax Lot 5417-301 and is located at 16700 Highway 99W, Amity. This application is being reviewed based on criteria in Sections 801, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule. Interested parties are invited to send written comment to willisst@co.yamhill.or.us or may appear and testify at the hearing. Comments submitted the day of the hearing will not be accepted via e-mail or fax but must be submitted in writing (12 copies) at the hearing. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow the Planning Commission an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use
Board of Appeals on that issue. Additional information is available from the County Planning Department at 503-434-7516. Dated January 12, Ken Friday, Planning Director.

To participate in the hearing using Zoom please use the link below to join the webinar:
https://us06web.zoom.us/j/97354678574
APPLICATION: Orchard and Vineyard Supply (MV LLC)

1, Stephanie Curran, on the 18th day of January 2024

sent the attached public notice of Docket No. PAZ-02-23 to the property owners identified by the PIN numbers listed above, and interested persons listed on this sheet.

STATE OF OREGON
County of Yamhill

The foregoing instrument was acknowledged before me this 18th day of January 2024

by Stephanie Curran

Notary Public For Oregon
My Commission Expires 1/24/25
NOTICE OF PUBLIC HEARING
February 1, 2024, 7:00 p.m.
Room 32 of the Yamhill County Courthouse
535 NE 5th St.
McMinnville, Oregon
Attend via Zoom: https://us06web.zoom.us/j/97354678574
Webinar ID: 97354678574

The YAMHILL COUNTY PLANNING COMMISSION will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing either in person or via Zoom. Comments submitted the day of the hearing will not be accepted via e-mail or fax but must be submitted in writing (12 copies) at the hearing. All issues and concerns should be raised for consideration by the Planning Commission prior to the close of the hearing because any appeal may be limited to the record of the hearing. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection, and copies may be purchased at a reasonable cost. A staff report will be available for inspection at no cost seven days prior to the hearing, and copies will be available for purchase at a reasonable cost. The location of the hearing is accessible to persons with disabilities. Please call the Planning Department if you will need any special accommodations to attend or participate in the meeting. For further information, contact Tiffanie Willis (willist@co.yamhill.or.us) at the Yamhill County Department of Planning and Development, 525 N.E. Fourth Street, McMinnville, 97128, or at (503) 434-7516.

DOCKET NO.: PAZ-02-23
REQUEST: Approval of a Comprehensive Plan amendment from PAI, Public Assembly Institutional, to LI, Light Industrial.
APPLICANT: Orchard and Vineyard Supply, LLC.
TAX LOT: 5417-00301
LOCATION: 16700 Highway 99W, Amity
CRITERIA: Sections 801, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLERS: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.
The decision on the requested zone change will be based on whether the request complies with the review criteria found in Section 1208.02 of the Yamhill County Zoning Ordinance, as follows:

**1208.02 Review Criteria**

*A quasi-judicial change to a zoning map may be authorized, pursuant to Subsection 1208.01, provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates compliance with the following criteria:*

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.
AFFIDAVIT OF PUBLICATION
STATE OF OREGON } ss.
County of Yamhill

I, Terri Hartt
being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that Yamhill County Department of Planning & Development - Public Notice Docket PAZ-01-23 PAZ-02-23- January 12, 2024
Subscribed and sworn before me this 1/16/2024.

[Signature]
Terri Hartt
Notary Public for Oregon
My Commission Expires 08/06/2027
IV. Public Agency Reports
January 12, 2024

To: □ Public Works
  □ Amity Rural Fire District
  □ DLCD
  □ Sanitarian

Re: Docket PAZ-02-24, Orchard and Vineyard Supply LLC, Tax Lot # 5417-00301

The referenced docket is currently under consideration by Yamhill County. A request for approval of a Comprehensive Plan amendment from PAI, Public Assembly and Institutional, to LI, Light Industrial. The request involves a 11.41-acre parcel located at 16700 Highway 99W, Amity.

Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request. If you wish to have your comments on the enclosed material considered, please return this form by this date: January 29, 2024.

Your prompt reply will facilitate the processing of this application and will ensure consideration of your recommendations. Please check the appropriate space below, and provide any comments you wish in the space provided, or on additional sheets.

PLEASE NOTE
If a comment is not received by the deadline indicated, the decision-making authority will assume that there is no conflict between the request and the interests of your agency or organization, and make its decision accordingly.

☐ 1. We have reviewed the file and find no conflicts with our interests.

☐ 2. A formal recommendation is under consideration and will be submitted to you by: __________________________

☐ 3. Please refer to the enclosed letter.

☐ 4. All existing and proposed primary and repair drainfield sites must be within the property lines that they serve or a recorded easement must be provided.

Signed ______________________________ Title __________________________ Date __________________________
A change in zoning will not have an impact on the suitability (or lack thereof) of the property to support development. Any change in the use of existing structures or future development will have to meet all septic requirements as outlined in OAR Chapter 340 Divisions 071 and 073.

Suzan

Suzanne Richardson, REHS
Yamhill County Planning and Development
(503)434-7516
My email address has changed: richardsons@yamhillcounty.gov
Environmental Health Specialist

The referenced docket is currently under consideration by Yamhill County. Your recommendations and suggestions will be used to guide the decision-maker when reviewing this request.

Stephanie Curran
Yamhill County Building & Planning
525 NE 4th St.
McMinnville, OR 97128
503-434-7516
V. Comments Received
No Comments Received
VI. Light Industrial Zoning Ordinance
SECTION 700 – INDUSTRIAL DISTRICTS

702. LIGHT/GENERAL INDUSTRIAL DISTRICT (LI)  
[Last Amended 06/28/18; Ord. 906]

702.01 Purpose.

The purpose of the LI District is to provide for light and general industrial uses with similar service needs within urban growth boundaries and in other locations which are or will be compatible with adjacent urban development. Such areas shall maintain high performance standards for light and general industrial uses and shall coordinate site and building design through application of the site design review process.

702.02 Permitted Uses,

In the LI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 702.07 and pursuant to Section 1101 for site design review:

A. Manufacture of machine tools, medical and dental equipment, electronic instruments, mobile homes, and food products not generating noxious odors;

B. Farm, industrial or contractor's equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;

C. Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;

D. Fruit, nut or vegetable packing, processing warehousing or cold storage operations;

E. Winery;

F. Veterinary hospital;

G. Accessory uses;

H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

I. Community or municipal water supply system;

J. Community or municipal sewer system; and

K. Signs, pursuant to the sign provisions set forth in section 1006;

L. Dwelling for a caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling.

[Amended 7/9/98, Ord 648]
M. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following uses have been approved as a similar use in the LI district:
- RV storage (Docket SU-01-91 in TL File 5405-1001)
- Mini-storage

702.03 Conditional Uses.

In the LI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

A. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10.

B. Utility facility, subject to Section 1101 for site design review. [Added 5/15/85; Ord. 408]

702.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district, that is similar in character, scale and performance to the permitted uses specified in subsection 702.02 may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

702.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the LI District.

702.06 Nonconforming Uses.

Nonconforming uses found in the LI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

702.07 Standards and Limitations.

In the LI District, the following standards and limitations shall apply:

A. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet.

2. Depth-to-width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

B. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows: as follows:
1. The minimum setback shall be five (5) feet for all yards for signs.

2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 702.07 (D).

C. Parcel Coverage.

The maximum parcel coverage shall be thirty (30) percent for any use.

D. Access.

Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by butting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or planting exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for any dwelling shall be forty-five (45) feet; and

2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the LI District shall be as provided in Section 1007.