1. Agenda

   Documents:

   07-11-2024.AGN.PDF

2. Meeting Materials

   Documents:

   PAZ-02-23_Z-01-24.COMBINEDPACKET.PDF
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 April 4, 2024

3. **DOCKET NO.:** PAZ-02-24  
**REQUEST:** Approval of a Comprehensive Plan amendment from PAI, Public Assembly Institutional, to LI, Light Industrial.  
**APPLICANT:** MV Advancements  
**OWNER:** MV Advancements  
**TAX LOT:** 5417-00301  
**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.

4. **DOCKET NO.:** Z-01-24  
**REQUEST:** Approval of a zone change from EF-80, Exclusive Farm Use District to AF-10, Agriculture and Forestry Small Holding District.  
**APPLICANT:** Catherine Wright  
**OWNER:** Caleb and Haley Bunn  
**TAX LOT:** 4307-2301  
**CRITERIA:** Section 1208.02 of the Yamhill County Zoning Ordinance.

5. Other business

6. Adjourn
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.
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I. Staff Report
HEARING DATES: February 1, 2024 – Planning Commission Hearing  
February 29, 2024 – Board of Commissioners Hearing

DATE: February 7, 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- See letter in packet.  
ODOT- See letter in packet  
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
STAFF REPORT:

The subject parcel is currently located in the Public Assembly Institution District, and measures approximately 11.41-acres in size.

The property is located on Highway 99, approximately 1 mile north of the Amity city limits.

The Southern Pacific Railroad runs along the lot’s eastern property line and Highway 99W is just east of the railroad.

On November 27, 1974, the Yamhill County Board of Commissioners adopted Ordinance No. 63 which designated the 11 acre property as Special Facility Institutional (PAI Public Assembly, Institutional) to accommodate the Mid-Valley Workshop and Rehabilitation Center.
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 request is for a Comprehensive Plan amendment from Public to Industrial and a zone change from PAI, Public Assembly, Institutional to LI, Light Industrial. The application notes that the Orchard and Vineyard Supply business has thrived over the years and has outgrown their current locations.

**APPROVAL CRITERIA & STANDARDS:**

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.

**PUBLIC AGENCY REPORTS:**
The County Sanitarian responded by stating that, "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."

RECOMMENDATION for APPROVAL:

We believe that the Applicant has addressed the requirements of the relevant comprehensive planning goals, Administrative Rules, and sections of the Yamhill County Zoning Ordinance. Our office recommends approval of and comprehensive plan amendment and zone change.
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:

\[(A) \quad \text{The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.}\]

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:

\[\text{Industrial Development Goal Statement I.H.1: To concentrate industries of similar types, service needs, and performance characteristics within designated areas of each of the existing urban centers; to encourage adequate land for new industrial development within urban growth boundaries; to encourage the relocation of existing industries from undesirable locations in order to eliminate land use conflicts; to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base, while maintaining a high standard of environmental quality; and to protect the stability}\]
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 examples 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 is 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) 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), 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 the county Public Works Department. The Oregon Department of Transportation corresponded with planning staff stating that they had no objections to the zone change.
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

Docket: PAZ-02-23
Date: 1-14-23
Rec'd by: 928.269
Receipt #: 4741

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

LEGAL OWNER (IF DIFFERENT)

MV, LLC

Last name: Schlotfeldt, First: Kathy
Mailing address (Street or PO Box): PO Box 28
City: McMinnville State: OR Zip: 97128

E-mail address: matt.cross@ovs.com
E-mail address: kathy@mvadvancements.org

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

PROPERTY INFORMATION

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

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

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

7. What road and/or easement is the property accessed from? Hwy 99W
**YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT**

**LAND USE APPLICATION**

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

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<thead>
<tr>
<th>APPLICANT</th>
<th>LEGAL OWNER (IF DIFFERENT)</th>
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<td>Orchard and Vineyard Supply LLC</td>
<td>MV, LLC</td>
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<td><a href="mailto:kathy@mvadvancements.org">kathy@mvadvancements.org</a></td>
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</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:</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

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

7. What road and/or easement is the property accessed from? Hwy 99 W
# YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

## 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**: 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)

**MVA, LLC**
- **Last name**: Schlotfeldt
- **First**: Kathy
- **Mailing address (Street or PO Box)**: PO Box 28
- **City**: McMinnville
- **State**: OR
- **ZIP**: 97128

### 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.

### PROPERTY INFORMATION

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

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

6. **How will water be provided?**
   - [ ] Yes
   - [ ] No
   - [ ] City
   - [ ] Other: Hwy 99W

7. **What road and/or easement is the property accessed from?**
   - [ ] Yes
   - [ ] No
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 ____________________________
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
- [ ] Steep slopes

**THE APPLICANT MUST SUBMIT:**

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

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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.

[Signature]

12/14/23

Date

Property owner’s signature (if different)

Date

State of Oregon

County of Yamhill

Signed before me on this 14th day of December 20, 2023

by Matt Cross

[Notary Public Stamp]

Julie Traina

Notary Public for Oregon

My Commission expires 8/4/2026

[Notary Public Signature]
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
- [ ] Steep slopes

**THE APPLICANT MUST SUBMIT:**

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

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---

**Applicant's signature**

[Signature]

**Date** 12/12/2023

**Property owner's signature (if different)**

[Signature]

**Date**

---

State of __________________________

County of __________________________

Signed before me on this ________ day of __________________________, 20 ____________.

by ________________________________

---

Notary Public for Oregon

My Commission expires __________________________

---
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.
YCCP Section VII(B), Policy A  
YCZO 200 (Definitions)  
YCZO 702 (Light Industrial)  
YCZO 904 (Limited Use Overlay)  
YCZO 1007 (Off Street Parking and Loading)  
YCZO 1208 (Quasi-Judicial Zone Change)  

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1. Application Form  
2. Ownership Information (Trio)  
3. Secretary of State Data  
4. Tax Assessor’s Map  
5. Aerial Photograph of Site  
6. Current Comprehensive Plan Map and Zoning Map  
7. Alternative Sites Analysis  
8. NRCS WSS Soils Map and Data  

I. Summary of Request.
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 McMinnville 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.

YCZO 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. Schellenberg 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 Dalles, 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 (1988); 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 directions 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
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 ("LUA") 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 to 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 Intl. 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 Intl 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 Intl 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.1.1 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.

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**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 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

<table>
<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>
</tr>
<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>
</tr>
<tr>
<td>Retail commercial use</td>
<td>One (1) space per 300 square feet of floor area</td>
</tr>
<tr>
<td>Service commercial use</td>
<td>One (1) space per 400 square feet of floor area</td>
</tr>
<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>
</tr>
<tr>
<td>Clinic</td>
<td>One (1) space per 300 square feet of floor area</td>
</tr>
<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>
</tr>
<tr>
<td>Manufacturing or industrial use, including wineries</td>
<td>One (1) space for each employee on maximum working shift</td>
</tr>
<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>
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</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 YCZO. 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 nonfarm 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 (“LUA”). Each of the five factors is discussed below.

1. The surrounding land use include the following uses: Guerrerro 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.
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.
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 are 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 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 Fulquart 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 Fulquart 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 Wynooeski 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 Wynooski 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 660-004-0030 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 rezoning 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 rezoning 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).

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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 “[t]o 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 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 stated 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 that 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) (90,000 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.
- 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

Census:
Owner Occ.: No
Zoning: PAI

Property Characteristics

Property Type: OTHER
House Style:
Year Built:
Bedrooms:
Bathrooms:
Lot Size: 497,020
Acres: 11.41
Garage Type:
Garage SF:

Building SF:
Living Area SF:
Square Feet:
1st Floor SF:
2nd Floor SF:
3rd Floor SF:
Attic SF:
Bsmnt SF:
Fin Bsmnt SF:

Heat:
Cooling:
Foundation:
Exterior:
Roof Style:
Roof Cover:
Fireplaces:
Bsmnt Type: NOT SPECIFIED

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.

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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

MV LLC
PO BOX 28
 McMinnville, OR 97128

ALT NO: R5417 00301
Account Acres: 11.41

ACCOUNT NO: 196665
Tax Code Area: 4.1

VALUES:

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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)

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<th>Date Due</th>
<th>Discount Allowed</th>
<th>Net Amount Due</th>
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<tbody>
<tr>
<td>FULL PAYMENT</td>
<td>Nov 15, 2022</td>
<td>418.39 3% Discount.....</td>
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<td>$4,648.74</td>
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Delinquent tax amount is included in payment options listed below.

2022 - 2023 Property Tax Payment Yamhill County, Oregon
PROPERTY LOCATION: 16700 HIGHWAY 99W

ACCOUNT NO: 196665

<table>
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<th>Payment Options</th>
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<th>Net Amount Due</th>
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<td>DUE Nov 15, 2022</td>
<td>$9,111.53</td>
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<td>1/3 PAYMENT</td>
<td>DUE Nov 15, 2022</td>
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Mailing address change on back

16482*44**G50**1.239***4/4**********AUTO5-DIGIT 97128
MV LLC
PO BOX 28
MCMINNVILLE OR 97128

Enter Amount Paid

Please make payment to:
YAMHILL COUNTY TAX COLLECTOR
PO BOX 6369
PORTLAND, OR 97228-6369

36 0019665 0001352783 0000911153 0000464874 4
# Property Account Summary

**10/9/2023**

Click image above for more information

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

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<th>R5417 00301</th>
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<tr>
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<td>Land &amp;/or Buildings</td>
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<td>Status</td>
<td>Active, Locally Assessed</td>
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## Tax Rate

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<tr>
<td>Owner</td>
<td>MV LLC</td>
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## Related Properties

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## Property Values
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<th>Tax Year 2021</th>
<th>Tax Year 2020</th>
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**Active Exemptions**

No Exemptions Found

**Tax Balance**

**Installments Payable**

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<th>Installment</th>
<th>Due Date</th>
<th>Principal</th>
<th>Interest, Penalties and Costs</th>
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<th>Cumulative Due</th>
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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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**Sales History**

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<tr>
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<td>Manf Struct Size</td>
<td>Year Built</td>
<td>Improvement Grade</td>
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<td>Bedrooms</td>
<td>Full Baths</td>
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Developed by Aumentum Technologies.  
©2005-2020 All rights reserved.  
Version 4.0.3.0
Grantor:
MV Advancements, an Oregon Corporation
Formerly Known As Mid-Valley Workshop, Inc. an Oregon corporation

Grantee:
MV, LLC, an Oregon limited liability company

Send Tax Statements To:
No Change

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, Willamette 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 145.08 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° 00' 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 160.00 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° 30' 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 __th day of March, 2019.

By: David C. Haugeberg, President

By: Luann Anderson, Secretary

STATE OF OREGON 

County of Yamhill 

On this 14th 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 14th 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: 8-2-2019

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

<table>
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<th>Jurisdiction</th>
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## Associated Names

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<td>Addr 2</td>
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<tr>
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<td>OR</td>
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<td>Country</td>
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Please click here for general information about registered agents and service of process.

### Registered Agent

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<th>Name</th>
<th>ADAM BERTRAM</th>
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<td>MCMINNVILLE</td>
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### Mailing Address

| Addr 1 | PO BOX 1316 |
| Addr 2 | |
| CSZ | MCMINNVILLE | OR | 97128 |
| Country | UNITED STATES OF AMERICA |

### Manager

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**Entity Name**: OREGON VINEYARD SUPPLY CO.

### Associated Names

**Type**: PPB

- **Addr 1**: 2700 ST JOSEPH RD
- **Addr 2**:  

**Type**: AGT

- **Name**: JODI
- **Addr 1**: 2700 ST JOSEPH ROAD
- **Addr 2**:  

**Type**: MAL

- **Addr 1**: 3800 NE THREE MILE LANE
- **Addr 2**:  

**Type**: PRE

- **Resign Date**:  

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New Search | Printer Friendly

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| Type | AGT | REGISTERED AGENT |
| Name | KATHY | SCHLOTFELDT |
| Addr 1 | 2275 NE MCDANIEL LANE |
| Addr 2 | MCMINNVILLE OR 97128 |
| CSZ | Country | UNITED STATES OF AMERICA |

| Type | MAL | MAILING ADDRESS |
| Addr 1 | PO BOX 28 |
| Addr 2 | MCMINNVILLE OR 97128 |
| CSZ | Country | UNITED STATES OF AMERICA |

| Type | MEM | MEMBER |
| Addr 2 | MCMINNVILLE OR 97128 |
| CSZ | Country | UNITED STATES OF AMERICA |

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</table>
Current Zoning

HI = HEAVY INDUSTRIAL
PAI = PUBLIC ASSEMBLY
EF-80 = EXCLUSIVE FARM USE
T 55 R 66 W Section 34 TL 100
11.72 Ac

Split Zoned
T55 R3W Section 16

TL 2401, 2900, 3000, 3100

Oregon Truss Site
T 35 R 3 W Section 35 TL 201, 209
T2S R4W Section 2 AD TL 600, 700, 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)

Soils

Special Point Features

Water Features

Transportation

Background

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 Data: 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>
<th>Percent of AOI</th>
</tr>
</thead>
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<tr>
<td>2006A</td>
<td>McBee silty clay loam, 0 to 3 percent slopes</td>
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<td>0.1%</td>
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<tr>
<td>2012A</td>
<td>Waido silty clay loam, 0 to 3 percent slopes</td>
<td>8.4</td>
<td>14.5%</td>
</tr>
<tr>
<td>2301A</td>
<td>Amity silt loam, 0 to 3 percent slopes</td>
<td>13.8</td>
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<tr>
<td>2304C</td>
<td>Carlton silt loam, 2 to 12 percent slopes</td>
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<td>1.3%</td>
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<tr>
<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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<tr>
<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>
<td>14.7</td>
<td>25.4%</td>
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<tr>
<td>2310C</td>
<td>Woodburn silt loam, 3 to 12 percent slopes</td>
<td>4.3</td>
<td>7.4%</td>
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<tr>
<td>2310F</td>
<td>Woodburn silt loam, 20 to 55 percent slopes</td>
<td>6.5</td>
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<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>58.0</strong></td>
<td><strong>100.0%</strong></td>
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</tbody>
</table>
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 glacilacustrine 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: 1j8b4
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
2Bt1 - 17 to 25 inches: silty clay loam
2Bl2 - 25 to 32 inches: silty clay loam
2Bt31 - 32 to 39 inches: silty loam
2Bt32 - 39 to 54 inches: silty 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: 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: R002XC005OR - 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
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% from $2,911 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>Field per Harvested Acre</th>
<th>Production</th>
<th>Price per Ton</th>
<th>Value of Production</th>
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<tr>
<td>Albarino</td>
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<td>147</td>
<td>107</td>
<td>138</td>
<td>2.20</td>
<td>1.96</td>
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<tr>
<td>Cabernet Franc</td>
<td>344</td>
<td>376</td>
<td>323</td>
<td>396</td>
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<td>Cabernet Sauvignon</td>
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<td>Chardonnay</td>
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<td>2,281</td>
<td>2,518</td>
<td>3.29</td>
<td>2.82</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>Gewurztraminer</td>
<td>151</td>
<td>351</td>
<td>150</td>
<td>170</td>
<td>1.62</td>
<td>1.80</td>
</tr>
<tr>
<td>Malbec</td>
<td>302</td>
<td>308</td>
<td>273</td>
<td>294</td>
<td>3.99</td>
<td>2.82</td>
</tr>
<tr>
<td>Merlot</td>
<td>817</td>
<td>823</td>
<td>808</td>
<td>777</td>
<td>2.38</td>
<td>2.35</td>
</tr>
<tr>
<td>Pinot Blanc</td>
<td>251</td>
<td>300</td>
<td>239</td>
<td>250</td>
<td>3.82</td>
<td>3.67</td>
</tr>
<tr>
<td>Pinot Gris</td>
<td>5,742</td>
<td>5,974</td>
<td>5,485</td>
<td>5,546</td>
<td>3.44</td>
<td>3.72</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>25,123</td>
<td>26,848</td>
<td>24,871</td>
<td>24,729</td>
<td>3.28</td>
<td>3.25</td>
</tr>
<tr>
<td>Riesling</td>
<td>490</td>
<td>520</td>
<td>460</td>
<td>477</td>
<td>2.91</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>2.11</td>
<td>2.97</td>
</tr>
<tr>
<td>Tempranillo</td>
<td>398</td>
<td>404</td>
<td>368</td>
<td>381</td>
<td>2.73</td>
<td>2.96</td>
</tr>
<tr>
<td>Viognier</td>
<td>399</td>
<td>416</td>
<td>392</td>
<td>368</td>
<td>1.66</td>
<td>1.66</td>
</tr>
<tr>
<td>Other</td>
<td>1,550</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>41,899</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.
### Table 2: Wine Grapes: Vineyards, acreage, yield and production by growing area, 2021-2022

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of Vineyards</th>
<th>Number of Acres</th>
<th>Year</th>
<th>Harvested Acreage</th>
<th>Yield per Harvested Acre</th>
<th>Production</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2021</td>
<td>2022</td>
<td>2021</td>
<td>2022</td>
<td>Tons/acre</td>
<td>Tons</td>
</tr>
<tr>
<td>North Willamette Valley</td>
<td>842</td>
<td>890</td>
<td>24,467</td>
<td>25,897</td>
<td>23,890</td>
<td>3.10</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>
<td>4,946</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>
<td>3,744</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>
<td>5,312</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>
<td>2,069</td>
</tr>
<tr>
<td>Other Oregon</td>
<td>16</td>
<td>17</td>
<td>866</td>
<td>940</td>
<td>857</td>
<td>813</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>
<td>40,774</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-Carlton, 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 Acres</td>
<td>Harvested Acres</td>
<td>Production</td>
<td>Planted Acres</td>
<td>Harvested Acres</td>
<td>Production</td>
</tr>
<tr>
<td></td>
<td>Tons</td>
<td>Tons</td>
<td>Tons</td>
<td>Tons</td>
<td>Tons</td>
<td>Tons</td>
</tr>
<tr>
<td>Albarano</td>
<td>56</td>
<td>54</td>
<td>120</td>
<td>48</td>
<td>46</td>
<td>83</td>
</tr>
<tr>
<td>Cabernet Franc</td>
<td>15</td>
<td>6</td>
<td>16</td>
<td>6</td>
<td>6</td>
<td>57</td>
</tr>
<tr>
<td>Cabernet Sauvignon</td>
<td>113</td>
<td>107</td>
<td>428</td>
<td>26</td>
<td>24</td>
<td>57</td>
</tr>
<tr>
<td>Chardonnay</td>
<td>2,307</td>
<td>1,874</td>
<td>4,967</td>
<td>31</td>
<td>30</td>
<td>113</td>
</tr>
<tr>
<td>Gewürztraminer</td>
<td>44</td>
<td>42</td>
<td>38</td>
<td>33</td>
<td>32</td>
<td>41</td>
</tr>
<tr>
<td>Malbec</td>
<td>15</td>
<td>8</td>
<td>24</td>
<td>25</td>
<td>26</td>
<td>62</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>22</td>
<td>206</td>
<td>723</td>
<td>231</td>
<td>159</td>
<td>536</td>
</tr>
<tr>
<td>Pinot Gris</td>
<td>3,524</td>
<td>3,399</td>
<td>15,498</td>
<td>39</td>
<td>37</td>
<td>139</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>18,280</td>
<td>17,001</td>
<td>153,382</td>
<td>36</td>
<td>35</td>
<td>100</td>
</tr>
<tr>
<td>Riesling</td>
<td>281</td>
<td>258</td>
<td>899</td>
<td>33</td>
<td>26</td>
<td>65</td>
</tr>
<tr>
<td>Syrah</td>
<td>318</td>
<td>302</td>
<td>1,238</td>
<td>424</td>
<td>413</td>
<td>1,184</td>
</tr>
<tr>
<td>Tempranillo</td>
<td>65</td>
<td>55</td>
<td>246</td>
<td>21</td>
<td>16</td>
<td>26</td>
</tr>
<tr>
<td>Viognier</td>
<td>21</td>
<td>20</td>
<td>93</td>
<td>75</td>
<td>24</td>
<td>103</td>
</tr>
<tr>
<td>Other</td>
<td>431</td>
<td>378</td>
<td>1,362</td>
<td>224</td>
<td>203</td>
<td>602</td>
</tr>
<tr>
<td>Total, 2021</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, 2022</td>
<td>28,467</td>
<td>22,392</td>
<td>68,370</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.
5 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>Statewide 1</th>
<th>North Willamette Valley 2</th>
<th>South Willamette Valley 2</th>
<th>Umpqua Valley 2</th>
<th>Rogue Valley 2</th>
<th>Columbia River 2</th>
<th>Other Oregon Areas 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average</td>
<td>Median</td>
<td>Low</td>
<td>High</td>
<td>Average</td>
<td>Median</td>
<td>Low</td>
</tr>
<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>2,265</td>
<td>2,384</td>
<td>1,196</td>
<td>2,685</td>
<td>2,073</td>
<td>1,933</td>
<td>1,548</td>
</tr>
<tr>
<td>Cabernet Sauvignon</td>
<td>2,863</td>
<td>2,561</td>
<td>932</td>
<td>3,450</td>
<td>2,807</td>
<td>2,939</td>
<td>1,948</td>
</tr>
<tr>
<td>Chardonnay</td>
<td>2,908</td>
<td>2,909</td>
<td>2,719</td>
<td>3,335</td>
<td>2,890</td>
<td>2,904</td>
<td>2,705</td>
</tr>
<tr>
<td>Gamay</td>
<td>1,418</td>
<td>1,535</td>
<td>820</td>
<td>1,951</td>
<td>1,201</td>
<td>1,201</td>
<td>1,201</td>
</tr>
<tr>
<td>Gewürztraminer</td>
<td>4,418</td>
<td>2,200</td>
<td>1,858</td>
<td>2,828</td>
<td>1,301</td>
<td>1,657</td>
<td>957</td>
</tr>
<tr>
<td>Malbec</td>
<td>2,114</td>
<td>1,988</td>
<td>1,179</td>
<td>2,638</td>
<td>1,422</td>
<td>1,000</td>
<td>1,008</td>
</tr>
<tr>
<td>Merlot</td>
<td>2,213</td>
<td>2,013</td>
<td>1,517</td>
<td>2,967</td>
<td>1,644</td>
<td>1,785</td>
<td>1,807</td>
</tr>
<tr>
<td>Pinot Blanc</td>
<td>2,114</td>
<td>2,013</td>
<td>1,517</td>
<td>2,967</td>
<td>1,644</td>
<td>1,785</td>
<td>1,807</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>1,484</td>
<td>1,800</td>
<td>3,307</td>
<td>3,795</td>
<td>1,644</td>
<td>1,785</td>
<td>1,807</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>1,592</td>
<td>2,712</td>
<td>1,056</td>
<td>5,824</td>
<td>2,607</td>
<td>2,971</td>
<td>1,807</td>
</tr>
<tr>
<td>Riesling</td>
<td>1,720</td>
<td>1,691</td>
<td>548</td>
<td>3,047</td>
<td>2,104</td>
<td>2,100</td>
<td>1,300</td>
</tr>
<tr>
<td>Sauvignon Blanc</td>
<td>1,333</td>
<td>1,904</td>
<td>2,436</td>
<td>5,648</td>
<td>1,640</td>
<td>2,397</td>
<td>1,299</td>
</tr>
<tr>
<td>Syrah</td>
<td>1,568</td>
<td>2,368</td>
<td>1,266</td>
<td>3,680</td>
<td>1,640</td>
<td>2,397</td>
<td>1,299</td>
</tr>
<tr>
<td>Tempranillo</td>
<td>2,114</td>
<td>2,103</td>
<td>1,136</td>
<td>3,217</td>
<td>2,124</td>
<td>2,413</td>
<td>1,924</td>
</tr>
<tr>
<td>All other varieties</td>
<td>2,411</td>
<td>2,193</td>
<td>2,561</td>
<td>2,737</td>
<td>2,377</td>
<td>2,460</td>
<td>2,053</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 average of the lowest three prices reported by Oregon grape growers.
5 Highs are weighted average of the highest three prices reported by Oregon grape growers.
6 Other includes all other varieties, including some varieties for which collected data were insufficient for individual reporting.
7 No data reported, or reported data were insufficient to develop estimates.

September 2023
## Winery Section:

### Table 1: Wineries – Number and crush by region, 2021-2022

<table>
<thead>
<tr>
<th>Region</th>
<th>All Wineries</th>
<th>Number of Wineries 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>96,802</td>
<td></td>
</tr>
<tr>
<td><strong>Total, 2021</strong></td>
<td>85,355</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 2022¹

<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>
</tbody>
</table>

¹ Includes estimates for incomplete responses.

² 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 2022¹

<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>71,926</td>
<td>706</td>
<td>6,925</td>
<td>15,479</td>
<td>4,067</td>
<td>7,159</td>
<td>3,927</td>
<td>12,856</td>
<td>3,014</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>15,003</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>

¹ Includes estimates for incomplete responses.
Economic impact of Oregon's wine industry statewide, 2016

Grocery, retail, distributor, other employees*: 124.4 or 2.2%

Winery/vineyard employees: 130.2 or 2.3%

Tourism/on-premise employees: 314.7 or 5.6%

Vineyard expenses: 157.2 or 2.8%

Taxes, fees, other: 206.2 or 3.7%

Wine industry induced revenue*: 782.8 or 14%

Other indirect effects*: 527.7 or 9.4%

Industry induced: 225.2 or 4%

Retailer/restaurant wine sales: 946.9 or 16.9%

Total economic impact: $5.61 billion

Tourism: 786.8 or 14%

Wine grape/winery sales: 629.9 or 11.2%

Source: Full Glass Research

*Other employees includes wine store, trucking, shipping, warehouse, printing services, tank manufacture, and professional services such as banking, financial, and insurance.

† Estimated from primary research and IMPLAN. For more information, go to www.implan.com/

Sierra Dawn McClain and Alan Kenaga/Capital Press
At V, 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.

Trellis, Irrigation, Ag Fabrics, Harvest, Wildlife Control, Pruning, Hand Tools, Power Tools, PPE, Workwear

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

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

WASHINGTION
- 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
- Macrotainer Rental
- Wine Tank Rental
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.

YS 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!

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.

Steamlining & 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 Headquarters 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.

CEO: Matt Cross
matt.cross@ovs.com

3800 NE Three Mile Ln, McMinnville, OR
OVS.com info@ovs.com
ORCHARD & VINEYARD SUPPLY LOCATIONS

A. Yakima
1431 N 15th Ave
Yakima, WA
509-453-9983

B. Wenatchee
310 S Worthing St
Wenatchee, WA
509-667-8180

C. Zillah
1130 Buena Rd
Zillah, WA
509-865-9100

D. Pasco
2212 N Commercial Ave
Pasco, WA
509-544-9000

E. Mattawa
20732 Road 23 SW
Mattawa, WA
509-932-4242

F. Lynden
2023 Agriculture Way
Lynden, WA
360-332-0236

G. Grandview
120 N Pukea Road
Grandview, WA
509-882-2500

H. Sunnyside (Water Systems)
2500 Sunnyside Marston Rd
Sunnyside, WA
509-832-9303

I. McMinnville
2700 S St. Joseph Rd
McMinnville, OR
503-435-2700

J. The Dalles
210 Webster St
The Dalles, OR
541-296-1000

K. Lafayette (Irrigation)
1924 E Third St
Lafayette, OR
503-864-8264

L. Salem
7015 Portland Rd NE
Salem, OR
503-363-4710

M. Milton Freewater
231 E Broadway
Milton Freewater, OR
541-255-7000

N. Medford
610 Mission Way
Medford, OR
541-732-7450

P. Lodi
420 N Sacramento St
Lodi, CA
209-368-8595

Q. Paso Robles
77 Marquita Ave
Paso Robles, CA
805-434-9488

R. Hanford (Warehouse)
134 Hanford-Armona Rd
Hanford, CA

S. Sodus
6151 Bayclay Rd
Sodus, NY
315-693-2024

ORCHARD & VINEYARD SUPPLY
WE SELL SOLUTIONS

OVS®
## Fees Paid

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<th>Units</th>
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<th>Fee amount</th>
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**Payment Method:** Credit card  
**Authorization:** 94873G  
**Payer:** JOHN A OLENIK  
**Transaction Comment:** LL ENDORSEMENT

**Receipt Total:** $29.00
Memorandum

To: Matt Cross, Orchard & Vineyard Supply, LLC
Copy: Andrew Stamp, VF Law
From: Jennifer Danziger, PE,
Date: January 31, 2024
Subject: Transportation Planning Rule Analysis for 16700 OR-99W, Amity, Oregon
Yamhill County Planning Docket PAZ-02-23

Introduction

This memorandum presents the Transportation Planning Rule (TPR) analysis for a proposed Comprehensive Plan map change and Zoning Map change for the property located at 16700 OR-99W in Amity, Oregon. The applicant, Orchard & Vineyard Supply, LLC (OVIS), seeks to change the subject property's Comprehensive Plan map designation from Public (P) to Industrial (I) and the Zoning Map from Public Assembly Institutional (PAI) to Light Industrial (LI). OVIS 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.

Site Description

The approximately 11.41-acre site, outlined in yellow in Figure 1, is located on Tax Map R5417, Lot 301. It is accessed from OR-99W, a two-lane regional highway with a posted speed of 55 mph. The driveway crosses a single-track railroad line operated by Portland & Western Railroad. No changes to site access are proposed for the site.

Although this property is zoned PAI, it has most recently been occupied by a light industrial use involving pallet assembly.

Proposed Development

OVIS provides specialty agriculture supplies for the vineyard, orchard, nursery, and hops industries offering a range of farming products and solutions including trellising, training, pruning, irrigation, harvest, post-harvest, ag fabrics, and wildlife control products to support agriculture businesses throughout the seasons.

OVIS seeks to relocate a portion of its business operations to the subject property. They do not propose constructing any additional structures. Rather, OVIS seeks to retrofit and improve existing structures located at the subject property.
The existing buildings on the site will received minor repairs and some aesthetic upgrades, as appropriate. Site uses will include:

- The existing 7,000-square-foot (SF) building on the northern portion of the site will house the new OVS corporate headquarters.
- The existing 8,500-SF building on the southern portion of the site will house the business offices (5,500 SF) and retail/display space (3,000 SF).
- Two existing buildings on the southern portion of the site, one at 2,400 SF and one at 14,000 SF, will be used as warehousing.
Trip Generation

Trip generation for the proposed site was estimated based on standard trip rates from the *Trip Generation Manual*\(^1\) as well as typical operations anticipated by OVS. These estimates and the proposed limited use overlay are described below.

Although the TPR requires an analysis of a reasonable worst-case development scenario of the site under existing and proposed zoning, this memorandum focuses on trip estimates with the proposed zoning only with no discount for the uses permitted under the existing zoning.

**Standard Methodology – Proposed Use**

The standard approach to estimating trip generation is to apply rates from the *Trip Generation Manual* using the most applicable land use codes. For the proposed development, data from land use code 712, *Small Office Building*, was used for the corporate and business offices, data from land use code 822, *Strip Retail Plaza (<40,000 SF)*, was used for the retail space, and data from land use 150, *Warehousing*, was used for the warehouse space. The resulting trip generation estimates are summarized in Table 1. Detailed trip generation calculations are attached.

**Table 1: Trip Generation**

<table>
<thead>
<tr>
<th>ITE Code</th>
<th>Intensity</th>
<th>Morning Peak Hour</th>
<th>Evening Peak Hour</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
</tr>
<tr>
<td>712 - Small Office Building</td>
<td>12,500 SF</td>
<td>17</td>
<td>4</td>
<td>21</td>
</tr>
<tr>
<td>822 - Strip Retail Plaza (&lt;40k)</td>
<td>3,000 SF</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>150 - Warehousing</td>
<td>16,400 SF</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>23</td>
<td>8</td>
<td>31</td>
</tr>
</tbody>
</table>

The trip generation calculations show that the proposed development could generate 31 morning peak hour, 50 evening peak hour, and 372 weekday trips. This result is likely a conservatively high estimate that reflects a more urban location where employees are more likely to go off-site for lunch and retail traffic would include a component of trips that are passing by on the adjacent roadway.

**Anticipated Operations – Proposed Use**

Based on their existing operations, OVS provided an estimate of anticipated trip generation for the proposed new site. Approximately 214 daily trips are estimated based on the following assumptions:

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

Limited Use Overlay

To ensure that the land remains rural, the applicant propose 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.
- Average daily traffic (ADT) shall be limited to 375 trips per day, as measured on a yearly average.

Transportation Planning Rule Analysis

The TPR is in place to ensure that the transportation system can support possible increases in traffic intensity that could result from changes to adopted plans and land-use regulations. Essentially, a TPR analysis is intended to determine if the proposed changes to Yamhill County land use plans and regulations would require modifications to the Transportation System Plan (TSP). The applicable portion of the TPR is quoted directly in italics below, with a response following.

660-012-0060

(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.

Subsections (a) and (b) are not triggered since the proposed zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

Regarding Subsection (c), the applicant has proposed a limited use overlay that would limit annual ADT for the site to 375 trips per day, as measured on a yearly average. The criteria in Oregon Highway Plan (OHP) Action 1F.5 includes the following language regarding amendments to a comprehensive plan or zoning map:

*If an amendment subject to OAR 660-012-0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic...*

*... The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:*

- Any proposed amendment that does not increase the average daily trips by more than 400.

The trip generation estimates for the proposed site use fall below the 400-trip threshold without accounting for any trip estimates for permitted uses under the existing land use designations. Furthermore, a limited use overlay would cap the trip generation for the site at a level below the 400-trip threshold. Therefore, the trips generated by the proposed land use designation changes would not "significantly affect" traffic per OHP Action 1F.5 and the proposal does not trigger Subsection (c).

Summary and Recommendations

As proposed, the Comprehensive Plan map change from Public (P) to Industrial (I) and the Zoning Map change from Public Assembly Institutional (PAI) to Light Industrial (LI) with a Limited Use Overlay zone on the subject property would not result in a finding of significant affect. Therefore, no modifications to the County’s Transportation System Plan (TSP) are needed and the conditions of TPR are satisfied.
TRIP GENERATION CALCULATIONS

Land Use: Small Office Building
Land Use Code: 712
Land Use Subcategory: All Sites
Setting/Location: General Urban/Suburban
Variable: 1000 SF GFA
Trip Type: Vehicle
Formula Type: Rate
Variable Quantity: 12.5

| AM PEAK HOUR | |
| | |
| Trip Rate: 1.67 | |

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| PM PEAK HOUR | |
| | |
| Trip Rate: 2.16 | |

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| WEEKDAY | |
| | |
| Trip Rate: 14.39 | |

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| SATURDAY | |
| | |
| Trip Rate: 0 | |

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<tr>
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</table>
TRIP GENERATION CALCULATIONS

Land Use: Warehousing
Land Use Code: 150
Land Use Subcategory: All Sites
Setting/Location: General Urban/Suburban
Variable: 1000 SF GFA
Trip Type: Vehicle
Formula Type: Rate
Variable Quantity: 16.4

AM PEAK HOUR

Trip Rate: 0.17

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<tr>
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PM PEAK HOUR

Trip Rate: 0.18

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WEEKDAY

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SATURDAY

Trip Rate: 0.15

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</table>
TRIP GENERATION CALCULATIONS

Land Use: Strip Retail Plaza (<40k)
Land Use Code: 822
Land Use Subcategory: All Sites
Setting/Location: General Urban/Suburban
Variable: 1000 SF GFA
Trip Type: Vehicle
Formula Type: Rate
Variable Quantity: 3

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III. Public Notice
January 10, 2024

VIA EMAIL

News Register
611 E Third St.
McMinnville, Oregon 97128

VIA EMAIL: Ccrafter@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,

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 VLD-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 woodslo@co.yamhill.or.us or may appear and testify at the hearing. DOCKET PAZ-04-23, 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 willist@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
APPLICANT: Orchard & Vineyard
3800 Three Mile Rd.
McMinnville OR 97128

I, Stephanie Curran, on the 12th 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.

[Signature]
Notary Public For Oregon
My Commission Expires 1-24-25

F:\Share\FORMS\PLANNING\ADDRESS_PUB_NOTICEZ.doc
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: 9735467874

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 comments 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.
00 "EXHIBIT A"

PUBLIC NOTICE IS HEREBY GIVEN that the Yamhill County Board of Commissioners will hold a public hearing on February 29, 2024, at 10:00 A.M. in room 32 of the Yamhill County Courthouse, located at 535 East Fifth Street, McMinnville to consider:

DOCKET PAZ-02-23, a request by Orchard Vineyard and Supply, for approval of a Comprehensive Plan amendment from PA1, Public Assembly Institutional, to LI, Light Industrial. The parcel is identified as Tax L1 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, the Yamhill County Zoning Ordinance and OAR 660-12-0080, Transportation Planning Rule. Interested parties are invited to send written comments to willist@yamhill-county.gov 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 Board of Commissioners 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. Dated February 16, 2024, 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/81440324014 Webinar ID: 81440324014
NR Published February 16, 2024

AFFIDAVIT OF PUBLICATION
STATE OF OREGON } ss.
County of Yamhill

I, Terri Hart, 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 N Docket PAZ-02-23 - February 16, 2024
Subscribed and sworn before me this 2/20/2024.

Terri Hart

Notary Public for Oregon
My Commission Expires 08/06/2027
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.

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

☐ City of Amity
☐ ODOT
☐ Water Master

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
Applicant hereby applies to the Oregon State Highway Engineer for permission to construct an approach road connection to the west side of the Pacific Highway west of Yankill County, between Adity & Whitson and , as described herein.

GENERAL PROVISIONS—Attached hereto and by this reference made a part hereof.

SPECIAL PROVISIONS
1. Type of permit: ☑ Permanent; ☐ Temporary: Expires Highway Reference Map No. 3B-23-3

2. Location: Mile Post(s) 43.01 Highway Engineer's Station(s) 214+80

3. Approach Road: Surface type A.C., thickness 4" in, width 30'

Pipe required? ☑ Diam. 12' Length 35' Kind Concrete Culvert

If bridge, catch basin or other unusual drainage facility required, describe and attach sketch or specify Highway Standard Plan No. 2.

Standard Plan No. 2.

Treatment of island, if any

Materials to be furnished or items of work to be done by applicant ☑ All Approach to slope at least 1 inch per foot away from pavement. Private roadway agreement from Southern Pacific Transportation Co. is attached.

Materials to be furnished or items of work to be done by State ☐ None

Est. cost of State work $1,000. How paid ☐ State right of way or construction obligation

4. Highway: Surface type A.C., width 21' Shoulder type Rock, width 8'

Curbs? ☑ R/W width, approach side 30' Alignment at approach road Tangent

Sight distance (from point 6' back of shoulder or curb) 1,000' ahead 1,000' back

5. Facility served by approach ☑ Work Shop

6. Adequate space to park vehicles off the R/W? ☑ Yes

7. Right of access purchased or otherwise obtained by State? ☐ No

Applicant declares he is the owner or lessee of the real property abutting the above described highway and has the lawful authority to apply for this permit. This permit is issued by the Engineer subject to the terms and provisions contained herein and attached hereto; this permit is accepted and approved by the applicant subject to said terms and provisions.

Applicant Mid Valley Work Shop OREGON STATE HIGHWAY ENGINEER

By: ☑ ☐ Utility Permit Engineer

Date of Application 11-15-35 Effective Date 1-15-35
SPECIAL PROVISIONS (Cont.)

8. The approach road covered by this permit shall be single/dual and shall conform to the dimensions and figures indicated on the sketch map, cross-section and schedule of dimensions included herein or attached hereto, and shall be constructed to the grade established by the Engineer.

**SINGLE APPROACH ROAD**

Right Angle or Skew Construction Optional
Curb Return or Drop Curb Optional When Curb Required

**DUAL APPROACH ROAD**

Right Angle or Skew Construction Optional
Curb Return or Drop Curb Optional When Curb Required

---

**SCHEDULE OF DIMENSIONS**

Applicable to Single or Dual Type Access

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>10'</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>D2</td>
<td>5'</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>P</td>
<td>5'</td>
<td>35'</td>
<td>10'</td>
</tr>
<tr>
<td>M</td>
<td>10'</td>
<td>None</td>
<td>—</td>
</tr>
<tr>
<td>W</td>
<td>15'</td>
<td>50'</td>
<td>30'</td>
</tr>
<tr>
<td>S</td>
<td>10'</td>
<td>None</td>
<td>—</td>
</tr>
<tr>
<td>IL</td>
<td>30'</td>
<td>None</td>
<td>—</td>
</tr>
<tr>
<td>Angle of Skew</td>
<td>90°</td>
<td>45°</td>
<td>90°</td>
</tr>
</tbody>
</table>

*One common approach to adjacent property may be permitted provided W does not exceed 50'.

1 Strike out word not applicable.
OREGON STATE HIGHWAY COMMISSION
ROAD APPROACH PERMIT

GENERAL PROVISIONS

1. No approach road or other facility shall be constructed upon the highway right of way until a signed copy of this permit is returned to the applicant.

2. The word Engineer as used herein shall mean the State Highway Engineer or his duly authorized representative.

3. This permit is granted with the specific understanding that the applicant shall be responsible and liable for all accidents, damage or injury to any person or property resulting from the construction, maintenance, repair, operation or use of said approach road for which the applicant may be legally liable, and that the applicant shall hold blameless and harmless and shall indemnify the State of Oregon, its State Highway Commission and members thereof, its officers, agents and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, which they or any of them may sustain by reasons of the acts, conduct or operations of the applicant, his agents or employees in connection with the construction, maintenance, repair, operation or use of said approach road.

4. The construction, maintenance, operation and use of said approach road is subject to the paramount control of the legislature over said highway, and no right or privilege herein granted shall be deemed or construed to be beyond the reach or authority of the legislature to control the said highway, and the applicant in accepting this permit accepts it knowing that the rights and privileges herein granted may at any time be defeated and abrogated by legislative act.

5. The stopping or parking of vehicles upon the state highway right of way for the servicing of such vehicles or in furtherance of any business transaction or commercial establishment is strictly prohibited. Minimum set back distances as shown by dimensions on the sketch map or plan herein for buildings, pump islands, or any other structure now existing on or hereafter placed on applicant’s property shall be strictly observed. NO APPROACH WILL BE CONSTRUCTED FOR OR BY ANY APPLICANT FAILING TO CONFORM.

6. The number of approaches to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated. NO APPROACH ROAD WILL BE CONSTRUCTED TO OR PERMITTED ON A HIGHWAY OR SECTIONS THEREOF WHERE RIGHTS OF ACCESS TO OR FROM THE ABUTTING PROPERTY HAVE BEEN ACQUIRED BY THE STATE THROUGH PURCHASE OR GRANT OR WHERE RIGHTS OF ACCESS HAVE NEVER ACCRUED.

7. In the construction of an approach road under this permit, either by the applicant or by the State at the expense of the applicant, the State recognizes the applicant’s ownership of the property entering into said construction.

8. If, in the event of the reconstruction or widening of any highway, it becomes necessary to remove, alter or reconstruct the approach road constructed under authority of this permit, the cost of such removal or replacement to a like width and condition will be borne by the State. Any widening or other improvement of the approach road at the applicant’s request shall be done only under authority of a new permit and at the expense of the applicant.

9. The construction of the approach road by the applicant, an agent or contractor, will be permitted only when the applicant furnishes evidence of having, to the satisfaction of the State, thereof being adequate and suitable equipment and facilities, and furnishes satisfactory plans and specifications.

10. If this permit is temporary, a deposit of not less than $50.00 is required to guarantee removal of the approach by the applicant on or before the expiration date. If an expense is incurred by the State in the satisfactory removal of the approach, the entire amount of the deposit will be refunded to the applicant.

11. Failure to construct the approach or approaches in conformity with the provisions written herein or plans attached hereto may result in cancellation of the permit and removal of the partially constructed approach or approaches at the applicant’s sole expense.

12. If at any time in the future because of increased volume of traffic using the approach road covered by this permit or a change in the character of the traffic using such approach road it is reasonably determined that additional traffic controls are necessary for the safety of the traveling public (e.g., acceleration or deceleration lanes, widening of the highway to provide left-turn refuge, traffic warning lights or signals, etc), the permittee hereby agrees to reimburse the State for the entire cost of constructing or installing such additional traffic controls; provided, however, that if the permittee is a lessee of real property abutting upon a state highway at the location described in the Application and Permit, the liability of the permittee as aforesaid shall be limited to the cost of constructing or installing the additional traffic controls which are constructed and installed during the time the lease is in force and effect.

13. Upon completion of said approach road, the applicant may perform additional minor work, such as seeding or planting of island, working or cutting edges of said approach, etc., provided that such work is done in a manner so as to cause no interference to traffic upon the highway and is performed at the applicant’s sole expense.
14. The entire expense of maintaining said approach road shall be borne by the applicant, who is hereby permitted to make minor repairs, such as the correction of irregularities in the surfacing of the approach road, repair of curbs or walks, etc., provided that the maintenance work does not interfere with or interrupt traffic upon and along the highway. No work shall be done and no equipment shall be used by the applicant on the shoulder of the highway at any time, unless applicant shall have first secured approval from the Superintendent of Maintenance of the district in which the approach road is located.

15. No unauthorized signs shall be placed, permitted or maintained by the applicant upon any portion of the right of way, nor shall any signs not conforming to law be placed, permitted or maintained on property adjacent to the right of way. Where standard warning signs, such as “Look Out for Log Trucks,” are required by this permit or other regulations, or are ordered by the Engineer to provide warning of the approach road, such signs shall be furnished and placed by the State at the expense of the applicant.

16. The planting or placing of other adornments not prohibited by law on the island or any portion of the right of way by the applicant shall be limited to low growing shrubs, grass, or flowers that do not attain sufficient height to obstruct clear vision in any direction. No curbs, posts or other structures shall be placed on the highway right of way unless applicant shall have first secured the approval of the Engineer.

17. The applicant for any maintenance, repair, employees, agents, representatives and contractors of the State Highway Commission to enter upon property owned or leased by said applicant for the purpose of constructing the said approach road.

18. The word “applicant” and all references to the applicant contained herein shall include the plural when appropriate.

19. It is expressly understood that this permit is conditioned upon replacement or restoration of the highway to its original or a satisfactory condition.

20. This permit is issued subject to the approval of city, county or other governmental agencies having either joint supervision over said highway or authority to regulate land use by means of zoning or building regulations. It shall be the applicant’s responsibility to determine the necessity of and obtain any such approval which may be required.

21. If the Applicant fails to complete the installation of the road approach or approaches covered by the permit within twelve (12) months from the effective date of the permit, said permit shall be deemed null and void and all privileges thereunder forfeited, unless a written notice, signed by the Engineer, is obtained from the Engineer.
PRIVATE ROADWAY AGREEMENT

This Agreement, made this 1st day of July, 1972,
by and between SOUTHERN PACIFIC TRANSPORTATION COMPANY, a corporation,
hereinafter called "Railroad", and MID-VALLY TRANSPORTATION AND REHABILITATION CENTER,
Inc., Post Office Box 403, Unity, Oregon 97473,
hereinafter called "Licensee";

Witnesseth:

In consideration of Fifty Dollars ($50) paid by Licensee, Railroad hereby permits Licensee (subject to the provisions hereof) to construct, maintain and use a private roadway across the tracks and upon property of Railroad at Mile Post F-729.05 at or near Whitson


1. The permission herein granted is subject to all licenses, leases, easements, encumbrances and claims of title affecting said property of Railroad.

It is understood and agreed that said roadway shall be a private one and not intended for public use.

2. Commencing with the second year of the term of this agreement, Licensee shall pay to Railroad the sum of Ten Dollars ($10) per annum, payable annually in advance. Nothing contained herein shall be deemed as modifying or amending in any way the provisions of Section 9 hereof.

3. Licensee, at Licensee's expense, shall construct and maintain said roadway in a good and safe condition acceptable to Railroad. Licensee shall keep said roadway and the flanges of the tracks therein free and clear of all rubbish, debris and any other materials. Roadway signs, whistle stop signs and stop signs shall be constructed and maintained at the expense of Licensee at such locations and in such form as may be designated by Railroad. In the event the public body having jurisdiction thereof shall order automatic protective devices or the alteration of the roadway by widening, changing grade, or paving, or the installation of curbs or gutters, Licensee shall bear the expense thereof and agree to reimburse Railroad for all cost and expense incurred by Railroad in connection therewith, including any costs which may be assessed against Railroad by such public body. Licensee shall not permit any work of construction or repair on said roadway except emergency repairs unless Railroad's Division Superintendent is given five (5) days' advance notice thereof and the approval of Railroad for each such work is obtained in writing. Licensee agrees to reimburse Railroad for all cost and expenses incurred by Railroad in connection with the construction, maintenance and removal of said roadway and said signs.

4. All vehicles shall come to a complete stop before crossing the tracks at the above location, and shall not proceed across said tracks until it has been ascertained that it is safe to do so. Licensee shall not obstruct or interfere with the passage of Railroad's trains.

5. Licensee, at Licensee's expense, shall install and maintain in good repair such gates and/or barricades as may be required by Railroad in connection with the construction and use of said roadway. Licensee shall keep said gates and/or barricades closed and securely locked at all times, except when said roadway is actually being used.

6. Licensee shall pay for all materials joined or affixed to said property, and for all labor performed upon said property, at Licensee's instance or request, and Licensee shall not permit or suffer any mechanic's lien or materialmen's liens of any kind or nature to be enforced against the property of Railroad for any such work done or materials joined or affixed thereto.

7. Licensee does hereby release and agree to indemnify and save Railroad harmless from and against all liability, claims, costs and expenses, for loss of or damage to the property of either party hereto or to third persons, and for injuries to or deaths of Licensee or the agent, employees or invitees of Licensee, or third persons, or the employees of Railroad caused by or arising out of the presence, construction, reconstruction, maintenance, use or removal of said roadway, regardless of any negligence or alleged negligence on the part of any employee of Railroad.

The word "Railroad" as used in this section shall be construed to include, in addition to Railroad, the successors, assigns and affiliated companies of Railroad, and any other railroad company
that may be lawfully operating upon and over the tracks crossing said roadway, and the officers and employees thereof.

Licensee, upon request, will provide Railroad with certified copies of insurance in form and amounts satisfactory to Railroad insuring the liability of Licensee under this agreement.

8. In case Railroad shall successfully bring suit to compel performance of, or to recover for breach of, any covenant or condition hereunder, Licensee shall pay to Railroad reasonable attorney fees in addition to the amount of judgment and costs.

9. This agreement is effective as of the date first herein written and may be terminated by either party hereto by giving thirty (30) days' notice to that effect to the other party. If Licensee makes default in respect to any covenant or condition on Licensee's part hereunder, Railroad may forthwith terminate this agreement by notice to Licensee.

Upon termination of this agreement the permission herein granted shall cease and determine, and Licensee, at Licensee's expense, shall remove said roadway, leaving Railroad's property and track area in a neat, safe and clean condition, failing in which, Railroad may perform such work at the expense of Licensee.

10. This agreement shall not be assigned in whole or in part without the prior written consent of Railroad.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate as of the day and year first herein written.

SOUTHERN PACIFIC RAILROAD COMPANY

WITNESSED BY:

[Signatures]

NOTE: If any interpreted language, agreement should be read by an authorized officer thereof and his role indicated, otherwise agreement should be witnessed by an employee of Railroad if practicable, if not, by a disinterested party.
STATE OF OREGON )
) ss:
County of Yamhill )

On this 10th day of December, 1974, before me personally
appeared Michael Hamilton to me known to be the Chairman of the
Board of Directors of Mid-Valley Workshop and Rehabilitation Centers,
Inc. and who executed the above Private Roadway Agreement and
acknowledged to me that said agreement was signed and sealed in behalf
of said corporation by authority of its board of directors; and he
acknowledged said instrument to be its voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 11/29/77

[Notary Seal]
V. Comments Received
No Comments Received
VI. Light Industrial Zoning Ordinance
SECTIO 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.
VII. Planning Commission Hearing Minutes
YAMHILL COUNTY PLANNING COMMISSION
Thursday, February 1, 2024 - 7:00 p.m.
Yamhill County Courthouse, Room 32
535 NE Fifth Street
McMinnville, Oregon 97128

Roll Call: in person: Mark Gaibler, Paulette Alexandria, Matt Dunckel, John Abrams; Christy Cooke; Craig Brown, Alan Halstead, Brett Veatch via Zoom: Steve Belt Absent: none Staff: Ken Friday, Tiffanie Willis, Stephanie Curran, Jody Gollehon

Chair John Abrams opened the public hearing.

Approval of minutes from January 4, 2024, hearing. Alan Halstead motioned to approve with change of listing people who attended by Zoom and in person separately, Mark Gaibler seconded. Motion passed unanimously.

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.

Abstentions and objections:

Mark Gaibler does business with Bryce, but it will not affect his vote.

Ken Friday read the raise it or waive it statement and the staff report.

Public Agency Reports:

The county sanitarian was the only response.

Proponent:

Bryce Roberts, 9155 SW Laughter Ln and Wally Lien, lawyer, PO Box 5730, Salem, OR: Applicant has an electrical business here, which is basically a dispatch business, so traffic is not a big issue since customers do not come to the property. The business has been growing and has outgrown the parameters of a home occupation, so we are requesting a zone change.

Christie: What is the speed limit there?

Bryce: 45mph
Opponent:

Jill Olson: 9420 SW Laughter Ln, Amity: I’m sure they have complied with everything, but I have some concerns. When I bought my property, they were advertised as low density residential, minimum one acre lot, maybe up to 2 acres. He started with a small business with 5 employees, but now he has over 12 employees. There is not room to currently park all of the vehicles. I did call and make a complaint to the code enforcement office. There is a lot of big equipment on this property. I have concern with gas, oil leakage from vehicles, we are all on well water. The business is on the cusp of being too large right now. My concern is what happens if the property is re-zoned is sold. Bryce is a very conscientious neighbor, he fills the potholes in the road caused by his large equipment, and picks trash off the fences, lets neighbors use his big equipment. I am concerned with the zone change. I don’t see changing the zoning for one business.

Rebuttal:

Wally: The reality is the home occupation limits the business to 5 employees. This business is too big for that now. Do we want to keep this business in Yamhill County or drive him out because of the limits of the home occupation. We ask that he be allowed the zone change to keep his business there.

Deliberation

Craig: How many acres is the property?

Bryce: A little over 2 acres.

Mark: How many employees?

Bryce: About 30.

Mark: How many from the local area?


Christie: So, the families kids go to school in Amity?

Bryce: About half of them do.

John: Employees come and go from the property, but are not there all of the time?

Bryce: Correct.

Paulette: Is there a work around without changing the zone?

Ken Friday: No

Brett: if you change the zone and it changes ownership, and the new owner wants is free to do what he wants?

KF: Unless you put in a limit use overlay zone.

Brett: That sounds reasonable.

Paulette: I concur with both of you with the limited use overlay.
Craig: I agree with Paulette and Brett and want to see a limited overlay zone to prevent future owners from increasing the size of the business drastically.

Alan: I agree, but I also know that Yamhill County does not have enough light industrial zoning.

Mark: I don’t want to see this business move to Polk County.

Matt: I will support the application. I empathize with Jill.

John: I support the application too, but I think a limited use overlay is appropriate.

**Staff Recommendation:**

Approval for recommendation to BOC.

Alan made a motion to approve with limited use overlay zone, Paulette seconded. Motion passed unanimously, Steve Belt unable to vote due to Zoom issues.

**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.

**Abstentions and objections:**

None

Ken Friday read the raise it or waive it statement.

Tiffanie Willis read the staff report:

**Public Agency Reports:**

The County Sanitarian and ODOT was the only agencies that responded.

**Proponent:**

Andrew Stamp, 6000 Meadows Ste 500, Lake Oswego 97045: My client, OVS in Yamhill County, is spread between two different locations. Light Industrial zoned property is limited in Yamhill County and my clients...
have been looking for a property to buy a property for over 2 years. We proposed a limited use overlay with our zone change. Not a lot will change as far as the scope of the business.

Mac Cross, president of OVS, 3800 Three Mile Lane, McMinnville, president of OVS: we want to consolidate our operations to this site because it fits all our needs. We have been a part of this industry for decades and as the wine business has grown, so have we. We want to consolidate our employees into one location, they are in several locations now throughout the county. We have about 50 employees and we want to keep this business within the county.

John: Have you got together with the sanitarian?

Andrew: It is not a concern.

Mark: Are you planning on moving all of your businesses?

Mac: We are looking to consolidate our McMinnville location, our Lafayette location and our corporate office which is currently in the Evergreen building.

Craig: Do you still have a facility north of Hubbard?

Mac: We have one in Salem.

**Opponent:**

None

**Staff Recommendation:**

Recommends approval.

**Deliberation:**

Matt: Makes sense to me, I support the application.

Mark: I think it will be great.

Alan: I’m all for it.

Craig: I’m for it.

Paulette: I’m for it.

Brett: It is logical move.

Christy: I agree it is appropriate.

Steve: I want to say that I have had Andrew Stamp represent it before but that won’t affect my decision.

Alan motioned to approve; Brett seconded. Passed unanimously.

**Other Business:**

Supreme Court decided not to take up the Manchester Solar decision but will take up the Grange Hill decision.
Nothing scheduled yet for this month.

Hearing Adjourned: 8:16
February 22, 2024

Yamhill County Board of Commissioners
434 NE Evans St.
McMinnville, OR 97128

RE: PAZ-02-23

Dear Chair Berschauer and Commissioners,

Pursuant to YCZO 1403.05, on behalf of the Applicant Orchard Vineyard Supply (OVS) and MV Advancements, this is to request that the Board of Commissioners remand the above matter back to the planning commission. OVS is the applicant for the above planning action and MV Advancements is the property owner. As you know the planning commission recommended approval of the proposed plan amendment and zone change for the property with an overlay that essentially limited the use of the property to an OVS store. The matter comes to you to consider the planning commission’s recommendation.

However, since the time that the planning commission considered the matter, OVS has decided it is unable to continue to pursue its acquisition of the subject property. Therefore, the parties intend to request the planning commission modify the overlay restriction to broaden its scope beyond just an OVS store. Therefore, we respectfully request that you remand the matter to the planning commission to allow them to first consider that request. Thank you for your consideration.

Sincerely

MV Advancements
By: Kathy Schlotfeldt, Ex. Dir.

Orchard Vineyard Supply
By: Matt Cross, CEO

CC: Ken Friday
    Wendie Kellington (legal counsel, MV Advancements)
    Andrew Stamp (legal counsel, OVS)
I. Staff Report
HEARING DATES:  February 1, 2024 – Planning Commission Hearing
February 29, 2024 – Board of Commissioners Hearing
July 11, 2024- Planning Commission Hearing

DATE:  February 7, 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:  MV Advancements

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- See letter in packet.
ODOT- See letter in packet
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, MV Advancements 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.” The owner also seeks a “Limited Use Overlay” zone on the subject property.

   Up until recently, the subject property has been a work training and employment center for individuals with disabilities. MVA’s sheltered workshop model focused on an employment and social environment that was separate to the community. However, more recently, MVA shifted toward a model of integrated community activities and employment, focusing on connecting adults with disabilities with meaningful employment opportunities and activities within their local communities. With this change, MV Advancements wishes to sell the property to an organization that can better utilize the property, and to do so, they would like to make a zone change to Light Industrial Use. Existing buildings on site are in good condition, and could be suitable with minimal changes, to allow for such uses.
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 a future Light Industrial business to locate their business within 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 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). Much of the necessary infrastructure is in place for the transition of this property to Light Industrial. The subject tract is bordered to the east by Highway 99W. The applicant notes that the infrastructure better supports Light Industrial use because of the existing facilities on site such as an existing rail spur on the Portland and Western Railroad line and existing industrial type buildings. A zone change to Light Industrial 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. Although the location of the subject parcel is outside of an urban growth boundary, the Light Industrial Use 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 this need 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 examples 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 industrial use. The traffic/access is not convenient for large trucks and customers due to the access being through residential side streets.

Alternative Site #2 is only 5.3 acres. 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 light industrial type of use. 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 substation lines 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 a proposed future 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 industrial uses of a similar scale to the recent employment training center and workshop use.

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 is scale to other light industrial uses.

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 in particular there is a need for rural light industrial sites with rail spur access. Portland and Western Railroad have reported that there is a current high demand for rail-connected properties in the area with zoning appropriate for rural industrial uses. In fact, at present there is only one site on PWRR’s list of available rail-connected industrial sites in the whole of Yamhill County.

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 estimated annual growth rate for these 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 foresees continued positive growth in these subsectors in the Mid-Valley region (Linn, Marion, Polk, Yamhill), over the next decade and beyond.

The applicant states that the most recent Yamhill County Needs and Opportunities Assessment published in 2017, confirms that there is pressing local need for existing industrial properties to remain available. According to the YCNOA, while recent rural agricultural development in the wine and tourism industry has benefited the local economy overall, by and large that development has not provided family wage jobs. The YCNO mentions repeatedly that Yamhill County specifically needs more industrial-zoned land.

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.

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 light industrial uses. The applicant found that some of the other lots already designated for Light Industrial use have issues with access to major arterial roadways and rail, 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.
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 sell the property and market as a suitable location for Light Industrial uses with a limited use overlay. The overlay zone will control impacts. Applicant request that the allowed uses be those listed in YCZO 702.02 (A) through (H) and (K) and similar uses approved by the county under YCZO 702.04- see below:

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

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

702.04 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.

*The applicant states that historically MV Advancement processed forest product in their workshop and that it is considered an industrial use, however this use is not listed as a permitted use in the Light Industrial zone. Manufacturing of forest product is permitted within the Heavy Industrial District.

If deemed appropriate, the Planning Commission and/or Board of Commissioners can choose to apply a limited use overlay to allow those uses listed as a permitted use described in Section 702.02 Light Industrial District. 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.

If there are changes to the use of the property, Yamhill County Planning Department would require a Site Design Review application to address those changes. Additionally the County Sanitarian and Building Department would require permits.

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), the applicant provided a transportation analysis, Exhibit 9, with an estimated total of annual daily traffic (ADT) at 206. 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 the county Public Works Department. The Oregon Department of Transportation corresponded with planning staff stating that they had no objections to the zone change.
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

400 NE Baker Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

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<tr>
<th>APPLICANT</th>
<th>LEGAL OWNER (IF DIFFERENT)</th>
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<tr>
<td>MV Advancements</td>
<td>MV, LLC</td>
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<td>P.O. Box 28</td>
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<tr>
<td><a href="mailto:kathy@mvadvancements.org">kathy@mvadvancements.org</a></td>
<td><a href="mailto:kathy@mvadvancements.org">kathy@mvadvancements.org</a></td>
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If the applicant is not the legal owner, state interest in property:

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<th>PROPERTY INFORMATION</th>
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<tr>
<td>Tax Lot(s):</td>
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<td>Zone:</td>
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<td>Size of Tract (include all adjacent tax lots)</td>
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1. TYPE OF APPLICATION (what is requested?): Amended application for PA and Zone Change. Original application completed by OVS. Docket #PAZ 02-23

2. JUSTIFICATION FOR REQUEST

YCZO Section(s): 1208 - Quasi-judicial zone district boundary changes.

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.


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

Warehouses, offices/indoor work space

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

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

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

Exhibit 1

1 of 2
8. To your knowledge, do any of the following natural hazards exist on the property?

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

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.

\[Signature\] 5/2/24

Applicant's signature

\[Signature\] 5/2/24

Property owner's signature (if different)

State of **Oregon**

County of **Yamhill**

Signed before me on this 2 day of **May**, 2024

by **Kathy Schlootfeldt**

OFFICIAL STAMP
NATASHA MARIE DILLON
NOTARY PUBLIC - OREGON
COMMISSION NO. 1020628
MY COMMISSION EXPIRES JANUARY 17, 2028

\[Signature\] **Natasha Marie Dillon**

Notary Public for Oregon
My Commission expires **Jan 17, 2026**
APPLICATION FOR A
POST ACKNOWLEDGEMENT PLAN AMENDMENT
& ZONE CHANGE

BURDEN OF PROOF STATEMENT

YAMHILL COUNTY FILE NO. PAZ-02-23

DATE
May 6, 2024
REQUEST
Plan Amendment from “Public” to “Industrial” and Zone Change from “Public Assembly Institutional” to “Light Industrial” with a Limited Use Overlay

APPLICANT
MV Advancements
CURRENT OWNER
MV, LLC
APPLICANTS REPRESENTATIVE
Wendie L. Kellington
Kellington Law Group, P.C.
4500 Kruse Way Suite 340
Lake Oswego, Oregon 97035
Phone: 503.636.0069
Email: wk@klgpc.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.
YCCP Section VII(B), Policy A. YCZO 200 (Definitions)
YCZO 702 (Light Industrial)
YCZO 904 (Limited Use Overlay)
YCZO 1007 (Off Street Parking and Loading)
YCZO 1208 (Quasi-Judicial Zone Change)
Exhibit List.

1. Application Form
2. Ownership Information (Trio)
3. Secretary of State Data
4. Tax Assessor's Map
5. Aerial Photograph of Site
6. Current Comprehensive Plan Map and Zoning Map
7. Alternative Sites Analysis
8. NRCS WSS Soils Map and Data
9. Traffic Analysis Letter
10. Well Report and Septic Approvals
11. Warranty Deed
12. Map of Surrounding Properties
13. Portland & Western Railroad Correspondence and Customer List
14. Ordinance 63
15. OSU 2022 Wine Report and related article
I. Summary of Request.

1. Purpose.

The applicant, MV Advancements ("MVA"), seeks to change the subject property’s Comprehensive Plan map designation from "Public" to "Industrial" and the Zoning Map from "Public Assembly Institutional" (PAI) to "Light Industrial" (LI). MVA also seeks a "Limited Use Overlay" zone on the subject property to limit the scope of potential uses.

2. Introduction.

Serving individuals across Yamhill, Marion, and Polk Counties since 1966, MVA is an Oregon-based nonprofit dedicated to empowering adults with disabilities to lead enriching lives filled with independence and fulfillment. Exhibit 3.

Initially, after the subject property was donated to MVA (formerly Mid-Valley Workshop, Inc.) in 1974, (see Exhibit 11), it was used as a site for adults with disabilities to train, work and engage in meaningful activities. MVA’s predecessor and then MVA (hereinafter MVA) operated what is known as a sheltered workshop on the subject property, providing job training and employment opportunities to its clients as well as daytime activities for adults with disabilities who were not working. The sheltered workshop model focused on an employment and social environment for adults with disabilities that is separate from employment and social environments mixed with able-bodied people. However, more recently, consistent with the evolution of social science’s understanding what works best for adults with disabilities, MVA shifted toward a model of integrated community activities and employment, focusing on connecting adults with disabilities with meaningful employment opportunities and activities within their local communities — to work and play alongside their able-bodied counterparts. By championing this model, MVA enables adults with disabilities to contribute their skills and talents in integrated roles alongside their neighbors. Under the current model, adults with disabilities can thrive as a part of their community rather than being disassociated from it.

The subject property has been an important part of MVA’s story. MVA first established a sheltered workshop on the property, where its clients would train and work in wood processing industry facilities that MVA established on the site. In the 1980s, in addition to the sheltered workshop, MVA added a 7,000 sq ft activity center on the north portion of the parcel. The activities center and sheltered workshop functioned hand in hand to provide adults with disabilities with training, employment, and socially enriching activities. The employment provided was generally industrial and involved wood processing and assembling dental equipment. However, as the disabled service model shifted to community employment and activity opportunities, the property was no longer useful as a training, employment, and activity site for MVA’s clients, who had moved to training, employment and activity opportunities within their community. In 2018, MVA closed the sheltered workshop and leased the 14,000 sq ft of warehouse, 3,000 sq ft of dry air retail, and 5,500 sq ft of office to a tenant that continued to engage in wood processing on the property. MVA continued to operate its activities center for its clients, until 2020, when it was forced to close due to the COVID-19 pandemic. MVA did not
lease the activities center to others. Rather, MVA continued to use the activities center for its own employee training.

Accordingly, MVA was tasked to decide what to do with the property. MVA is a nonprofit organization that is not in the business of being a landlord and has found that diverting its resources and attention to leasing and maintaining the subject property for a tenant detracts from MVA’s important mission. It is also expensive for MVA to maintain this property, depleting important resources from MVA that could better be spent supporting the adults with disabilities who are its clients.

Accordingly, MVA made the decision to sell the property. However, given the manner in which the property is developed, there are few to no other nonprofits/benevolent organizations that would find the property useful and buy it for a use that is consistent with how it is developed. The structures on the subject property are in good condition, making the prospect of demolishing or significantly remodeling them imprudent. The private sector cannot buy the subject property and expect to put it to industrial use consistent with its zoning because the PAI zone is unique in that its focus is on the character of the user and not the use. In other words, the same industrial use of the property that is a permitted use of PAI zoned property when performed by MVA to further MVA’s mission, becomes a nonconforming use when performed by the private sector. It is difficult if not impossible to find buyers for nonconforming use sites because it is next to impossible to get financing for nonconforming uses – a problem made worse in the current economic environment. The current plan and zone are poorly suited to the property’s developed buildings/infrastructure as well as historical use as a rural light industrial site unless it is owned by a nonprofit/benevolent organization. And, as noted, there are few to no other benevolent organizations that would be able to buy and use the site’s developed structures, especially in light of the fact that the sheltered workshop model is not in disfavor. Without changing the plan and zone to match the existing infrastructure on the site, MVA runs the very real risk of an economic albatross.

To be sure, the Public/PAI designation and zone made sense when MVA used the site as an activity, training, and employment site for disabled people at the time when the sheltered workshop model was thought to be the “gold star” means to serve their clients. That is because the purpose of the PAI zone is “to accommodate *** public and private assembly uses and institutional facilities to serve both local and regional needs.” YCZO 801.01. Allowed uses are those for public or private assembly for religious, charitable *** recreational, or educational purposes, including churches, auditoriums, armories, youth centers, *** fairgrounds, group camps, schools, *** day-care schools.” YCZO 801.02(A). Other allowed uses include “Clinics”, “Clubs”, “nursing homes”, among others. YCZO 801.02(B)-(D). When used by MVA for light industrial uses in service of its mission, the subject property ticked many of these boxes. Thus, while the primary use of the subject property and the developed structures on the property are supportive of a variety of light industrial use – from forest products processing, warehousing, and distribution, to assembling dental or similar equipment requiring “clean room” specifications, the PAR zone only allows those uses when performed by MVA or a similar organization. The disconnect that drives this proposed plan amendment and zone change, is that continuing to use the site for industrial equipment assembly or forest products processing,
wholesaling, and distribution at the site under the guise of any other user than MVA or similar organization, is a nonconforming use.

After MVA made the decision to sell the subject property in light of the reality of the dramatically different service model it now operates under, the subject property sold quickly, demonstrating that there is a need for rural light industrial property with its unique features in the county. Specifically, toward the end of 2023, MVA sold the property to Orchard Vineyard Supply (OVS) that wanted to use the property for its headquarters. OVS pursued this plan amendment and rezone to allow that use to be situated on the property. Accordingly, wood/forest products processing on the site stopped for the first time at the end of March, 2024, because a term of OVS’s contract to purchase the property required MVA to evict its wood processing tenant by March 31, 2024 and MVA did so as their OVS contract required. However, OVS unexpectedly decided not to purchase the property after MVA had evicted its wood processing tenant. The consequence is that at the end of March 2024 the subject property was, for the first time, not being used for industrial wood/forest products processing, or for dental equipment assembly or any other industrial use other than one building was still being used to provide training to MVA’s employees and volunteers, even though the property is significantly developed with buildings in good condition and parking that support rural industrial, and rural industrial accessory uses.

Accordingly, MVA seeks a designation and zone of light-industrial to align the property with its historical use and existing industrial type of developed structures, regardless of the nature of the operator.

The developed infrastructure includes a nearby existing rail spur on the Portland and Western Railroad (“PWRR”) line and the very real ability to connect a spur to the subject property. MVA has confirmed a rail spur can be seamlessly connected to PWRR. PWRR advises MVA that the region has a critical need for industrial properties with such rail access, and that it has received recent inquiries for rural industrial users that include wood/lumber products processors and manufacturers, and those who need or trade in sand, and corn. Exhibit 13. According to the railroad, developed property for rural industrial uses with existing access to rail, are rare and in high demand.

II. Facts.

A. Site Description / Setting.

The subject property consists of a single tax lot, T5S, R4W, Section 17, Tax Lot 301. Exhibits 1, 2, and 4.
It is served by a water well and two different septic systems. Exhibit 10.

The subject property is bordered by significant vegetation, Salt Creek and the Salt Creek riparian area:
It is not expected that there is a reasonable likelihood that the property will be redeveloped as the existing buildings are in good condition – essentially the subject property is move-in ready, as is.

The developed portion of the site is generally flat and currently contains three separate areas of industrial operations of 31,900 square feet in total: 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 employee training 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.
A. Current 7,000 sq ft activity center building (office, dry space, training facility, R & D)

B. Current 2,400 sq ft warehouse building

C. Current warehouse building, 14,000 sq ft warehouse, 5,500 sq ft general industrial, 3,000 sq ft dry air retail
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.
- To the northwest is a farm parcel owned by James L Bunn, also zoned EF-80, and also in agricultural use.

![Zoning map showing subject property (marked "PAI") and surrounding properties.](image_url)

**B. Current Development of Subject Property:**

**SECTION A (7,000 sq ft):**
This is the former activity center for MVA's clients and is now used by MVA from time to time for their own employee training. It is a building that is set up to function as an office, or training center for employees for industrial operations, additional dry air facility, and/or an R & D facility and requires only minor repairs and aesthetic improvements for that use.

Section A includes 5,300 sq ft of employee parking, which is sufficient for the anticipated needs of an office building of its size.

**SECTION B (2,400 sq ft):**
This 2,400 sq ft warehouse is surrounded on three sides by a large unpaved yard and is fully functional in its current condition.
SECTION C: (22,000 sq ft building composed of 5,500 sq ft general industrial space, 14,000 sq ft warehouse, 3,000 sq ft dry air/retail):

This 22,000 sq ft building includes 5,500 sq ft general industrial and 14,000 sq ft warehouse, 3,000 sq ft dry air/retail space.

This section includes 13,500 sq ft of parking, which is sufficient to meet the anticipated need for customer and employee parking in a warehousing or other general light industrial building of this size.

This section also includes on-site traffic routing for large vehicles and equipment to traverse the property, load, and unload materials, safely and out of the public right of way.

C. Employee Data:

The subject property has historically provided up to 60 employment positions in Yamhill County.

D. Anticipated Trip Generation:

A transportation analysis was prepared by Clemow Associates LLC and is appended as Exhibit 9. That analysis evaluated the trip generation associated with an industrial use occupying the site, using the existing structures as the trip generation guide. That analysis yielded 206 daily trips and 24 peak hour trips, as demonstrated on the chart below:

<table>
<thead>
<tr>
<th>Existing Development</th>
<th>ITE Code</th>
<th>Size</th>
<th>Daily Trips</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Light Industrial</td>
<td>110</td>
<td>8,500 SF</td>
<td>41</td>
<td>Enter 5 Exit 6</td>
</tr>
<tr>
<td>Warehousing</td>
<td>150</td>
<td>18,400 SF</td>
<td>64</td>
<td>Enter 2 Exit 3</td>
</tr>
<tr>
<td>Small Office Building</td>
<td>712</td>
<td>7,000 SF</td>
<td>101</td>
<td>Enter 10 Exit 15</td>
</tr>
<tr>
<td>Existing Development Trip Generation</td>
<td>206</td>
<td>7</td>
<td>17</td>
<td>24</td>
</tr>
</tbody>
</table>

1. Trip generation estimated using the Average Rate per recommended practice in the ITE Trip Generation Handbook, 3rd Edition.

III. Applicable Regulations.

A. Yamhill County Comprehensive Plan.

YCZO 1208.02(A) requires the applicant seeking a comprehensive plan map and zoning map amendment 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 may apply. 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 whether a comprehensive plan provision is an “applicable” mandatory approval standard.

Determining whether any given Comprehensive Plan goal or policy is an “applicable” approval standard is decided with reference to the terms of the standard at issue. Sometimes, the plan itself will provide a “roadmap” by expressly stating which, if any, of its policies are applicable approval standards. For instance, LUBA has concluded that a policy applies as an approval criterion for land use decisions if the comprehensive plan specifies that a particular plan policy is itself an implementing measure. *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. *Schellenberg 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 Dalles*, 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). The Yamhill County Comprehensive Plan does not provide a roadmap to use to determine whether its policies are nonbinding guideposts or mandatory approval criterion. Instead, 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.*

Each goal and policy is then considered individually based on 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 uses 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. *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 is fully implemented by a corresponding land use regulation, then demonstrating compliance 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(1988); During 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).

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 directions 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 kind of balancing approach where necessary:

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 county’s plan policies appear to be capable of being applied consistently without conflict, and therefore, it does not appear that balancing is needed. It is simply noted, that if that is not the case, balancing is allowed.

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 farmlands 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 that the County formalize the existing rural-light industrial use of the subject property, with a corresponding light industrial zone. There is no concern that the zone change will remove valuable farmlands from needed agricultural uses because the site has long been planned, zoned, and developed for industrial types of uses. In this case, application of the LI zone will best conserve the existing character and utility of the property and allows it to continue to be used as other than a nonconforming use. As a result, there is no concern that the decision to approve a PAPA and zone map amendment with a Limited Use Overlay ("LUO") will result in encroachment of urban development into rural areas. The property is already planned and zoned for non-agricultural uses and is developed with industrial buildings and has long supported rural industrial 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: This policy does not seem to apply because the applicant does not propose any development of the subject property. However, given the unique characteristics of the site as having access to rail and Hwy 99 and the fact that the site is already developed with industrial use structures, there is certainly the reasonable expectation that the property will be used for rural light industrial purposes. Indeed, after the property was on the market for a short period, OVS entered into contract to buy the property and initiated this PAPA to suit its needs. That sale fell through due to OVS making a business decision not to expand. But the fact that the subject property was sold so quickly is evidence that there is a reasonable expectation that there is demand for this property – basically it is a turnkey small industrial site, with access to rail and HWY 99. The property would not support a "large-scale development" due to its size and the fact that it is already developed with structures at a scale for a small site – not a large one. If, however, a large-scale industrial development were proposed, presumably it would be required to comply with this policy.

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: No development is proposed as the site is already developed with structures for rural light industrial use. Accordingly, this standard does not seem to apply. Regardless, any user who acquires the property will do so because the property is uniquely suited to small scale rural light-industrial use because it is already developed to support such uses. The
subject property is also unique and desirable because it abuts a Heavy Industrial site and together the two uses could have synergy. At a minimum, the fact that the subject property abuts a heavy industrial site minimizes the chance of any conflicts between neighboring uses, providing yet another feature that makes the site uniquely suited to the proposed light industrial plan and zone.

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: No development is proposed; therefore, this standard does not seem to apply. Regardless, it is noted that Policy I.B.1.C.2 directs developers to avoid natural hazard areas when building structures. But here, the structures already exist. If new ones were to be proposed by a new owner, then it is noted that the subject property contains land 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 now developed and would not be used in the future for facilities, development, or use, in the absence of county approval, if ever that is sought by a developer.

The subject property 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 8. 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. On the latter, there is an existing septic system that has adequately served the property's rural light industrial uses for many years and will continue to do so.

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.

Applicants Reponse: This policy does not seem to apply because no development is proposed. Regardless, the proposal is consistent with this policy. Policy I.B.1.C.3 contains three separate requirements. The proposed development and facilities:

(1) Must have adequate access;
(2) Must have an adequate water supply; and
(3) The development must not be justified solely or primarily on the basis that the land is less costly than alternative better sites.
To resolve the first two questions requires understanding 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 "broadly 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. Further, the property has an existing active rail line that adjoins it and is suited for reconnecting the existing rail spur—an industrial feature in great demand in the county. This access is more than sufficient to meet the site's needs.

Furthermore, the site has an adequate on-site water supply via an existing domestic water well which has historically been used and adequate for industrial operations, Exhibit 10, including for employee restroom and eating needs, cleaning needs, and light industrial operations.

With regard to the third criteria, the applicant is not aware of any less costly or better alternative site for rural-industrial uses that the site supports. The fact that the site already exists as an industrial site, together with its size, its centralized location, the extent and quality of its existing structures, its proximity to a heavy-industrial site, its connection to rail, the existing substantial tree buffer from other properties (a feature which would take decades to replicate elsewhere), and its excellent access make the subject property unique in Yamhill County.

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: No services or facilities are proposed to be nor do any such facilities or services need to be extended to serve the site, nor could they be extended in any case. The site's current well water and septic system arrangement is available and adequate to serve any proposed future light industrial use as they have been, for decades.

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: The application meets the objective of this aspirational Goal statement. The subject property is already developed with industrial facilities designed to support rural light industrial use. Designating the site as Light Industrial does not concentrate any industrial uses in an area that they are not already. Further, it does not provide a new site for new industrial development. As explained elsewhere, the site is already developed and has long been used for light industrial uses and the proposal merely matches the plan and zone to the development and uses “on the ground.” The applicant’s request does not require vacant land to be consumed; the property is already developed with industrial facilities to support industrial uses and has long been so used. Moreover, the site’s location is desirable in light of its location relative to its neighboring industrial site, proximity to rail, and mature tree buffer.

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. I.A does not seem to apply because it concerns heavy industrial uses. There are no heavy uses proposed here and the proposed light industrial zone does not allow "heavy industrial" use.

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 purpose of this policy is to not undermine existing UGBs with new industrial areas on rural lands and to direct new urban industrial areas to land that is inside an urban growth boundary. Here, there is no new industrial area that will be created. Rather, the proposal will merely match the existing structures and use of the property to the zone that will

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allow the existing buildings and infrastructure to be used as permitted, rather than nonconforming, uses.

Policy I.H.I.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 zoning change does not require major utility lines, or the extension of sewer or water; all the needed water, sewer, and electricity to serve the site already exists. The proposal is consistent with this policy.

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: This policy applies to proposed industrial uses. No particular industrial use is proposed. Rather, as stated elsewhere the proposal will match the zoning to the existing development of the site. Therefore, it appears that this policy does not apply. Regardless, Policy I.H.I.C is directed a narrow set of situations when an existing industrial use has proven to be incompatible with surrounding adjacent residential and commercial uses. Here, there is no surrounding commercial or residential development at all, not to mention none with which industrial use of the site in the past has been incompatible or would be expected to be incompatible in the future. Exhibits 5, 6, and 12 show the subject property, its neighbors, and the surrounding uses. Policy I.H.I.C is implicated in situations where the industrial use in question has the potential to produce significant off-site impacts on surrounding residential or commercial development. There is no such surrounding residential or commercial development that is affected by the proposed LI designation and zone for the site. The proposal is consistent with this policy.

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: This policy is directed at approval of particular industrial uses. Here, there is no particular industrial use that is proposed. Therefore, it appears that this policy does not apply. Regardless, Policy I.H.I.D states that industrial uses meeting certain parameters "will be encouraged to locate or relocate in designated industrial parks **". Those industrial uses are those that can bear "high performance characteristics and attractive site and building layout and design **". That does not describe the subject property that is already developed.
with industrial structures. Also, here as noted previously, there is no surrounding residential development. The proposal is consistent with this policy.

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

**Applicant's Response:** Policy I.H.1.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 those terms.

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 land use term of art. 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.

Buffers compliment other best practices for managing off-site impacts by industry by providing distance and screening from the effects of one user that a neighboring user may consider undesirable. Buffers can block or diffuse vehicle headlights that would otherwise stream across neighboring properties, and screen industrial equipment and buildings from view with attractive tree stands and other foliage, such as the mature forested lands already in place at the subject property. Thus, for purposes of this standard, 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 to protect. 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 either heavy industrial uses or agriculture. 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.
Thus, while incompatibility of use is unlikely, this site is situated in a manner that provides an adequate buffer of natural lands including mature vegetation separating the subject property from adjacent uses. These natural vacant lands have long ensured that the heavy industrial use next door and light industrial uses on the subject property have co-existed with their neighbors for decades without incident.

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: The subject property’s central rural location provides excellent access to wineries, vineyards, farms, forests, and the other natural resource areas for which Yamhill County is renowned. The historic use of the subject property has included wood processing related uses, which is a natural resources intensive use. There is no nearby urban development to be concerned with – the City of Amity is at least one mile away. This criteria enables and encourages reserving the subject property for the rural-industrial uses to which it has long been devoted; the proposal plan amendment and zone change merely matches the plan and zone to the development on the property.

The property’s single domestic well and two septic systems have proven sufficient to support the rural industry that have utilized this property for nearly sixty years. There is no concern of environmental threats. The proposal is consistent with this policy.

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: At the outset we note that there are no “new industrial areas” proposed. The industrial development of the subject property and the adjacent property is existing. Regardless we address this policy. Industrial Policy I.H.1.H allows Yamhill County to rezone land adjacent to "established industrial areas" in situations where:

(1) Development trends warrant such expansion or designation,
(2) Full urban services are extended into the area, if appropriate; and
(3) The extension is "consistent with all other goals and policies of the comprehensive plan."

Industrial Policy I.H.1.H supports the requested plan amendment and zone change. The subject property is located immediately next to an area that is both zoned and historically used for heavy industrial uses, and the subject property itself has been historically used for light industrial uses. Rezoning the subject property simply formalizes and preserves the historical and current rural-industrial character of the subject property and its Heavy Industrial zoned neighbor.
There is no need or request for any extension of any urban facilities. The existing well and septic will continue to be used to serve the site.

The subject property has unique characteristics that make it well suited for Light Industrial zoning. Those characteristics include that it is well-sized, it is already developed with such uses and has been for decades, there are no nearby incompatible uses, as well as it has excellent rail and vehicle access from Hwy 99.

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 11.H.1.i pertains to development proposals and the application here does not seek any particular development. Therefore, this policy does not seem to apply. Regardless, the proposal is consistent with this policy. This policy and contains two operative mandates:

(1) Utilize the transportation system in an efficient and safe manner, and
(2) Reduce energy consumption via:
   • Identifying areas with alternative transportation opportunities, and
   • Locating employee opportunities close to public transportation and, where appropriate, in community areas.

According to the Yamhill County Transit Area’s (“YCTA”) Transit Development Plan (“TOP”) 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. In the Summary of Existing Land Use by Corridor and City section, the TOP explains:

“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 to serve longer-distance travel needs between Yamhill County cities. The intercity routes include Route 11, which connects McMinnville, Amity, and Salem along OR-99W. The subject property is located on OR-99W between McMinnville and Amity. The YCTA Route 11 bus travels immediately past the subject property, ensuring that whatever employment opportunities are created on the property in the future will be located "close to public transportation," consistent with this policy.

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

**Applicant's Response:** This policy supports the requested change from the current PAI zone to the LI zone. The purpose of Policy I.H.1.J is to steer incompatible uses away from railroad right-of-way. The proposal is fully compatible with rail and rail spur can be reconnected. As noted above, the railroad reports that it would be beneficial and relatively easy to connect the spur on the subject property to serve it from the adjacent rail and the railroad reports that it has several industrial users that are looking for such opportunities. Therefore, it is likely that the users of the subject property will be railroad users, consistent with this policy. However, regardless of whether a specific future user of the subject property does or does not use the railroad spur on the property, virtually any light industrial use is more likely to be compatible with the proximity to the railroad than any of the uses allowed in the PAI zone (schools, churches etc). Similarly, any development of this property for light industrial uses is more likely to be adaptable to railroad uses in the future than any development for PAI uses.

**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 supports the proposal. The subject property is developed to serve the needs of small-scale rural industry. The existing warehouse, office, and dry-room spaces can be put to a variety of uses almost immediately, without the expense and uncertainty associated with new development. The prospect of new development can be particularly daunting to smaller enterprises, which do not have the resources to bring sophisticated legal and technical teams to bear or carry the costs of a large property purchase while the property is not producing any income. As compared to the complexity of operating a small-scale going concern from one location while devoting time, energy, and considerable expense into developing a different location, the subject property is already developed at a modest scale appropriate for rural industry, and it is move-in ready.

**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 YCO. 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 where land
intended for multiple end users or with a feasible alternative access point is substantially
redeveloped.
The proposal does not propose new development, so the approval criterion does not seem applicable. Further, the subject 11.41 acre property is already developed and has an existing single access point on OR-99W and, therefore, its current development complies with this policy.

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 standard appears directed at the county and not an applicant. Regardless, this policy supports the proposal. The applicant proposes no new access points on the adjoining Hwy 99, the only public road serving the subject property. The applicant anticipates that a buyer may want to establish a spur on the property to utilize the existing rail access that the site enjoys. The proposal will match existing development on the property to the appropriate plan and zone. That existing development has long used existing transportation facilities. Any new owner will have the opportunity to continue to use the existing transportation system and also to use the abutting rail right of way appropriately, both to the fullest extent allowed by law, including the county comprehensive plan.

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: It appears that this Goal statement does not establish 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 supports the proposal. The property is currently
served by rural onsite water and two different septic systems. See Exhibit 10. They are private
facilities, not public ones. Regardless, the applicant proposes no changes to the facilities and
services already 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.1.0 supports approval of the proposal. The industrial
uses of the site will not be farming, mining, logging or excavation/grading (except what limited
amount of excavation and grading may be required by the county for any permitting.) The
subject property will use the existing water and sewer that has served the site for decades. All
structures are setback from Salt Creek and do not cause turbidity or sedimentation there now and
there is no reason to expect that they will cause such issues in the future.

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 serving the subject property. The existing two septic systems will continue to serve 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. Preserving and allowing reuse of the existing industrial development on the subject property is the best way to conserve and protect natural resources because it does not force the loss or utility of existing structures and infrastructure and does not force the use of natural resources to construct new facilities elsewhere. The application is consistent with 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: The proposal will continue to allow industrial use of the site as a permitted use; therefore this policy may apply. If the policy applies, then the proposal is consistent with it. Designating and zoning the subject property for LI would not pose any threats to air quality as all uses which discharge into the air are strictly regulated by the Oregon
DEQ and must obtain and comply with DEQ air quality discharge permits. There are no nearby residential “areas”. To the contrary, the closest is a single dwelling is approximately one-quarter of a mile away from the boundaries of subject property. That residence is on the far side of the heavy industrial property to the north of the subject property, and it is separated by a substantial natural forested buffer. The next closest residence is also approximately one-quarter of a mile away, and that residence is separated from the subject property by Highway 99 W, Highway 223, and a large swath of agricultural land.

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: There is no specific “development concept” for the subject property under the proposal. As a result, it does not appear that this policy applies. Regardless, the “development concept” is to continue to allow the subject property to be used for the rural light industrial uses that it is already developed for and for which it has been used for decades. The only difference is that the industrial uses by a private party will be permitted industrial uses rather than nonconforming ones. That existing industrial development on the site and its use if by other than a benevolent organization does conflict with the current "Public" Plan Map designation for the subject property. The situation is unique because the industrial use of the property when it was being used by MVA as a part of MVA's mission to train and employ adults with disabilities, was only allowed because MVA was responsible for that use, so it was a part of a charitable mission and thus a use allowed in the PAI zone.
This case presents a good example where changing needs and conditions create a need to revisit the current zoning on this particular rural property. The evolution of social science has established that the adults with disabilities that MVA serves, do better working in their communities, than at a designed site such as the subject property. Therefore, MVA can no longer use it for the benevolent purposes that were the foundation of the decision to apply Public and PAI plan and zoning to the site. The site is still well suited to rural light industrial uses but now the plan and zone must be adjusted to allow those uses to be conducted by private for profit entities. The proposed site provides proximity to both customers and employees, with good access and visibility, and is developed with existing facilities for industrial production, storage, warehousing, wholesaling, and distribution, including via rail, which makes the subject property unlike any other light industrial site within Yamhill County.

Yamhill County Zoning Ordinance.

SECTION 700
INDUSTRIAL DISTRICTS

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

b.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.

b.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.

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

Applicant's Response: The applicant requests a Limited Use Overlay Zone, as explained in more detail below, to limit the subject property to the above uses, which are not the entirety of the allowed uses in the LI zone but are potential uses for which the site is suitable. NOTE: that permitted industrial uses include uses like the historic wood/forest products processing and manufacturing that has occurred on the site for decades.

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.

Applicant’s Response: The applicant does not request that any of the above LI allowed conditional uses to be included as allowed uses on the subject property and these conditional uses are excluded from the proposed overlay.

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.
Applicant's Response: The applicant requests that the allowance for similar uses in the LI zone be included within the uses allowed by the requested overlay zone.

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(DJ).

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.

Applicants 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 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 or allowable. 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 an adequate clear vision area ("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 on the Subject Property comply with the 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.

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SECTION 900
OVERLAY DISTRICTS

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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 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 overlay zone will control impacts. The applicant proposes that use of the site in the following manner:

- Applicant requests that the allowed uses be those listed in YCZO 702.02 (A) through (H) and (K) and similar uses approved by the county under YCZO 702.04. Please NOTE that this list includes “Industrial uses” which include wood/forest products processing and manufacturing which are among the suite of uses that have historically occurred on the subject property.
• Buildings shall be limited to those that exist on the site or the remodeling or replacement of those buildings at a similar scale.

Additionally, any new exterior site development proposed on the subject parcel would also be subject to the requirement in YCZO 702.02 applying Section 1101 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.

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 request changes should they wish to do so. Should that happen, the County has the full power to approve or deny any such request based upon whether it meets applicable standards.

**YCZO 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 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:** This standard does not apply. The applicant does not propose a use, but rather to change the plan and zone on the property to enable the rural light industrial use of the existing industrial buildings on the site as a permitted rather than a nonconforming use.

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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 will retain parking on the site as it currently exists; any new owner who will use the property will be responsible to meet county parking requirements.

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:** No specific Light Industrial uses are proposed for the property. Applicant anticipates adequate parking is available on the property for the requested suite of Light Industrial Uses that would make use of the existing buildings and infrastructure.

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:** The proposed plan amendment and zone change of itself does not require parking spaces because no particular use is proposed. Therefore, this standard does not
seem to apply. However, regardless, it is noted that the number of parking spaces on the site have always been adequate to support rural light industrial use of the site. The proposed plan amendment and zone change is simply to match the plan and zone to the development of the property and that will not alter the parking that has long supported industrial use of the property. It is understood that parking spaces designated for employees or patrons cannot be used for the storage of vehicles or materials or parking of trucks used in the business. When a particular applicant seeks county approval, the county will require compliance with this standard.

A. 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 a/I-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(8)(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-minim us 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)

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 a
reasonable and correct interpretation in a similar context. Stefan v. Yamhill County, 18 Or LUBA
Even assuming the term is defined as meaning nearby, there 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 and surrounding forested buffer adequately mitigate and minimize any potential impacts from a parking and loading perspective, including any sounds, or lighting. With the nearest residence located approximately 875 feet away and separated by dense vegetation, there is no possibility that parking activity on the subject property will disturb that residential use. If necessary in the context of a particular future proposed rural industrial uses, there is ample space to deploy any additional landscaping and light shields necessary to minimize the effects of parking or loading activities specific to any such use.

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 requested plan and zone map change will not alter the requirements of future property users to comply with this requirement. As discussed above, the subject property is large enough that if necessary a future proposed rural industrial use on the property can be required to minimize and contain lighting and sound from shining or glaring on the distant neighboring residences.

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 anticipated light industrial uses, including adequate access aisles to accommodate turning room for 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 any 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 drive has 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.

**Off-street Parking Space Standards**

<table>
<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>
</tr>
<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>
</tr>
<tr>
<td>Retail commercial use</td>
<td>One (1) space per 300 square feet of floor area</td>
</tr>
<tr>
<td>Service commercial use</td>
<td>One (1) space per 400 square feet of floor area</td>
</tr>
<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>
</tr>
<tr>
<td>Clinic</td>
<td>One (1) space per 200 square feet of floor area</td>
</tr>
<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>
</tr>
<tr>
<td><strong>Manufacturing or industrial use, including wineries</strong></td>
<td><strong>One (1) space for each employee on maximum working shift</strong></td>
</tr>
<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 is not proposing any specific use; however, the applicant provides the following analysis that is likely to be relevant to future use of the property.

The existing buildings on the property include:
A. 16,400 sq ft of warehouses (14,000 sq ft + 2,400 sq ft)
B. 8,500 General Light Industrial space.
C. 7,000 sq ft assembly building appropriate for office use and/or dry air production, employee meeting and training space, research and development space.

Total square footage of buildings on the property: 31,900 sq ft

The method for calculating required parking depends on the uses to which the property is put. In this case, a conservative and appropriate estimate is based on the buildings being used for general industrial purposes, which requires one parking space for each employee working during the maximum working shift. This method is appropriate because the existing building space, is for or to support industrial uses. There is 16,400 sq ft of warehouse space suited to general industrial purposes. The large warehouse building on the south side of the site also contains an additional 3,000 sq ft dry air space that MVA historically used for assembling dental equipment, which is an additional industrial use and 5,500 sq ft of additional general industrial space. The 7,000 sq ft building on the north side of the site was formerly used as an activity center for adults experiencing disabilities and more recently as a facility to train MVA employees. The former activity center is well suited to be used as an office and/or employee training center, additional dry-air production facility or R & D. In either case, the 1-space-per-employee allocation assigned to manufacturing or industrial use is an appropriate method for estimating the likely parking needs of a future user of the site.

The existing marked parking spaces would allow for an industrial facility employing 50 workers during the maximum working shift:

<table>
<thead>
<tr>
<th>Use</th>
<th>Units</th>
<th>Metric</th>
<th># Allowed employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing/industrial</td>
<td>1 space per employee (maximum shift)</td>
<td>50 existing spaces</td>
<td>50</td>
</tr>
</tbody>
</table>

There are currently 50 marked spaces on the subject property. The subject property has substantial additional paved space available to designate as additional parking if required by a future use. Applicant estimates that an additional 30 to 40 parking spaces could be marked on existing paved areas without encroaching into the existing maneuvering lanes for vehicles and equipment, while still leaving the majority of the available outdoor storage and loading space available. An additional gravel area on the north side of the property provides oversized parking spaces for approximately 8 additional vehicles. There are currently 3 accessible spaces, which complies with the requirements of ORS 477.233.¹

The current number of marked parking spaces on the property will support potential rural industrial uses that will be allowed by the requested zoning change. There is ample space available for additional parking spaces to be designated and marked if needed for a future use to comply with these code requirements. The requested zoning change is supported by abundant

¹ Additional accessible spaces will need to be designated and marked if the total number of parking spaces exceeds 75.
off-street parking, including the ability to add additional parking if needed for any future potential uses as needed to comply with these off-street parking standards.

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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 of the subject site, in accordance with the Type C application procedure, below. The criteria in ZOO 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: The proposal does not include a request for a boundary change but it does proposed a plan and zone map amendment, which is what the substance of YCZO
1208.02 regulates, as discussed in detail below. YCZO 1208.03 does not apply as it contains the review criteria for amendments within Exclusive Farm Use and Agriculture/Forestry Zones. There are not such zones involved in this request.

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 YCZO 1208.02(A) above, the subject property is planned Public and zoned PAI. Therefore, the subject property is not subject to county plan policies respecting farm or forest land. No public facilities or services are being extended to the property and the property will continue to use the existing water well and two septic systems. Therefore public facilities and services elements of the plan do not apply or are met. The proposal will enshrine in the applicable plan and zone designation the decades long use of the property as a rural industrial site. The site is 10.11 acres in size. It requires no urban facilities or services. There is no issue of the property being considered an “urban” use outside of UGBs. Therefore, urbanization policies in the county plan either do not apply or are complied with.

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 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:

(1) the citizenry of the area, or
(2) the economy of the area.

This plan amendment and rezone proposal addresses a pressing need within the county for rural light industrial-zoned land, in particular there is a need for rural light industrial sites with rail spur access. The presence of a rail spur on the subject property provides a unique advantage for industrial operations. Connecting a spur to the railroad would not only enhance transportation logistics but also stimulate economic growth by facilitating the movement of goods to and from the property with ease and without adding to public road vehicle congestion. According to the railroad there is a significant unmet need for site with rail spur suitability. In this regard, the applicant has conferred with PWRR about the rail spur on the property and learned that the spur could easily be reactivated and brought into service. PWRR also reported that there is a current high demand for rail-connected properties in the area with zoning appropriate for rural industrial uses such as forest product processing. In fact, at present there is only one site on PWRR's list of available rail-connected industrial sites in the whole of Yamhill County, and it is less than half the size of the subject property.

Moreover, the preservation and reuse of existing industrial developed land as opposed to developing vacant land is critical to both Yamhill County citizens and the local county economy. That preference of reuse is ecologically and economically sound, congruent with the County's stewardship role, and consistent with state law.

The subject property is developed with warehouses and equipment manufacturing facilities as a supporting training center and offices for industrial use. The versatility of the dry air space allows for multiple potential uses, including food storage, product assembly requiring a controlled environment or retail/showroom space for industrial products and services. The former activity center is already set up for offices, employee training or R & D uses but is also readily adaptable to additional dry air assembly or manufacturing or storage space.

Businesses drawn to LI land often rely on agricultural or timber activities in the county. These firms in unincorporated areas typically cater to the specific needs of surrounding farms, vineyards, logging, and other rural businesses and residents. The rural economy of unincorporated Yamhill County includes the important segments of nursery, viticulture, and a diverse range of field crops that require processing and storage for which the site is suitable.

A number of the uses allowed in the LI zone are not allowed in other industrial zones. For example, 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 food products, as well as warehousing, wholesale storage, distribution, are confined
to the LI zone. The developed subject site is well suited for a map amendment to Light Industrial (LI). The rural economy of unincorporated Yamhill County is dominated by nursery plants, viticulture, field plants, and other agricultural enterprises. According to the Oregon Employment Department, Yamhill County specifically has a concentration of employment in crop production 19 times higher than the national average. However, there is only limited remaining capacity of LI zoned land in the county (85% of LI zoned land is developed). Preserving this site’s industrial character and changing the zoning to LI will support the development trends which show future growth is forecasted in these sectors by providing rural industrial space to the businesses necessary to sustain that growth.

The LI zone is in short supply. 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 that they lack any rail spur access, poor visibility, inadequate size, the presence of wetlands, proximity to incompatible uses like residential areas, among other concerns.

While only a small selection of LI properties remain, local demand for LI uses 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 most recent Yamhill County Needs and Opportunities Assessment (“YCNOA”), published in 2017, confirms there is pressing local need for existing industrial properties to remain available. According to the YCNOA, while recent rural agricultural development in the wine and tourism industry has benefited the local economy overall, by and large that development has not provided family wage jobs. The YCNOA mentions repeatedly that Yamhill County specifically needs more industrial-zoned land.

Leaving the property in its current PAI zoning but without the primary industrial use being possible to continue by MVA because the now-recognized support model for adults with disabilities has changed, effectively removes a current industrial-use parcel from the market. That exacerbates the shortage of industrial land in favor of retaining the zoning designation that

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2 The lack of available LI sites and alternative locations within Yamhill County is discussed at length below. In conducting this review of alternative sites, former co-applicant OVS considered every property that is "appropriately zoned," which is to say that OVS considered all sites that are currently zoned for Light Industrial use. See DLCD v. Yamhill County, 42 Or LUBA 126 (2002). OVS’s extensive review and analysis is included in this application.

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is, as discussed above, basically forces the property into idleness or to allow the industrial uses for which it is suited only as nonconforming uses. Not only would this effectively remove an industrial parcel from the already-too-short supply, it would remove a unique industrial parcel of a type that that is in particularly high demand due to the existing rail infrastructure already in place to serve the property.

Rural industrial services help to sustain a viable local agriculture and forestry sector. The subject site is an ideal location to facilitate delivery and pick-up of farm or logging supplies and materials (including by way of large vehicles and trailers, or by rail), or for use by the wine industry, and allows storage and service of large equipment or farm-destined goods without encumbering local city streets. It offers the physical infrastructure and outdoor yard area that rural industrial services frequently require to conduct their operations.

Moreover, the neighboring property is zoned for heavy industrial use. The proximity of these properties, buffered on three sides by landscaping, including a substantial band of mature trees, ensures that the impact on surrounding farmlands is minimal. Additionally, the presence of a state highway bordering the fourth side provides further separation from rural residences.

Changing the plan and zone of the subject property to Light Industrial capitalizes on existing resources, creates job opportunities, and stimulates economic growth in the community. It is crucial to recognize that the proposed rezoning does not represent a departure from the rural character of the area. The property, in its current state, is already developed and has long been utilized for industrial purposes. Therefore, the rezoning would not introduce new industrial development into a rural area but rather formalize the existing industrial character of the development.

The proposed rezoning is a logical step that aligns with existing land use patterns and facilitates responsible rural economic development. Yamhill County has identified a specific need for industrially zoned land, the PWRR has confirmed a high market demand for rural industrial properties with existing rail access, and rezoning this property LI helps fill those needs without expanding into any undeveloped resource areas. The rezoning will contribute positively to the local economy without compromising the surrounding natural landscape. There is a demonstrated need for this type of already developed rural industrial property because there are no others with rail access that have available space that is like it in the county. The fact that all such parcels are in use demonstrates the need.

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:
(1) surrounding land uses,
(2) density development in the area,
(3) pattern of development in the area,
(4) changes in the vicinity,
(5) availability of utilities needed by anticipated uses.

In this case, the county should limit the allowed uses "anticipated" on the property to the listed LIT zone uses articulated above, via the use of the Limited Use Overlay ("LUO"). Each of the five factors is discussed below.

1. The surrounding lands are those within a .25 mile radius of the subject property’s boundaries and are shown in Exhibit 12. They 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 agricultural uses and two residences. The proposal simply maintains the use types consistent with the development on the subject property which have coexisted with residential, agricultural and industrial uses in the area for decades. There is no reason to think that long-standing compatibility will change.

2. Regarding whether the proposed change is 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. There are just two homes in the area and 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. Regarding the latter, we emphasized that the PAI zone has supported the same industrial development on the property for decades. The only expected difference is that the owner of the property after it is changed to LI will be private rather than MVA.

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 flourish in the vicinity. The subject site
is well suited to the needs of the wine industry as a winery, processing and/or bottling facility.

4. Finally, YCZO 1208.2(C) requires a finding that utilities and services likely to be needed by the "anticipated uses" are available. Where a Limited Use Overlay applies to limit the uses allowed on a property, 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). The requested plan amendment and zoning change does not require any increase in the levels of utilities such as water, sewer, electricity, storm drainage, police, or fire services, etc. The property is already served by a private well and two septic systems designed to adequately manage wastewater. No connection to a municipal water system is available, needed or sought.

If the plan amendment and zone change request is approved, any future development of the subject property 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 here, 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. Land is considered to be "unavailable" if it is currently occupied by an existing use, so long as that property is not currently for sale. Land is considered to be "not as well-suited" as compared to the subject property if the alternative land under consideration lacks the characteristics of the subject property. 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 the following criteria are appropriate to consider in identifying comparator properties:

- A site that is 8-16 acres in size.
- A minimum of 5,000 square feet of retail space in good condition.
- A minimum of 15,000 square feet of warehouse space in good condition.
- A minimum of 12,000 square feet of space appropriate for office, dry-air, or other uses requiring or benefiting from a controlled indoor environment in good condition.
- A minimum of 50 parking spaces.
- Excellent highway access and visibility.
- Rail access with the realistic potential for a spur.
- Reasonable cost.

The previous co-applicant, OVS, completed an analysis of the other lands in the unincorporated area of the County that are zoned for Light Industrial. There are a total of 19 LI zoned clusters of land located in the County. However, many of them are smaller in size, many are not for sale and are in use, dedicated to specific uses that are serving the communities surrounding these Light Industrial parcels, and none have the combination of size, site access, and rail access of the subject property. In the interest of efficiency, OVS's analysis of the 19 LI industrial clusters submitted in the original application is reproduced below, with changes only to information that was specific to OVS and its planned uses. For more detailed visual information concerning the alternative sites, please see Exhibit 7 to this application.
This site comes the closest to having the analysis features of all of the alternatives. Its main problem, however, is that access to it requires traversing residential streets. Heavy truck traffic coming and going on residential streets, through residential areas, is undesirable. To be specific, this site, Alternative Site 1, is a vacant site consisting of a 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 L1, 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.

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. As noted above, the problem with this site is that there is no access from a highway or major arterial. It is accessed via SW Monroe St., a residential street which is the only point of access due to the site being hemmed in by the river and rail line. This point of entry means delivery and freight trucks and customers would be required to access the site by travelling through local residential streets in the City of Sheridan. Visibility and access are poor for an industrial use.

Alternative Site 2 is too small at 5.3 acres in size and it 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 appears to be vacant. While visibility is high from Highway 18, the property being split by Schatz Road and the resulting unusual configuration of the lot make it impractical for industrial use. This site is about half the size of the site this application proposes. The site has no rail and so no possibility of access to a rail spur. Between its small size, the fact that it is already occupied, the issue with its configuration being bisected by a road and no rail access, it would not be appropriate for the same uses as applicant’s property (even if it were
not already occupied).

Alternative Site 3 consists of several lots of varying sizes totaling about 20 acres 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. There is also no rail access.

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. On the other side of Highway 18 are fully occupied residential areas and active farming. There are no rail opportunities either.

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. And it has no rail access.

Alternative Site 6 is the only vacant alternative site.
in Yamhill County that has highway visibility and a central location. But it has no rail access. The property is owned by Town Investments, LLC, and consists of two tax lots that in combination are 13 acres. This property was recently rezoned to LI. See Ord. 918. The property takes access from Lone Oak Road.

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 are a part of OVS’s current operations and is combined roughly 5 acres in total. OVS is staying at this location. It is also too small and has no rail access.

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. It is also too small and has no rail access.

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. It is also too small and has no rail access.

TSS, R3 W, Section 32, TL 700. [22420 Hopewell Rd NW, Salem, OR 97304].

Alternative Site 8 is located in the community of “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 at 0.35 acres total to be a viable alternative to the subject property. The site is also located in a small urban density community and does not have any reasonable opportunity for expansion. There is no rail access. 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.

**T5S, R3W, Section 16, TL 2401, 2900, 3000, 3100. [Multiple Addresses]**

Alternative Site 9 is composed of 9 acres and is located several miles southeast of McMinnville, next to no major roads or highways. There is no rail. 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.

**T4S, R3W, Section 9, TL 1001, 1002, 1101. [Multiple Addresses]**

Alternative Site 10 is a combined size of approximately 8 acres and 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. However, there is no rail access.

**T3S, R3W, Section 35, TL 4400, 4402, 4403, 4404, 4406, 4407, 4408, 4409, 4410, 4411, 4412. [Multiple Addresses]**

Alternative Site 11 is a collection of 11 parcels totaling in all 16 acres. The site is located about 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 site and the highway. However, 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 limited and probably would not meet site distance requirements. 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 to the issues in visibility, the irregular configuration, the fractured ownership, and the substandard access, this land is not comparable to the subject property.
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 has some proximity to OR 99W, 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. At less than six acres in size, the site is also smaller than the applicant’s proposed site. There is no rail access.

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, all parcels are too small to be a viable alternative to the subject property. There is no rail access.
T3S, R2W, Section 28, TL 1800. [No site address]

Alternative Site 15 is a 7.51-acre parcel located on the southeastern edge of the City of Newberg. 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 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. There is no rail access.

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 Wynooski 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 to be a comparator and lacks rail access.

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.
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. There is no rail access either.

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 good along this major roadway. The site is relatively small, however, 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 and lack of rail access precludes it from being a comparator site.

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. There is no rail access. 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 is its size, that it is already occupied by three separate businesses that would need to vacate for it to become available, and the fact that there is no rail access.

In conclusion there is no alternative site that has the features the subject developed rural light industrial site has that make it unique and needed for the rural economy.

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 likely 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 its comprehensive plan. See Exhibit14 (Ordinance 63). We do not know the precise type of exception taken because the county has been unable to locate to date the exception for the property. We do know that the existing PAI zone is acknowledged to comply with all state planning goals, and we do know that the types of uses that have been ongoing on the subject property under the PAI zone include manufacturing, storage, assembly of equipment, employee training, offices and general industrial uses - uses allowed in the PAI zone but only when performed by a benevolent organization. The difference is that regardless of the character of the operator, those uses are allowed in the LI zone.

OAR 660-004-0018(1) states that a new "built" exception is not required when the applicant proposes the "continuation of existing types of development in the exception area." The applicant proposes a change to the plan and zone that applies, but not to allow a new "type of use", but rather only to continue the types of uses that have been ongoing on the subject property as lawful uses, but for all users - benevolent and private for profit ones - because as explained elsewhere, the types of uses in the PAI designation and zone are only lawful if performed by a benevolent organization. Therefore, no goal exception is required, because the same types of uses that have been ongoing, will continue to be allowed on the property under the LI plan and zone. Further no different "type of use" will be allowed on the property beyond those that are already allowed in the acknowledged PAI zone. With respect to "veterinary hospitals" allowed in the LI zone, "clinics" are allowed in the PAI zone, and a veterinary hospital allowed in the LI zone is a type of veterinary clinic. Therefore, no goal exception is required for this amendment.

OAR 660-004-0018 contains relevant standards regarding this matter. Those rules are general provisions governing exceptions. Its key provisions are discussed and addressed below.
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 does not limit the scope of permitted uses, so long as the uses are performed by a benevolent organization. The PAI zoned is intended for any use providing for the public or private assembly of persons for religious, charitable, philanthropic, cultural, recreational, or educational purposes, including (but not limited to) 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 range of permitted uses that fall within allowed PAI uses, so long as the uses are performed by a benevolent organization. Thus, the LI Zone allow uses that have been ongoing at the site including manufacturing, warehousing, medical and dental equipment assembly including electronic instruments and a retail associated with those uses. The LI zone allows the 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.

The water and septic that has always served the site for the industrial types of uses it has supported, will continue to serve industrial uses on the property. No new service needs to be created or extended to serve the site. Therefore, no goal exception is required for the request here which is basically to allow the continuation of the types of uses that have been ongoing on the subject property or that are allowed in the existing acknowledge PAI zone, but just allows
those types of uses and acknowledged allowed uses to be operated by the private, for-profit, sector.

The history of the exception rules and statutes is relevant context to demonstrate that no new exception is required here. As relevant the applicable administrative rule states the following:

(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.

The history of this provision is important to understanding how it supports approval of the application. 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 rezoning 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 change its rules to allow for “a rezoning 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 LCDC’s rules codified in Chapter 660. For this reason, ORS 197.734 applies directly in this case and supports approval.

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) or (c) - in a disjunctive manner. As written, the rule no longer requires compliance with all subsections of Section-0018(2) to establish that a reasons exception is unnecessary under Section -0018(4)

Here, both OAR 660-004-0018(2)(a) and (b) apply. (2)(a) applies because the amendment will allow the same types of uses as have existed on the site for well more than the past 5 years. OAR 660-004-0018(2)(b) also applies because it 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, because only uses allowed in the acknowledged LI zone will be allowed, the property is already developed with industrial buildings that have been used for such purposes, industrial uses on the site will be served by the existing well and two septic systems, and no urban or other new services are required. The rural uses, density, and public facilities and services for the subject property will not commit adjacent or nearby agricultural land to uses not allowed by Goal 3.

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. This particular property was zoned to allow industrial uses on January 1, 2004 with the only limit being that they had to be performed by a benevolent organization and therefore OAR 660-004-0018(2)(d) also applies to support approval of this proposal.

In summary, there is no need for any new exception for a variety of reasons to include that the proposed plan amendment and rezone complies with each of the provisions in OAR 660-004-0018(2)(b)(A)-(C).

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PAGE 59 - MVA / APPLICATION NARRATIVE & BURDEN OF PROOF STATEMENT
a. 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 by the county’s compliance with its acknowledged Goal 1 complying program.

Goal 2 – Land Use Planning. The Comprehensive Plan and Zoning Code are both acknowledged to comply with statewide planning goals, as required by Goal 2. Goal 2’s coordination obligation will be met because the applicant and County shall seek public comment from any affected unit of government, including 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.

Goal 4 - Forest. The subject property does not contain land that meets the definition of “forest land.” 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 its already developed areas have no natural resources to protect. There is a FEMA floodplain on the subject property, but that is outside the developed area of it. There are no natural resources located on the industrially developed portions of the subject property. 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. Goal 6 requires that the local government establish that there is a reasonable expectation that the use for which land use approval is requested will also be able to comply with the state and federal environmental quality standards that it must satisfy to be built. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014). The local government only needs to demonstrate that it is reasonable to expect that applicable state and federal environmental quality standards can be met in order to show compliance with Statewide Planning Goal 6 (Air, Water and Land Resources Quality). *Graser-Lindsey v. City of Oregon City*, 74 Or LUBA 488 (2016). See also *Nicita v. City of Oregon City*, 74 Or LUBA 176 (2016) (In approving a change in the comprehensive plan and zoning map designations for a property to allow construction of a medical office building, a city only needs to establish that it is reasonable to expect that federal and state environmental standards will be met in the future when permits for the medical office building are sought.). In this case, the applicant does not propose to build any new structures. 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 only allowed use of this property will be for rural industrial use authorized in the LI zone as modified by the Limited Use Overlay zone. No new substantive wastes or emissions that have not occurred in the past, are anticipated to occur in the future. This application will simply allow the continuation of the types of LI uses that have long occurred and the site and so will not affect air, water, or land resources in any extraordinary manner that would make LI uses of the site ineligible for state or federal permitting. Therefore, this goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards. Goal 7 requires local governments to evaluate risks from natural hazards and to avoid or prohibit development in areas “where the risk to public safety cannot be mitigated.” *Johnson v. Jefferson County*, 56 Or LUBA 72 (2008). In this case, the subject property is not located in an area that suffers from inherent risks that cannot be mitigated via the application of best management practices. There are no identified landslide areas on the subject property. There are no identified wetlands or floodplains on the portion of the subject property that is developed for industrial use. The portion of the subject property subject developed for industrial uses is basically flat and devoid of natural hazards. Goal 7 is met.

Goal 8 – Recreational Needs. Goal 8 is “[t]o 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

PAGE 61 - MVA / APPLICATION NARRATIVE & BURDEN OF PROOF STATEMENT
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 or is met.

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.

The subject property is not zoned for housing. The applicant proposes to rezone the property for rural industrial uses. This goal is not applicable.

Goal 11 – Public Facilities and Services. Goal 11 concerns the provision of public facilities and services such as water and sewer. OAR 660-011-0005(5). The applicant proposes no changes to existing private, on-site facilities and services used at the site. As such, Goal 11 does not apply or is met.

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”3 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.4 The transportation

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3 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.”

4 “[t]he threshold question the city asked and answered under OAR 660-012-0060(2)(d) was whether development under the proposed zoning will cause greater traffic impacts than development under the existing zoning. Record 126. If the answer is no, the inquiry under OAR 660-012-0060(2)(d) ends there. See *ODOT v. City of Klamath Falls*, ...
impacts of the proposal result in fewer trips than would be allowed under the PAI designation and zone that now applies if the subject property were developed under a reasonable worst case scenario. Clemow Exhibit 9. Thus, the types of transportation demands under the proposal are less than what is possible in the PAI zone and are substantially the same as those that have been occurring at the site for decades. As noted, industrial use of the site has involved both heavy trucks as well as passenger vehicles. The likely development of the subject site with its existing developed building results in 206 ADT and does not result in a “significant effect” on any transportation facility. See Clemow Exhibit 9. In fact, the Clemow analysis demonstrates that even the reasonable worst case redevelopment of the site results in fewer trips than allowed under the PAI zone. Id. The application does not have a significant impact on a transportation facility and complies with Goal 12 and the TPR.

Goal 13 – Energy. LUBA and the Courts have never given any regulatory affect to this Goal. The proposal presents a positive alternative from an energy consumption and efficiency standpoint, because it does not require the expenditure of energy to develop a vacant site. Moreover, the proposal results in the same types of uses on the site that have long used the site and so does not increase to change energy consumption profiles or reduce the chance for energy conservation.

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 stated 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 other case law from LUBA and the courts, the relevant factors include:

❖ 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).
❖ 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).

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). There is no change to the type

39 Or LUBA 641, 647-48, aff’d 177 Or App 1, 134 P3d 667 (2001) (OAR 660-012-0060(2)(d) applies where the proposed amendments cause a net increase in impacts on transportation facilities as compared to the unamended plan and code). Friends of Marion County v. City of Kelzer, 45 Or LUBA 236, 253–54 (2003).
or intensity of uses that are allowed now under the PAI zone from what will be allowed in the LI zone – the allowed uses are the same – the only difference is the character of the operator.

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 or contemplate that anyone will be building 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, the applicant proposes to use rural levels of water (a well) and septic systems. Third, it is likely that the applicant’s customers will be rural resource users because wood processing and storage facilities are well-established at the site making it likely that the next user will also use the site for wood processing, storage, or sales use, as allowed by YCZO 702.02 (B), or for warehousing, wholesale storage, and distribution of farm, forest, or other rural resource uses, as allowed by YCZO 702.02 (C).


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) Depreciate 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) Depreciate 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: As demonstrated in the Clemow transportation analysis, Exhibit 9, the level of trip generation possible under a “worst case” development scenario of the property under its PAI zoning versus the LI zone results in a net reduction in trips. Moreover, the reasonable worst-case trips associated with the subject property under its current development is 206 ADT, also less than the reasonable worst case development under PAI zoning. These levels of trip generation, regardless of how measured, do not have a “significant effect” on any transportation facility.

(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 will coordinate with transportation facility and service providers and other affected agencies, as applicable. Therefore, the criteria of OAR 660-012-0060(4) is met.

IV. Conclusion.

The proposal meets all relevant standards. It is respectfully requested that it be approved. Please contact me with any questions or concerns you may have. Thank you for your anticipated courtesies.

Submitted this 6th day of May, 2024.

[Signature]
Wendie Kellington
For MVA, Applicant
**YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT**

**LAND USE APPLICATION**

400 NE Baker Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

**APPLICANT**

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<tr>
<th>Last name</th>
<th>First</th>
<th>MI</th>
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<tr>
<td>Schlofeldt</td>
<td>Kathy</td>
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<tr>
<td><a href="mailto:kathy@mvadvancements.org">kathy@mvadvancements.org</a></td>
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If the applicant is not the legal owner, state interest in property:

**LEGAL OWNER (IF DIFFERENT)**

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<tr>
<td><a href="mailto:kathy@mvadvancements.org">kathy@mvadvancements.org</a></td>
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**PROPERTY INFORMATION**

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<th>Size of Tract (include all adjacent tax lots)</th>
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1. **TYPE OF APPLICATION** (what is requested?): Amended application for PA and Zone Change. Original application completed by CVS, Docket 8PAZ 02-23

2. **JUSTIFICATION FOR REQUEST**

   YCZO Section(s): 1208 - Quasi-judicial zone district boundary changes.

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.


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

   Warehouses, offices/indoor work space

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

6. How will water be provided? ☑ Well ☐ City ☐ Other

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

Exhibit 1

1 of 2
8. To your knowledge, do any of the following natural hazards exist on the property?

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

**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.

"Kathy Schlotfeldt" 5/12/24
Applicant's signature

"Kathy Schlotfeldt" 5/12/24
Property owner's signature (if different)

State of: Oregon
County of: Yamhill

Signed before me on this 2 day of May, 2024
by Kathy Schlotfeldt

[Stamp]
OFFICIAL STAMP
NATASHA MARIE DILLON
NOTARY PUBLIC -OREGON
COMMISSION NO. 1020628
MY COMMISSION EXPIRES JANUARY 17, 2026

Notary Public for Oregon
My Commission expires Jan 17, 2026

[Signature]
Property Profile Report

Client Name:

Today's Date:
03/08/2024

Owner Name:
Mv LLC

Property Address:
16700 Highway 99w
Amity OR 97101 2024

Reference Number:
R541700301

Account Number:
196665

Seven Ticor Mid-Valley locations to serve you:

<table>
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<tr>
<th>Location</th>
<th>Address</th>
<th>Phone</th>
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<tbody>
<tr>
<td>220 SW 6th Ave</td>
<td>Albany, OR 97321</td>
<td>541.926.2111</td>
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<tr>
<td>400 SW 4th St Ste 100</td>
<td>Corvallis, OR 97330</td>
<td>541.757.1466</td>
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<tr>
<td>52 E Airport Rd</td>
<td>Lebanon, OR 97355</td>
<td>541.258.2813</td>
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<tr>
<td>1215 NE Baker St</td>
<td>McMinnville, OR 97128</td>
<td>503.472.6101</td>
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<tr>
<td>315 Commercial St SE</td>
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<tr>
<td>115 N College St STE 200</td>
<td>Newberg, OR 97132</td>
<td>503.542.1400</td>
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<tr>
<td>205 N 1st St</td>
<td>Silverton, OR 97381</td>
<td>503.873.5306</td>
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This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

The information compiled in this report(s) was imported from a vendor-provided database source. Although the information is deemed reliable and every effort has been taken to correct data imperfections, Ticor Title cannot be held responsible for any inaccuracies.

TITLE AND ESCROW SERVICES
www.TicorMidValley.com
For all your customer service needs: MVCS@TicorTitle.com

Exhibit 2
1 of 17
**Parcel Information**

- **Parcel #:** 196665
- **Account:** R541700301
- **Related:**
  - **Site Address:** 16700 Highway 99w Amity OR 97101 - 2024
  - **Owner:** Mv LLC
- **Owner2:**
  - **Owner Address:** PO Box 28 McMinnville OR 97128
- **Twn/Range/Section:** 05S / 04W / 17
- **Parcel Size:** 11.41 Acres (497,019 SqFt)
- **Plat/Subdivision:**
  - **Lot:**
  - **Block:**
- **Map Page/Grid:**
- **Census Tract/Block:** 031000 / 2019
- **Waterfront:**

**Assessment Information**

- **Market Value Land:** $355,604.00
- **Market Value Impr:** $1,677,047.00
- **Market Value Total:** $2,032,651.00
- **Assessed Value:** $1,037,560.00

**Tax Information**

- **Levy Code Area:** 04.1
- **Levy Rate:** 13.8446
- **Tax Year:** 2023
- **Annual Tax:** $14,141.22
- **Exemption Description:**

**Legal**

See Metes & Bounds

**Land**

- **Cnty Land Use:** 231 - Commercial - Industrial zone - Improved (typical of class)
- **Cnty Bldg Use:** 0
- **Land Use Std:** MGOV - Governmental, Public
- **Neighborhood:** Small Cities 2 Industrial
- **Watershed:** Salt Creek
- **Primary School:** Amity Elementary School
- **High School:** Amity High School
- **Zoning:** PAI - Public Assembly/Institutional Recreation:
- **School District:** 4J Amity
- **Middle School:** Amity Middle School

**Improvement**

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**Transfer Information**

- **Rec. Date:** 05/02/2022
- **Owner:** Mv LLC
- **Orig. Loan Amt:**
- **Finance Type:**
- **Loan Type:**
- **Sale Price:**
- **Doc Num:**
- **Doc Type:** Deed
- **Grantor:** MIDVALLEY WORKSHOP I
- **Title Co.:**
- **Lender:**

*Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.*
### Parcel Information
- **Parcel #: 714844**
- **Account:** R541700301
- **Related:**
  - **Site Address:** 16700 Highway 99W Amity OR 97101 - 2024
  - **Owner:** Mv LLC
- **Owner2:**
  - **Owner Address:** PO Box 28
  - **Twn/Range/Section:** 05S / 04W / 17
  - **Parcel Size:** 11.41 Acres (497,819 SqFt)
  - **Lot:**
  - **Block:**
  - **Map Page/Grid:**
  - **Census Tract/Block:** 031000 / 2019
  - **Waterfront:**

### Assessment Information
- **Market Value Land:** $107,356.00
- **Market Value Impv:** $617,309.00
- **Market Value Total:** $724,665.00
- **Assessed Value:** $383,755.00

### Tax Information
- **Levy Code Area:** 04.1
- **Levy Rate:** 13.8446
- **Tax Year:** 0
- **Annual Tax:** $0.00
- **Exemption Description:** Unknown

### Legal
- See Metes & Bounds

### Land
- **Cnty Land Use:** 981 - Benevolent, fraternal ownership - Improved
- **Land Use Std:** OTHR - Other
- **Neighborhood:** Misc Exempt
- **Watershed:** Salt Creek
- **Primary School:** Amity Elementary School
- **High School:** Amity High School

### Improvement
- **Year Built:**
- **Bedrooms:**
- **Total Area:**
- **Bldg Fin:**
- **Attic Fin/Unfin:**
- **Total Baths:**
- **Bsmt Fin/Unfin:**
- **1st Floor:**
- **Fireplace:**
- **Full/Half Baths:**
- **Garage:**
- **2nd Floor:**

### Transfer Information
- **Rec. Date:** 03/25/2022
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- **Orig. Loan Amt:**
- **Finance Type:**
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- **Doc Num:**
- **Doc Type:** Deed
- **Grantor:**
- **Title Co.:**
- **Lender:**

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

---

Exhibit 2
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Parcel ID: 196665
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.
This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.
Parcel ID: 196665

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.
SECTION 800 – PUBLIC FACILITIES DISTRICTS

801. PUBLIC ASSEMBLY INSTITUTIONAL DISTRICT (PAI) [Last amended 8/10/23, Ord. 929]

801.01 Purpose.

The purpose of the PAI District is to accommodate the present foreseeable demand for public and private assembly uses and institutional facilities to serve both local and regional needs. When sited adjacent to urban development, PAI uses shall be compatible and coordinated with city comprehensive plans. The PAI District shall be subject to the site design review provisions of this ordinance regarding the review, approval and staging of all phases of development and the programming, installation and maintenance of all improvements.

801.02 Permitted Uses.

In the PAI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 801.07 and pursuant to Section 1101 for site design review:

A. 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;

B. Clinic;

C. Club or lodge;

D. Convalescent or nursing home;

E. Cemetery;

F. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

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;

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

L. Farm uses, subject to the limitations in subsection 801.07(J); and [Amended 7/9/98, Ord. 648]

M. Propagation and harvesting of a forest product. [Amended 7/9/98, Ord. 648]
801.03 Conditional Uses.

In the PAI 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. Duplex or multi-family dwelling, or group living quarters, in conjunction with a permitted use;

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

C. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law. [Added 8/10/22; Ord. 929]

801.04 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 801.02, 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.

801.05 Prohibited Uses.

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

801.06 Nonconforming Uses.

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

801.07 Standards and Limitations.

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

A. Dwelling Density.

1. Permitted Uses. Not more than one (1) dwelling, as allowed for a caretaker or watchman in conjunction with a permitted use, shall be allowed on any parcel.

2. Conditional Uses. The maximum overall dwelling density for any dwelling allowed by conditional use shall be established by the decision-making body subject to Section 1101 for site design review.

B. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be one (1) acre, plus 10,000 square feet for each dwelling.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. 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. No structure housing livestock shall be located within a distance of fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, ad forty (40) feet of any dwelling.

3. 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.

4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

5. 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 801.07 (F).

[Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

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

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting 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 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.

F. 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 plantings 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 is measured along the parcel lines adjacent to the intersection 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.

G. Height.
1. The maximum building height for any dwelling shall be thirty-five (35) feet;

2. The maximum building height for all other structures shall be sixty (60) feet; and

3. 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 PAI District shall be as provided in Section 1007.

I. Livestock.

The keeping of livestock may be allowed pursuant to subsection 801.03 and subject to the following restrictions:

1. On any parcel of one-half (½) acre or less the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted.

2. On any parcel of less than ten (10) acres, the total number of horses, cows, sheep, pigs, goats and other similar large animals over the age of six (6) months shall not exceed one (1) for each one (1) acre of parcel area;

3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half (½) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;

4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and

5. All animal food shall be stored in metal or other rodent-proof receptacles.
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**New Search**

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**Entity Name**

MV ADVANCEMENTS

**Foreign Name**

**Non Profit Type**

PUBLIC BENEFIT

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

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| CSZ MCMINNVILLE OR 97128 | United States of America |

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| CSZ MCMINNVILLE OR 97128 | United States of America |
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Please read before ordering Copies.

Summary History

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### New Search

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### Associated Names

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<tr>
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Please click [here](https://egov.sos.state.or.us/bi/pkg_web_name_search_3.jsp?be_rsn=286816&B_rsrc=8R_INQ) for general information about registered agents and service of process.

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### Name History

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Please read before ordering Copies.

### Summary History

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https://egov.sos.state.or.us/bi/pkg_web_name_search_3.jsp?be_rsn=286816&B_rsrc=8R_INQ&print=TRUE

Exhibit 3

4 of 5
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7/1/2023 to 6/30/2024 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

MV LLC
PO BOX 28
MCMINNVILLE, OR 97128

ALT NO: R5417 00301
Account Acres: 11.41

ACCOUNT NO: 196665
Tax Code Area: 4.1

VALUES:

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<th>THIS YEAR</th>
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<td>LAND</td>
<td>357,020</td>
<td>355,604</td>
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<td>STRUCTURES</td>
<td>1,760,446</td>
<td>1,877,047</td>
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<td>RMV TOTAL</td>
<td>2,117,466</td>
<td>2,032,651</td>
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<td>ASSESSED VALUE</td>
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<td>1,037,560</td>
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<td>TOTAL TAXABLE</td>
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2023 - CURRENT TAX BY DISTRICT:

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<th>AMOUNT</th>
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<td>WILLAMETTE REG ESD</td>
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<td>YAMHILL CO SOIL &amp; WATER</td>
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2023 - 2024 TAX BEFORE DISCOUNT: 14,141.22

Total (after discount): 13,716.98

See back of statement for instructions.

TAX PAYMENT OPTIONS

Payment Options | Date Due | Discount Allowed | Net Amount Due |
----------------|---------|------------------|----------------|
FULL PAYMENT    | Nov 15, 2023 | 424.24 3% Discount | $13,716.98 |
2/3 PAYMENT     | Nov 15, 2023 | 188.55 2% Discount | $9,238.93 |
1/3 PAYMENT     | Nov 15, 2023 | 58.18 No Discount | $4,713.74 |

Delinquent tax amount is included in payment options listed below.

2023 - 2024 Property Tax Payment Yamhill County, Oregon
PROPERTY LOCATION: 16700 HIGHWAY 99W

ACCOUNT NO: 196665

Mailing address change on back

13010'35"G50**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

Enter Amount Paid

36 00196665 0001371698 0000923893 0000471374 3 Exhibit 4
2 of 2
Current Zoning

HI = Heavy Industrial
PAI = Public Assembly
EF-80 = Exclusive Farm Use

Exhibit 6
1 of 5
T 65 R 66 W Section 34 TL 100
11.72 ac

Split Zoned

Exhibit 7
1 of 50
T4S R4W Section 3D TL 2100, 2200 2300
T4S R4W Section 29 TL 2400
T55 R3W Section 32 T2 700

"Hope well"
T55 R3W Section 16

TL 2401, 2900, 3000, 3100

Oregon Truss Site
T2S R4W Section 2 AD TL 600, 700, 800, 900, 1000, 1100
T2S R4W Section 2 DD TL 100, 200, 300
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
    - Slides or Slip
    - Sodic Spot

- **Water Features**
  - Streams and Canals

- **Transportation**
  - Rail Lines
  - 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: Web Mercator (EPSG:3857)
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 Data:** 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–June 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

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<th>Percent of AOI</th>
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<td>Waldo silt loam, 0 to 3 percent slopes</td>
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<td>2301A</td>
<td>Amity silt loam, 0 to 3 percent slopes</td>
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<td>23.8%</td>
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<tr>
<td>2304C</td>
<td>Carlton silt loam, 2 to 12 percent slopes</td>
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<td>1.3%</td>
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<td>2306A</td>
<td>Dayton silt loam, 0 to 2 percent slopes</td>
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<td>Willamette silt loam, 0 to 3 percent slopes</td>
<td>5.0</td>
<td>8.6%</td>
</tr>
<tr>
<td>2310A</td>
<td>Woodburn silt loam, 0 to 3 percent slopes</td>
<td>14.7</td>
<td>25.4%</td>
</tr>
<tr>
<td>2310C</td>
<td>Woodburn silt loam, 3 to 12 percent slopes</td>
<td>4.3</td>
<td>7.4%</td>
</tr>
<tr>
<td>2310F</td>
<td>Woodburn silt loam, 20 to 55 percent slopes</td>
<td>6.5</td>
<td>11.1%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>58.0</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
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
2Bt1 - 32 to 39 inches: silt loam
2Bt2 - 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
2Bc1 - 32 to 39 inches: silt loam
2Bc1 - 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: 21kgz
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
Farm land 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 map unit.

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
Map Unit Description: Willamette silt loam, 0 to 3 percent slopes—Yamhill County, Oregon

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: 1j8b4
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
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: 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 map unit.

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: R002XC005OR - High Flood Plain Group
Forage suitability group: Poorly Drained (G002XY005OR)
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
MV Advancements  
Attention: Kathy Schlotfeldt  
2275 NE McDaniel Lane  
McMinnville, Oregon 97128

Re: 16700 S Highway 99W Comprehensive Plan Amendment and Zone Change – Amity (Yamhill County), Oregon  
Transportation Analysis

Yamhill County File Number PAZ-02-03  
C&A Project Number 20240403.00

Dear Ms. Schlotfeldt,

This transportation analysis (TIS) supports the proposed Comprehensive Plan amendment and zone change of the property located at 16700 S Highway 99W, Amity (Yamhill County) Oregon. The following items are presented:

1. Property Description and Proposed Land Use Actions  
2. Study Parameters  
3. Agency Transportation Plan Review  
4. Existing Conditions  
5. Site Development  
6. Transportation Analysis  
7. Site Access  
8. Summary

1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS

The subject property is located at 16700 S Highway 99W (OR 99W), Amity, (Yamhill County) Oregon. The property is identified as tax lot 301 on Yamhill County Assessor’s map 5-4-17 and is approximately 11.41 acres. The property has frontage on, and access to OR 99W to the east, further noting the access also crosses a single-track railroad operated by Portland & Western Railroad adjacent to the highway. The site area is illustrated in the attached Figure 1.

The subject property is in Yamhill County and proposed land use actions include a Comprehensive Plan amendment and a plan designation change from Public (P) to Industrial (I) a corresponding zone change from Public Assembly/Institutional (PAI) to Light/General Industrial (LI).
The property is currently developed with a shipping pallet production facility and space for an alternative work program that originally employed people with disabilities and was later leased to an unrelated pallet production company. Property development also includes a facility that formerly housed the assembly of dental equipment and a 7,000-square-foot building that has served as an “activity center” for disabled adults and more recently as a training facility for employees. The 7,000-square-foot facility is suitable for use as an accessory office for industrial operations, an employee training facility, or a research and development facility.

Property redevelopment is not currently contemplated. As such, to support the proposed Comprehensive Plan amendment and zone change, this transportation analysis evaluates reasonable worst-case development scenarios in the current and proposed zone designations.

It is further noted that the existing buildings on the site are in good condition, and it is reasonable to assume they will be reused rather than demolished. As such, for comparison purposes only, this analysis also presents a development scenario contemplating the continued use of the existing buildings.

2. STUDY PARAMETERS

The subject land use action is for a Yamhill County Comprehensive Plan amendment and has direct access to a transportation facility under Oregon Department of Transportation (ODOT) jurisdiction. Therefore, the TIS addresses the following criteria:

- Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660-012-0060
- Yamhill County Code criteria

3. AGENCY TRANSPORTATION PLAN REVIEW

Yamhill County Transportation System Plan (TSP)

The Yamhill County TSP does not contain any funded transportation-related projects in the project area and the existing OR 99W corridor health is categorized as “Good”; however, the corridor is identified as having “Bicycle Needs”.

More specifically, TSP materials state,

"The ODOT Bicycle and Pedestrian Guide states that shared roadways are suitable for bicycle use on low-volume rural roads and highways. On a shared roadway, bicyclists and motorists share the same travel lanes. Based on traffic volumes, shared roadways are appropriate for most county roads and some state highways within the study area. For these roadways, there are no bicycle needs. On rural roads with high bicycle use, however, the guide states that roads should include paved shoulders where vehicle speeds and volumes are high. Further, the guide recommends that the shoulder width standards for rural highways contained in the ODOT Highway Design Manual (HDM) should be used in determining adequate shoulder widths for bicycle use. Similarly, the County uses its Maintenance Project shoulder width standards in determining adequate shoulder widths for bicycle use along county roadways."
Based on these guidelines, bicycle needs exist where there are higher bicycle and vehicle volumes and:
- The shoulder width standard is not met; or
- The shoulder is not paved.

The locations meeting these criteria include all or portions of the following:
- OR 47
- OR 99W
- OR 154/Lafayette Hwy.
- Westside Rd.
- Old Sheridan Rd.

It is unlikely that additional bike lanes are currently needed within the study area. This is because all of the locations with higher bicycle volumes are on high-speed rural roadways, where bike lanes are generally not recommended."

ODOT Statewide Transportation Improvement Program (STIP)

A review of the ODOT Active 2024-2027 Statewide Transportation Improvement Program (STIP) finds that there is one project in the area, Key 22726 – NW Oregon Lighting and Enhanced Intersection Warning (2027) that is described as “Complete design to install signs, stripping other devices at various locations throughout Region 2 to reduce traffic incidents and increase safety.” The project location is at OR 99W milepost 43.38 (the OR 99W / OR 233 intersection) south of the subject site. The project is partially funded through utility relocation.

4. EXISTING CONDITIONS

Roadway Facilities

The following table summarizes existing roadway classifications and characteristics within the study area.

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Functional Classification</th>
<th>Lanes</th>
<th>Speed Limit (MPH)</th>
<th>Sidewalks</th>
<th>Bicycle Lanes</th>
<th>On-Street Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR 99W</td>
<td>Minor Arterial (County)</td>
<td>2</td>
<td>55</td>
<td>No</td>
<td>Shoulders &gt;5'</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Regional Highway (ODOT)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Safety Analysis

When evaluating roadway and intersection safety, consideration is given to the total number and types of crashes occurring, and the number of vehicles traveling on a roadway segment or entering the intersection. This leads to the concept known as the “crash rate.” Specific to intersections, it is typically expressed in terms of the number of crashes occurring per one million vehicles entering the intersection (CMEV). A critical crash rate analysis is then performed by comparing the subject intersection to the published statewide 90th percentile intersection crash rates at comparable/reference intersections. Crash rates close to or exceeding 1.0 CMEV or the 90th percentile rates require further analysis.
Study area crash data were obtained from the Oregon Department of Transportation (ODOT) for five years from January 1, 2018 through December 31, 2022. Based on this data, there were five recorded crashes in the project area although none occurred at the site access to OR 99W. Crash data are attached for reference and crash locations are illustrated in the attached Figure 2.

The most recent 2022 ODOT Safety Priority Index System (SPIS) data for OR 99W in the project area was also obtained. The SPIS is a systemic scoring method that identifies potential safety problems and is based on three years of crash data considering frequency, rate, and severity. A roadway segment becomes a SPIS site if a location has three or more crashes or one or more fatal crashes over three years. It evaluates overlapping road segments, so an individual location may be reported in multiple segments. ODOT screens these segments annually to identify and prioritize sites. Those with a SPIS score in the top 15% of sites within a Region merit further investigation to identify potential safety improvements. A copy of the SPIS data is attached for reference.

A review of the SPIS data for the OR 99W segment adjacent to the subject property finds there is no recorded SPIS score, and the segment is not in the top 15% of sites in Region 2. As such, this roadway segment is considered relatively safe, and no further safety analysis is warranted.

5. SITE DEVELOPMENT

The proposed land use actions do not include a specific development application; however, it is noted that the site is currently developed with a shipping pallet production facility and space for an alternative work program that originally employed people with disabilities and was later leased to an unrelated pallet production company as well as a 7,000 sq ft building suitable for office, employee training, or research and development.

The purpose of this transportation analysis is to evaluate the reasonable worst-case development scenario impacts in the proposed LI and the current PAIL zone designations based on the allowed land uses identified in the Yamhill County Code. For comparison purposes, the trip generation potential of the existing development/structures is also presented.

Reasonable Worst-Case Development Assumptions

Proposed LI Zone Assumptions

- The purpose of the LI District is to provide for light and general industrial uses with similar service needs that are or will be compatible with adjacent development.
- Higher trip-generating permitted uses include:
  - General light and medium industrial uses;
  - Farm, industrial, or contractor’s equipment or materials manufacture, storage, sales, repair or service, including automobile repair garages;
  - Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;
  - Wineries; and
  - Veterinary hospitals.
- The gross site area of tax lot 301 is 11.41 acres.
- Given the relatively large site area it is assumed multiple uses can be developed with a target floor area ratio (FAR) of 0.3.
- Given the geographic location it is assumed several uses, such as an automobile repair garage are not reasonable.
- A reasonable worst-case development, if the site were redeveloped is assumed to be an 80,000-square-foot light industrial building, a 30,000-square-foot warehouse facility, and a 6,000-square-foot veterinary hospital.
- Noting that the existing buildings on the site are in good condition, it is reasonable to assume they will be reused rather than demolished. As such, for comparison purposes only, this analysis also presents an existing development scenario.

Current PAI Zone Assumptions

- The purpose of the PAI District is to accommodate the present foreseeable demand for public and private assembly uses and institutional facilities serving local and regional needs.
- Higher trip-generating permitted uses include:
  - Schools, kindergartens, and play-schools (assumed to be private);
  - Day care schools;
  - Clinics; and
  - Convalescent or nursing homes.
- The gross site area of tax lot 301 is 11.41 acres.
- Given the relatively large site area it is assumed multiple uses can be developed on the property.
- Given the geographic location it is assumed several uses such as a nursing home are not reasonable.
- Reasonable worst-case development is assumed to be a 100-student private K-8 School, a 50-student day care facility, and a 6,000-square-foot veterinary clinic.
Reasonable Worst-Case Development Trip Generation

Using the above-identified development assumptions, trip generation in the proposed and current Yamhill County zone designations is estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, and practices from the ITE Trip Generation Handbook, 3rd Edition. Trip generation is as follows:

<table>
<thead>
<tr>
<th>Development Assumption</th>
<th>ITE Code</th>
<th>Size</th>
<th>Daily Trips 1</th>
<th>PM Peak Hour 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposed LI Zone Designation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Light Industrial</td>
<td>110</td>
<td>80,000 SF</td>
<td>390</td>
<td>7</td>
</tr>
<tr>
<td>Warehousing</td>
<td>150</td>
<td>30,000</td>
<td>51</td>
<td>1</td>
</tr>
<tr>
<td>Animal Hospital/Veterinary Clinic</td>
<td>640</td>
<td>6,000 SF</td>
<td>129</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>570</td>
<td>16</td>
</tr>
<tr>
<td><strong>Current PAI Zone Designation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private School (K-8)</td>
<td>530</td>
<td>100 Students</td>
<td>411</td>
<td>12</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>555</td>
<td>50 Students</td>
<td>205</td>
<td>19</td>
</tr>
<tr>
<td>Animal Hospital/Veterinary Clinic</td>
<td>640</td>
<td>6,000 SF</td>
<td>129</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>745</td>
<td>39</td>
</tr>
<tr>
<td><strong>Change in Trip Generation with Proposed Zone Change</strong></td>
<td>(175)</td>
<td>(23)</td>
<td>14</td>
<td>(9)</td>
</tr>
</tbody>
</table>

1 Trip generation estimated using the Average Rate per recommended practice in the ITE Trip Generation Handbook, 3rd Edition.

As identified in the table above, reasonable worst-case development in the proposed LI zone designation, if the property were redeveloped, generates 175 daily and 9 PM peak hour fewer trips than the current PAI zone designation.

Existing Development Trip Generation

The existing development/structures include:

- A 7,000-square-foot building that was an "activity center" for disabled adults and was more recently used as a training facility for employees. This facility is suitable for use as an accessory office for industrial operations, an employee training facility, or a research and development facility. An office use is conservatively assumed because it has the highest trip generation.
- An 8,500-square-foot building on the southern portion of the property that includes a light industrial and supporting office use, and
- 2,400-square-foot and 14,000-square-foot buildings on the southern portion of the property that are both warehousing uses.
Using the above-identified existing development uses, trip generation is estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, and practices from the ITE Trip Generation Handbook, 3rd Edition. Trip generation is as follows:

<table>
<thead>
<tr>
<th>Existing Development</th>
<th>ITE Code</th>
<th>Size</th>
<th>Daily Trips</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Light Industrial</td>
<td>110</td>
<td>8,500 SF</td>
<td>41&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Enter 1, Exit 5, Total 6</td>
</tr>
<tr>
<td>Warehousing</td>
<td>150</td>
<td>16,400 SF</td>
<td>64&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Enter 1, Exit 2, Total 3</td>
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<tr>
<td>Small Office Building</td>
<td>712</td>
<td>7,000 SF</td>
<td>101&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Enter 5, Exit 10, Total 15</td>
</tr>
<tr>
<td>Existing Development Trip Generation</td>
<td>206</td>
<td></td>
<td>7</td>
<td>Enter 7, Exit 17, Total 24</td>
</tr>
</tbody>
</table>

<sup>1</sup> Trip generation estimated using the Average Rate per recommended practice in the ITE Trip Generation Handbook, 3rd Edition.

<sup>2</sup> Trip generation estimated using the Fitted Curve per recommended practice in the ITE Trip Generation Handbook, 3rd Edition.

As identified in the table above, the existing development generates 206 daily and 24 PM peak hour trips.

### 6. TRANSPORTATION ANALYSIS

**Transportation Planning Rule (TPR) Criteria**

OAR 660-012-0060 (1) states, "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) Degrad 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.**

OAR 660-012-0060 (9) states, "Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility, if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule, but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area."

The proposed zone change from Yamhill County PAI to LI results in a potential decrease of 175 daily trips. Further, the reuse of the existing industrial buildings results in the generation of 206 daily trips, which is significantly less than the reasonable worst-case development scenario in the LI zone. As such, it can be found the proposed Comprehensive Plan amendment and zone change will not significantly affect an existing or planned transportation facility, and the TPR criteria outlined in OAR 660-012-0060 are satisfied without the need for additional transportation analysis.

### 7. SITE ACCESS

The property has frontage on, and currently has direct access to OR 99W to the east. It is anticipated that future development on the property will also have direct access to OR 99W and any right of access will have to be approved by ODOT at the time of a specific land use application.

A preliminary sight distance evaluation performed at the existing OR 99W access finds that there is adequate sight distance available to the north or south to meet Yamhill County, ODOT, and American Association of State Highway and Transportation Officials (AASHTO) requirements.

It is anticipated the (future) applicant will construct any necessary frontage improvements at the time of development (as part of a future, specific development land use application).
8. SUMMARY

The following conclusions and recommendations are made based on materials contained in this analysis:

1. The subject property is located at 16700 S Highway 99W (OR 99W), Amity, (Yamhill County) Oregon. The property is identified as tax lot 301 on Yamhill County Assessor’s map S-4-17 and is approximately 11.41 acres. The property has frontage on, and access to OR 99W to the east, further noting that the access also crosses a single-track railroad operated by Portland & Western Railroad adjacent to the highway.

2. Proposed land use actions include a Comprehensive Plan amendment and a plan designation change from Public (P) to Industrial (I), a corresponding zone change from Public Assembly/Institutional (PAI) to Light/General Industrial (LI).

3. The property is currently developed with a shipping pallet production facility and space for an alternative work program that originally employed people with disabilities and was later leased to an unrelated pallet production company. Property development also includes a facility that formerly housed the assembly of dental equipment and a 7,000-square-foot building that has served as an “activity center” for disabled adults and more recently as a training facility for employees. The 7,000-square-foot facility is suitable for use as an accessory office for industrial operations, an employee training facility, or a research and development facility.

4. Property redevelopment is not currently contemplated. As such, this transportation analysis evaluates reasonable worst-case development scenarios in the current and proposed zone designations.

5. The existing buildings on the site are in good condition and it is reasonable to assume they will be reused rather than demolished. As such, for comparison purposes only, this analysis also presents a development scenario contemplating the continued use of the existing buildings.

6. The Yamhill County TSP does not contain any funded transportation-related projects in the project area and the existing OR 99W corridor health is categorized as “Good”; however, the corridor is identified as having “Bicycle Needs”.

7. The ODOT Active 2024-2027 Statewide Transportation Improvement Program (STIP) finds that there is one project in the area, Key 22726 – NW Oregon Lighting and Enhanced Intersection Warning (2027) that is described as “Complete design to install signs, striping other devices at various locations throughout Region 2 to reduce traffic incidents and increase safety.” The project location is at OR 99W milepost 43.38 (the OR 99W/OR 233 intersection) south of the subject site. The project is funded through utility relocation.

8. There were five recorded crashes in the project area although none occurred at the site access to OR 99W. There is no recorded ODOT Safety Priority Index System (SPIS) score for the OR 99W segment adjacent to the subject property, and the segment is not in the top 15% of sites in Region 2. As such, this roadway segment is considered relatively safe, and no further safety analysis is warranted.
9. Reasonable worst-case development in the proposed LI zone designation generates 175 daily and 9 PM peak hour fewer trips than the current PAI zone designation.

10. For comparison purposes, the existing development generates 206 daily and 24 PM peak hour trips.

11. The proposed zone change from Yamhill County PAI to LI results in a potential decrease of 175 daily trips. Further, the reuse of the existing industrial buildings results in the generation of 206 daily trips, which is significantly less than the reasonable worst-case development scenario in the LI zone. As such, it can be found the proposed Comprehensive Plan amendment and zone change will not significantly affect an existing or planned transportation facility, and the TPR criteria outlined in OAR 660-012-0060 are satisfied without the need for additional transportation analysis.

12. It is anticipated that future development on the property will have direct access to OR 99W and any right of access will have to be approved by ODOT at the time of a specific land use application.

13. A preliminary sight distance evaluation performed at the existing OR 99W access finds that there is adequate sight distance available to the north or south to meet Yamhill County, ODOT, and American Association of State Highway and Transportation Officials (AASHTO) requirements.

14. It is anticipated the (future) applicant will construct any necessary frontage improvements at the time of development (as part of a future, specific development land use application).

Sincerely,

Christopher M. Clemow, PE, PTOE
Transportation Engineer

Attachments: Figures 1 and 2
Crash and SPIS Data
<table>
<thead>
<tr>
<th>S #</th>
<th>DM</th>
<th>SRS</th>
<th>P</th>
<th>R</th>
<th>G</th>
<th>M</th>
<th>DATE</th>
<th>COUNTY</th>
<th>RDR PC</th>
<th>COMM</th>
<th>SD CEN</th>
<th>INT-TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>01029</td>
<td>558</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>05/19/2008</td>
<td>TAMMILL</td>
<td>1</td>
<td>06</td>
<td>STRAIT</td>
<td>N</td>
</tr>
</tbody>
</table>

| V | N | STATE | Y | 79 | UN | ON | [NONE] | UNKNOWN | N | LEFT | 03 | DEMON CAR | 01 | DRIVER 51 | 14 | F | OR-V | 00 | 000 | 052,019 | 017 | 32 |

| N | 65 | 20.89 | 123 | 11.84 | 009106200800 | (03) | | | | | | | | | | | | | | | |

| 000173 | 1017 | N | N | N | N | N | 02/25/2022 | TAMMILL | 1 | 06 | STRAIT | N |

| N | 2P | STATE | Y | 97 | UN | ON | [NONE] | UNKNOWN | N | REAR | 06 | DEMON CAR | 01 | DRIVER 51 | 13 | P | OR-Y | 00 | 000 | 047,932 | 024 | 01 |

| N | 65 | 23.59 | 123 | 14.53 | 009106200800 | (02) | | | | | | | | | | | | | | | |

| 000669 | 1130 | N | N | N | N | N | 07/18/2019 | TAMMILL | 1 | 06 | STRAIT | N |

| N | 7A | STATE | Y | 97 | UN | ON | [NONE] | UNKNOWN | N | TURN | 03 | DEMON CAR | 01 | DRIVER 51 | 15 | P | OR-Y | 00 | 000 | 012 | 000 | 000 |

| N | 65 | 15.65 | 123 | 20.64 | 009106200800 | (02) | | | | | | | | | | | | | | | |

| 000763 | 880 | N | N | N | N | N | 08/04/2019 | TAMMILL | 1 | 06 | STRAIT | N |

| N | 97 | STATE | Y | 7A | UN | ON | [NONE] | UNKNOWN | N | REAR | 04 | DEMON CAR | 01 | DRIVER 51 | 60 | M | OR-Y | 00 | 000 | 043 | 000 | 000 |

| N | 65 | 14.82 | 123 | 20.66 | 009106200800 | (03) | | | | | | | | | | | | | | | |

The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in OAR 811-728. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submission of crash report forms is mandatory by law, individual drivers, the Crash Analysis and Reporting Unit cannot guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to ORV's vehicle crash reporting requirement, effective 01/01/2014, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Date File.
### Crash Data Section - Crash Analysis and Reporting Unit

**CONTINUOUS SYSTEM CRASH LISTING**

Highway 993 ALL ROAD TYPES, MP 42.8 to 43.2 01/01/2018 to 12/31/2022, Both Add and Non-Add Mileage

<table>
<thead>
<tr>
<th>CRASH NO.</th>
<th>COUNTY</th>
<th>RD NO.</th>
<th>ROAD</th>
<th>LOCATION</th>
<th>DIRECTION</th>
<th>MILE</th>
<th>Fatal</th>
<th>Injury</th>
<th>Property</th>
<th>Time</th>
<th>Day</th>
<th>Weather</th>
<th>Event</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>00460</td>
<td>Yamhill</td>
<td>1</td>
<td>06</td>
<td>06/24/2023</td>
<td>1</td>
<td>04</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>01</td>
<td>N/A</td>
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</tr>
</tbody>
</table>

**County:** Yamhill  
**Date:** 06/24/2023  
**Road Number:** 1  
**Location:** 06  
**Direction:** 1  
**Mile:** 04  
**Fatal:** N  
**Injury:** N  
**Property:** N  
**Event:** N/A  
**Event Details:** N

---

**Note:** The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 814.770. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to collision. However, because some of the data reported is subject to the accuracy of the individual driver, the Crash Analysis and Reporting Unit cannot guarantee that all data is correct or that all data is complete. Therefore, the data contained in this report is intended solely for use by the Oregon Department of Transportation and is not intended for use by the public. No warranty is implied or expressed by the Oregon Department of Transportation for the accuracy or completeness of the data contained in this report.
<table>
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<th>ACTION CODE</th>
<th>SHORT DESCRIPTION</th>
<th>LONG DESCRIPTION</th>
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<td>000</td>
<td>NONE</td>
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<td>SKIDDED</td>
<td>SKIDDED</td>
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<tr>
<td>002</td>
<td>ON/OFF V</td>
<td>GETTING ON OR OFF STOPPED OR PARKED VEHICLE</td>
</tr>
<tr>
<td>003</td>
<td>LOAD OVR</td>
<td>OVERLOADING LOAD STRUCK ANOTHER VEHICLE, ETC.</td>
</tr>
<tr>
<td>006</td>
<td>SLOW DN</td>
<td>SLOWED DOWN</td>
</tr>
<tr>
<td>007</td>
<td>AVOIDING</td>
<td>AVOIDING MANEUVER</td>
</tr>
<tr>
<td>008</td>
<td>PH PARK</td>
<td>PARALLEL PARKING</td>
</tr>
<tr>
<td>009</td>
<td>ANG PARK</td>
<td>ANGLED PARKING</td>
</tr>
<tr>
<td>010</td>
<td>INTERFERENCE</td>
<td>PASSENGER INTERFERING WITH DRIVER</td>
</tr>
<tr>
<td>011</td>
<td>STOPPED</td>
<td>STOPPED IN TRAFFIC WITHOUT WAITING TO MAKE A LEFT TURN</td>
</tr>
<tr>
<td>012</td>
<td>STP/L TURN</td>
<td>STOPPED BECAUSE OF LEFT TURN SIGNAL OR WAITING, ETC.</td>
</tr>
<tr>
<td>013</td>
<td>STP TUM</td>
<td>STOPPED WHILE EXECUTING A TURN</td>
</tr>
<tr>
<td>014</td>
<td>EMER G A/PD</td>
<td>EMERGENCY VEHICLE LEGALLY PASSED IN THE ROADWAY</td>
</tr>
<tr>
<td>015</td>
<td>GO A/STOP</td>
<td>PROCEED AFTER STOPPING FOR A STOP SIGN/FLASHING RED</td>
</tr>
<tr>
<td>016</td>
<td>THN A/RED</td>
<td>Turned on red after stopping</td>
</tr>
<tr>
<td>017</td>
<td>LOSTCTL</td>
<td>LOST CONTROL OF VEHICLE</td>
</tr>
<tr>
<td>018</td>
<td>EXIT DNY</td>
<td>EXITING STREET OR HIGHWAY FROM ALLEY OR DRIVEWAY</td>
</tr>
<tr>
<td>019</td>
<td>ENTR DNY</td>
<td>ENTERING ALLEY OR DRIVEWAY FROM STREET OR HIGHWAY</td>
</tr>
<tr>
<td>020</td>
<td>STR ENTR</td>
<td>BEFORE ENTERING ROADWAY, STRUCK PEDESTRIAN, ETC. ON SIDEWALK OR SHOULDER</td>
</tr>
<tr>
<td>021</td>
<td>NO DAVR</td>
<td>CAR RAN AWAY - NO DRIVER</td>
</tr>
<tr>
<td>022</td>
<td>PSYCH COL</td>
<td>STOWN, OR WAS STRUCK BY, VEHICLE OR PEDESTRIAN IN PRIOR COLLISION BEFORE ACC. STABILIZED</td>
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<tr>
<td>023</td>
<td>STALLED</td>
<td>VEHICLE STALLED OR DISABLED</td>
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<tr>
<td>024</td>
<td>DAVR DEAD</td>
<td>DEAD BY UNASSOCIATED CAUSE</td>
</tr>
<tr>
<td>025</td>
<td>FATIGUE</td>
<td>FATIGUED, SLEEPY, ASLEEP</td>
</tr>
<tr>
<td>026</td>
<td>SUN</td>
<td>DRIVER BLINDED BY SUN</td>
</tr>
<tr>
<td>027</td>
<td>HOGLIGHTS</td>
<td>DRIVER BLINDED BY HEADLIGHTS</td>
</tr>
<tr>
<td>028</td>
<td>ILLNESS</td>
<td>PHYSICALLY ILL</td>
</tr>
<tr>
<td>029</td>
<td>THRU MED</td>
<td>VEHICLE CROSSED, PLUNGED OVER, OR THROUGH MEDIAN BARRIER</td>
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<td>030</td>
<td>PURSUIT</td>
<td>PURSUING OR ATTEMPTING TO STOP A VEHICLE</td>
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<tr>
<td>031</td>
<td>PASSING</td>
<td>PASSING SITUATION</td>
</tr>
<tr>
<td>032</td>
<td>PKC OFF RD</td>
<td>VEHICLE PARKED BEYOND CURB OR SHOULDER</td>
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<td>033</td>
<td>CROSS MED</td>
<td>VEHICLE CROSSED EARTH OR GRASS MEDIAN</td>
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<td>X/SIGNAL</td>
<td>CROSSING AT INTERSECTION - NO TRAFFIC SIGNAL PRESENT</td>
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<td>X/SIGNAL</td>
<td>CROSSING AT INTERSECTION - TRAFFIC SIGNAL PRESENT</td>
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<tr>
<td>036</td>
<td>DIAGONAL</td>
<td>CROSSING AT INTERSECTION - DIAGONANLY</td>
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<td>037</td>
<td>RTN INT</td>
<td>CROSSING BETWEEN INTERSECTIONS</td>
</tr>
<tr>
<td>038</td>
<td>DISTRACT</td>
<td>DRIVER'S ATTENTION DISTRACTED</td>
</tr>
<tr>
<td>039</td>
<td>W/TRAFF-S</td>
<td>WALKING, RUNNING, RIDING, ETC., ON SHOULDER WITH TRAFFIC</td>
</tr>
<tr>
<td>040</td>
<td>A/TRAFF-S</td>
<td>WALKING, RUNNING, RIDING, ETC., ON SHOULDER FACING TRAFFIC</td>
</tr>
<tr>
<td>041</td>
<td>W/TRAFF-P</td>
<td>WALKING, RUNNING, RIDING, ETC., ON PAVEMENT WITH TRAFFIC</td>
</tr>
<tr>
<td>042</td>
<td>A/TRAFF-P</td>
<td>WALKING, RUNNING, RIDING, ETC., ON PAVEMENT FACING TRAFFIC</td>
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<tr>
<td>043</td>
<td>PLAYINGD</td>
<td>PLAYING IN STREET OR ROAD</td>
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<td>044</td>
<td>PUSH MV</td>
<td>PUSHING OR WORKING ON VEHICLE IN ROAD OR ON SHOULDER</td>
</tr>
<tr>
<td>045</td>
<td>WORK ON</td>
<td>WORKING IN ROADWAY OR ALONG SHOULDER</td>
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<tr>
<td>046</td>
<td>W/ TRAFF</td>
<td>NON-MOTORIST WALKING, RUNNING, RIDING, ETC., WITH TRAFFIC</td>
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<td>LAY ON RD</td>
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<td>ENT OFFRD</td>
<td>ENTERING / STARTING IN TRAFFIC LANE FROM OFF ROAD</td>
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<td>049</td>
<td>MERGING</td>
<td>MERGING</td>
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<tr>
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<td>SPRAY</td>
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### Cause Code Translation List

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<thead>
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<th>Code</th>
<th>Short</th>
<th>Long Description</th>
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</thead>
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<tr>
<td>00</td>
<td>NO CODE</td>
<td>No Cause Associated at This Level</td>
</tr>
<tr>
<td>01</td>
<td>TOO-FAST</td>
<td>Too Fast For Conditions (Not Exceed Posted Speed)</td>
</tr>
<tr>
<td>02</td>
<td>NO-YIELD</td>
<td>Did Not Yield Right-of-Way</td>
</tr>
<tr>
<td>03</td>
<td>PAS-STOP</td>
<td>Passed Stop Sign or Red Flasher</td>
</tr>
<tr>
<td>04</td>
<td>DIS SIG</td>
<td>Disregarded Traffic Signal</td>
</tr>
<tr>
<td>05</td>
<td>LEFT-CTR</td>
<td>Drove Left of Center on Two-Way Road; Straddling</td>
</tr>
<tr>
<td>06</td>
<td>IMP-OVER</td>
<td>Improper Overtaking</td>
</tr>
<tr>
<td>07</td>
<td>TOO-CLO</td>
<td>Followed Too Closely</td>
</tr>
<tr>
<td>08</td>
<td>IMP-TURN</td>
<td>Made Improper Turn</td>
</tr>
<tr>
<td>09</td>
<td>DRINKING</td>
<td>Alcohol or Drug Involved</td>
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<td>10</td>
<td>OTHER-IMP</td>
<td>Other Improper Driving</td>
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<td>11</td>
<td>MECH-DEF</td>
<td>Mechanical Defect</td>
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<tr>
<td>12</td>
<td>OTHER</td>
<td>Other (Not Improper Driving)</td>
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<td>13</td>
<td>IMP LN C</td>
<td>Improper Change of Traffic Lanes</td>
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<td>14</td>
<td>DIS TCD</td>
<td>Disregarded Other Traffic Control Device</td>
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<td>15</td>
<td>MRNG WAY</td>
<td>Wrong Way on One-Way Road; Wrong Side Divided Rd.</td>
</tr>
<tr>
<td>16</td>
<td>FATIGUED</td>
<td>Driver Drowsy/Fatigued/Sleepy</td>
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<tr>
<td>17</td>
<td>ILLNESS</td>
<td>Physical Illness</td>
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<td>18</td>
<td>IN ROWY</td>
<td>Non-Motorist Illegally in Roadway</td>
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<tr>
<td>19</td>
<td>NT VISIB</td>
<td>Non-Motorist Not Visible; Non-Reflective Clothing</td>
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<tr>
<td>20</td>
<td>IMP PNNG</td>
<td>Vehicle Improperly Parked</td>
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<tr>
<td>21</td>
<td>DEF STER</td>
<td>Defective Steering Mechanism</td>
</tr>
<tr>
<td>22</td>
<td>DEF BRAKE</td>
<td>Inadequate or No Brakes</td>
</tr>
<tr>
<td>24</td>
<td>LOADING</td>
<td>Vehicle Lost Load or Load Shifted</td>
</tr>
<tr>
<td>25</td>
<td>TIREFL</td>
<td>Tire Failure</td>
</tr>
<tr>
<td>26</td>
<td>PHANTOM</td>
<td>Phantom / Non-Contact Vehicle</td>
</tr>
<tr>
<td>27</td>
<td>INATTENT</td>
<td>Inattention</td>
</tr>
<tr>
<td>28</td>
<td>NM INATT</td>
<td>Non-Motorist Inattention</td>
</tr>
<tr>
<td>29</td>
<td>F AVOID</td>
<td>Failed to Avoid Vehicle Ahead</td>
</tr>
<tr>
<td>30</td>
<td>SPEED</td>
<td>Driving in Excess of Posted Speed</td>
</tr>
<tr>
<td>31</td>
<td>RACING</td>
<td>Speed Racing (Per Par)</td>
</tr>
<tr>
<td>32</td>
<td>CARELESS</td>
<td>Careless Driving (Per Par)</td>
</tr>
<tr>
<td>33</td>
<td>RECKLESS</td>
<td>Reckless Driving (Per Par)</td>
</tr>
<tr>
<td>34</td>
<td>AGGRESSY</td>
<td>Aggressive Driving (Per Par)</td>
</tr>
<tr>
<td>35</td>
<td>RD RACE</td>
<td>Road Race (Per Par)</td>
</tr>
<tr>
<td>40</td>
<td>VIEW OBS</td>
<td>View Obscured</td>
</tr>
<tr>
<td>50</td>
<td>USED MGN</td>
<td>Improper Use of Median or Shoulder</td>
</tr>
<tr>
<td>51</td>
<td>FLAIL LH</td>
<td>Failed to Maintain Lane</td>
</tr>
<tr>
<td>52</td>
<td>OFF RD</td>
<td>Ran Off Road</td>
</tr>
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</table>

### Collision Type Code Translation List

<table>
<thead>
<tr>
<th>Code</th>
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<th>Long Description</th>
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<tr>
<td>0</td>
<td>OTHM</td>
<td>Miscellaneous</td>
</tr>
<tr>
<td>1</td>
<td>BACK</td>
<td>Backing</td>
</tr>
<tr>
<td>0</td>
<td>PED</td>
<td>Pedestrian</td>
</tr>
<tr>
<td>1</td>
<td>ANGL</td>
<td>Angle</td>
</tr>
<tr>
<td>2</td>
<td>HEAD</td>
<td>Head-On</td>
</tr>
<tr>
<td>3</td>
<td>REAR</td>
<td>Rear-End</td>
</tr>
<tr>
<td>4</td>
<td>SS-M</td>
<td>Side-Swipe - Meeting</td>
</tr>
<tr>
<td>5</td>
<td>SS-O</td>
<td>Side-Swipe - Overtaking</td>
</tr>
<tr>
<td>6</td>
<td>TURN</td>
<td>Turning Movement</td>
</tr>
<tr>
<td>7</td>
<td>PARK</td>
<td>Parking Maneuver</td>
</tr>
<tr>
<td>8</td>
<td>NOCOL</td>
<td>Non-Collision</td>
</tr>
<tr>
<td>9</td>
<td>FIX</td>
<td>Fixed Object or Other Object</td>
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### Crash Type Code Translation List

<table>
<thead>
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<th>Code</th>
<th>Short</th>
<th>Long Description</th>
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<td>4</td>
<td>OVERTURN</td>
<td>Overturned</td>
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<tr>
<td>0</td>
<td>NON-COLL</td>
<td>Other Non-Collision</td>
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<tr>
<td>1</td>
<td>OTH RNY</td>
<td>Motor Vehicle on Other Roadway</td>
</tr>
<tr>
<td>2</td>
<td>PKD MV</td>
<td>Parked Motor Vehicle</td>
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<tr>
<td>3</td>
<td>PED</td>
<td>Pedestrian</td>
</tr>
<tr>
<td>4</td>
<td>TRAIN</td>
<td>Railroad Train</td>
</tr>
<tr>
<td>6</td>
<td>BIKE</td>
<td>Bicyclist</td>
</tr>
<tr>
<td>7</td>
<td>ANIMAL</td>
<td>Animal</td>
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<tr>
<td>8</td>
<td>FIX OBJ</td>
<td>Fixed Object</td>
</tr>
<tr>
<td>9</td>
<td>OTH OBJ</td>
<td>Other Object</td>
</tr>
<tr>
<td>A</td>
<td>ANGL-STOP</td>
<td>Entering at Angle - One Vehicle Stopped</td>
</tr>
<tr>
<td>B</td>
<td>ANGL-OTH</td>
<td>Entering at Angle - All Others</td>
</tr>
<tr>
<td>C</td>
<td>S-SSTRGHT</td>
<td>From Same Direction - Both Going Straight</td>
</tr>
<tr>
<td>D</td>
<td>S-TURN</td>
<td>From Same Direction - One Turn, One Straight</td>
</tr>
<tr>
<td>E</td>
<td>S-1STOP</td>
<td>From Same Direction - One Stopped</td>
</tr>
<tr>
<td>F</td>
<td>S-OTHER</td>
<td>From Same Direction - All Others, Including Parking</td>
</tr>
<tr>
<td>G</td>
<td>O-STRAIGHT</td>
<td>From Opposite Direction - Both Going Straight</td>
</tr>
<tr>
<td>H</td>
<td>O-1 L-TURN</td>
<td>From Opposite Direction-One Left Turn, One Straight</td>
</tr>
<tr>
<td>I</td>
<td>O-1STOP</td>
<td>From Opposite Direction - One Stopped</td>
</tr>
<tr>
<td>J</td>
<td>O-OTHER</td>
<td>From Opposite Direction - All Others Incl. Parking</td>
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</table>
### DRIVER LICENSE CODE TRANSLATION LIST

<table>
<thead>
<tr>
<th>LIC</th>
<th>SHORT</th>
<th>CODE</th>
<th>DESC</th>
<th>LONG DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>NONE</td>
<td>0</td>
<td>NOT LICENSED (HAD NEVER BEEN LICENSED)</td>
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</tr>
<tr>
<td>1</td>
<td>OR-Y</td>
<td>1</td>
<td>VALID OREGON LICENSE</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>OR-?</td>
<td>2</td>
<td>VALID LICENSE. OTHER STATE OR COUNTRY</td>
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</tr>
<tr>
<td>3</td>
<td>SUSP</td>
<td>3</td>
<td>SUSPENDED/REVOKED</td>
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<tr>
<td>4</td>
<td>EXP</td>
<td>4</td>
<td>EXPIRED</td>
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</tr>
<tr>
<td>5</td>
<td>N-VAL</td>
<td>5</td>
<td>OTHER NON-VALID LICENSE</td>
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</tr>
<tr>
<td>6</td>
<td>UNK</td>
<td>6</td>
<td>UNKNOWN IF DRIVER WAS LICENSED AT TIME OF CRASH</td>
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### DRIVER RESIDENCE CODE TRANSLATION LIST

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<tbody>
<tr>
<td>1</td>
<td>OR-25</td>
<td>1</td>
<td>OREGON RESIDENT WITHIN 25 MILE OF HOME</td>
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<tr>
<td>2</td>
<td>OR-25</td>
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<td>OREGON RESIDENT 25 OR MORE MILES FROM HOME</td>
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<tr>
<td>3</td>
<td>OR-?</td>
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<td>OREGON RESIDENT - UNKNOWN DISTANCE FROM HOME</td>
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<tr>
<td>4</td>
<td>N-RES</td>
<td>4</td>
<td>NON-RESIDENT</td>
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<td>5</td>
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<td>UNKNOWN IF OREGON RESIDENT</td>
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### ERROR CODE TRANSLATION LIST

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<th>FULL DESCRIPTION</th>
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<td>000</td>
<td>NONE</td>
<td>0</td>
<td>NO ERROR</td>
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<tr>
<td>001</td>
<td>WIDE TRN</td>
<td>1</td>
<td>WIDE TURN</td>
<td></td>
</tr>
<tr>
<td>002</td>
<td>CUT CORN</td>
<td>2</td>
<td>CUT CORNER ON TURN</td>
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<tr>
<td>003</td>
<td>FAIL TRN</td>
<td>3</td>
<td>FAILED TO OBEY MANDATORY TRAFFIC TURN SIGNAL, SIGN OR LANE MARKINGS</td>
<td></td>
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<tr>
<td>004</td>
<td>L IN TRF</td>
<td>4</td>
<td>LEFT TURN IN FRONT OF ONCOMING TRAFFIC</td>
<td></td>
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<tr>
<td>005</td>
<td>L PROHIB</td>
<td>5</td>
<td>LEFT TURN WHERE PROHIBITED</td>
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<tr>
<td>006</td>
<td>VWM WHNG</td>
<td>6</td>
<td>TURNED FROM WRONG LANE</td>
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<tr>
<td>007</td>
<td>TO WHNG</td>
<td>7</td>
<td>TURNED INTO WRONG LANE</td>
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</tr>
<tr>
<td>008</td>
<td>ILLEG U</td>
<td>8</td>
<td>U-TURNED ILLEGALLY</td>
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<tr>
<td>009</td>
<td>IMP STOP</td>
<td>9</td>
<td>IMPROPERLY STOPPED IN TRAFFIC LANE</td>
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<tr>
<td>010</td>
<td>IMP SIG</td>
<td>10</td>
<td>IMPROPER SIGNAL OR FAILURE TO SIGNAL</td>
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<tr>
<td>011</td>
<td>IMP BACK</td>
<td>11</td>
<td>BACKING IMPROPERLY (NOT PARKING)</td>
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<tr>
<td>012</td>
<td>IMP PWRK</td>
<td>12</td>
<td>IMPROPERLY PARKED</td>
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<td>013</td>
<td>UNPARK</td>
<td>13</td>
<td>IMPROPER START LEAVING PARKED POSITION</td>
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<tr>
<td>014</td>
<td>IMP STRT</td>
<td>14</td>
<td>IMPROPER START FROM STOPPED POSITION</td>
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<tr>
<td>015</td>
<td>IMP LIGHT</td>
<td>15</td>
<td>IMPROPER OR NO LIGHTS (VEHICLE IN TRAFFIC)</td>
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<tr>
<td>016</td>
<td>INATTENT</td>
<td>16</td>
<td>INATTENTION (FAILURE TO DIM LIGHTS PRIOR TO 4/1/77)</td>
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<tr>
<td>017</td>
<td>UNSF VEH</td>
<td>17</td>
<td>DRIVING UNSAFE VEHICLE (NO OTHER ERROR APPARENT)</td>
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<tr>
<td>018</td>
<td>OTH PWRK</td>
<td>18</td>
<td>ENTERING/EXISTING PARKED POSITION WITH INSUFFICIENT CLEARANCE; OTHER IMPROPER PARKING MANEUVER</td>
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<tr>
<td>019</td>
<td>DIS DRV</td>
<td>19</td>
<td>DISREGARDED OTHER DRIVER'S SIGNAL</td>
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<tr>
<td>020</td>
<td>DIS SGNL</td>
<td>20</td>
<td>DISREGARDED TRAFFIC SIGNAL</td>
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<tr>
<td>021</td>
<td>DIS STOP</td>
<td>21</td>
<td>DISREGARDED STOP SIGN OR FLASHING RED</td>
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</tr>
<tr>
<td>022</td>
<td>DIS SGN</td>
<td>22</td>
<td>DISREGARDED WARNING SIGN, FLARES OR FLASHING AMBER</td>
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</tr>
<tr>
<td>023</td>
<td>DIS OFCR</td>
<td>23</td>
<td>DISREGARDED POLICE OFFICER OR FLAGMAN</td>
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<tr>
<td>024</td>
<td>DIS EMER</td>
<td>24</td>
<td>DISREGARDED SIREN OR WARNING OF EMERGENCY VEHICLE</td>
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<tr>
<td>025</td>
<td>DIS RR</td>
<td>25</td>
<td>DISREGARDED RR SIGNAL, RR SIGN, OR RR FLAGMAN</td>
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<tr>
<td>026</td>
<td>REAR-END</td>
<td>26</td>
<td>FAILED TO AVOID STOPPED OR PARKED VEHICLE AHEAD OTHER THAN SCHOOL BUS</td>
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</tr>
<tr>
<td>027</td>
<td>BIKE ROW</td>
<td>27</td>
<td>DID NOT HAVE RIGHT-OF-WAY OVER PEDESTRIAN</td>
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<tr>
<td>028</td>
<td>NO ROW</td>
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<td>DID NOT HAVE RIGHT-OF-WAY</td>
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<tr>
<td>029</td>
<td>PED ROW</td>
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<td>FAILED TO YIELD RIGHT-OF-WAY TO PEDESTRIAN</td>
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<tr>
<td>030</td>
<td>PAS CURV</td>
<td>30</td>
<td>PASSING ON A CURVE</td>
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<tr>
<td>031</td>
<td>PAS WHNG</td>
<td>31</td>
<td>PASSING ON THE WRONG SIDE</td>
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<tr>
<td>032</td>
<td>PAS YNG</td>
<td>32</td>
<td>PASSING ON STRAIGHT ROAD UNDER UNSAFE CONDITIONS</td>
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<tr>
<td>033</td>
<td>PAS X-WK</td>
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<td>PASSED VEHICLE STOPPED AT CROSSWALK FOR PEDESTRIAN</td>
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<td>034</td>
<td>PAS INTR</td>
<td>34</td>
<td>PASSING AT INTERSECTION</td>
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</tr>
<tr>
<td>035</td>
<td>PAS HILL</td>
<td>35</td>
<td>PASSING ON CREST OF HILL</td>
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</tr>
<tr>
<td>036</td>
<td>W/PAS IN</td>
<td>36</td>
<td>PASSING IN &quot;NO PASSING&quot; ZONE</td>
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<tr>
<td>037</td>
<td>PAS TRAF</td>
<td>37</td>
<td>PASSING IN FRONT OF ONCOMING TRAFFIC</td>
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<tr>
<td>038</td>
<td>CUT-IN</td>
<td>38</td>
<td>CUTTING IN (TWO LANES - TWO WAY ONLY)</td>
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<tr>
<td>039</td>
<td>WRNGSIDE</td>
<td>39</td>
<td>DRIVING ON WRONG SIDE OF THE ROAD (2-WAY UNDIVIDED ROADS)</td>
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<tr>
<td>040</td>
<td>THRU MED</td>
<td>40</td>
<td>DRIVING THROUGH SAFETY ZONE OR OVER ISLAND</td>
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</tr>
<tr>
<td>041</td>
<td>F/ST BUS</td>
<td>41</td>
<td>FAILED TO STOP FOR SCHOOL BUS</td>
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</tr>
<tr>
<td>ERROR CODE</td>
<td>DESCRIPTION</td>
<td>FULL DESCRIPTION</td>
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<td>-------------</td>
<td>------------------</td>
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<tr>
<td>042</td>
<td>F/SLW MF</td>
<td>Failed to decrease speed for slower moving vehicle</td>
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</tr>
<tr>
<td>043</td>
<td>TOO CLOSE</td>
<td>Following too closely (must be on officer’s report)</td>
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<tr>
<td>044</td>
<td>STROK LN</td>
<td>Straddling or driving on wrong lanes</td>
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</tr>
<tr>
<td>045</td>
<td>IMP CHG</td>
<td>Improper change of traffic lanes</td>
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<tr>
<td>046</td>
<td>WRNG WY</td>
<td>Wrong way or one-way roadway; wrong side divided road</td>
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<tr>
<td>047</td>
<td>BACRULE</td>
<td>Driving too fast for conditions (not exceeding posted speed)</td>
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<tr>
<td>048</td>
<td>GWY DOOR</td>
<td>Opened door into adjacent traffic lane</td>
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<tr>
<td>049</td>
<td>IMPEDING</td>
<td>Impeding traffic</td>
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<tr>
<td>050</td>
<td>SPEED</td>
<td>Driving in excess of posted speed</td>
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<td></td>
</tr>
<tr>
<td>051</td>
<td>RECKLESS</td>
<td>Reckless driving (per par)</td>
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<tr>
<td>052</td>
<td>CARELESS</td>
<td>Careless driving (per par)</td>
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</tr>
<tr>
<td>053</td>
<td>RACING</td>
<td>Racing (per par)</td>
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</tr>
<tr>
<td>054</td>
<td>X/R/SGNL</td>
<td>Crossing at intersection, no traffic signal present</td>
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<td></td>
</tr>
<tr>
<td>055</td>
<td>X/R/SGNL</td>
<td>Crossing at intersection, traffic signal present</td>
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<td></td>
</tr>
<tr>
<td>056</td>
<td>DIAGONAL</td>
<td>Crossing at intersection - diagonally</td>
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<tr>
<td>057</td>
<td>EMBR INT</td>
<td>Crossing between intersections</td>
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<tr>
<td>059</td>
<td>W/TRAFF-S</td>
<td>Walking, running, riding, etc., on shoulder with traffic</td>
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</tr>
<tr>
<td>060</td>
<td>A/TRAFF-S</td>
<td>Walking, running, riding, etc., on shoulder facing traffic</td>
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<tr>
<td>061</td>
<td>W/TRAFF-P</td>
<td>Walking, running, riding, etc., on pavement with traffic</td>
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<tr>
<td>062</td>
<td>A/TRAFF-P</td>
<td>Walking, running, riding, etc., on pavement facing traffic</td>
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<tr>
<td>063</td>
<td>PLAYINGRD</td>
<td>Playing in street or road</td>
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<td></td>
</tr>
<tr>
<td>064</td>
<td>PUSH MV</td>
<td>Pushing or working on vehicle in road or on shoulder</td>
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<td></td>
</tr>
<tr>
<td>065</td>
<td>WORK IN RD</td>
<td>Working in roadway or along shoulder</td>
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<td></td>
</tr>
<tr>
<td>070</td>
<td>LAY ON RD</td>
<td>Standing or lying in roadway</td>
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<tr>
<td>071</td>
<td>NIN H/USE</td>
<td>Improper use of traffic lane by non-motorist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>073</td>
<td>ELUDING</td>
<td>Eluding / attempt to elude</td>
<td></td>
<td></td>
</tr>
<tr>
<td>079</td>
<td>HEG CURV</td>
<td>Failed to negotiate a curve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>080</td>
<td>FAIL LN</td>
<td>Failed to maintain lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td>081</td>
<td>OFF RD</td>
<td>Ran off road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>082</td>
<td>NO CLEAR</td>
<td>Driver misjudged clearance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>083</td>
<td>OVERTSCE</td>
<td>Over-correcting</td>
<td></td>
<td></td>
</tr>
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<td>084</td>
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<td>STRUCK BY ROCK OR OTHER OBJECT SET IN MOTION BY OTHER VEHICLE (INCL. LOST LOADS)</td>
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<tr>
<td>118</td>
<td>EXPN JNT</td>
<td>EXPANSION JOINT</td>
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</tr>
<tr>
<td>119</td>
<td>JERSEY BAR</td>
<td>JERSEY BARRIER</td>
<td></td>
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</tr>
<tr>
<td>120</td>
<td>WIRE BAR</td>
<td>WIRE OR CABLE MEDIAN BARRIER</td>
<td></td>
<td></td>
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<tr>
<td>121</td>
<td>FENCE</td>
<td>FENCE</td>
<td></td>
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</tr>
<tr>
<td>123</td>
<td>OBJ IN VEH</td>
<td>LOOSE OBJECT IN VEHICLE STRUCK OCCUPANT</td>
<td></td>
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</tr>
<tr>
<td>124</td>
<td>SLIPPERY</td>
<td>SLIDING OR SWERVING DUE TO WET, ICY, SLIPPERY OR LOOSE SURFACE (NOT GRAVEL)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>125</td>
<td>SLIDER</td>
<td>SHOULDER GAVE WAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>126</td>
<td>BOULDER</td>
<td>BOULDER (NOT GRAVEL; NOT ROCK SLIDE)</td>
<td></td>
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</tr>
<tr>
<td>127</td>
<td>LAND SLIDE</td>
<td>ROCK SLIDE OR LAND SLIDE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>128</td>
<td>CURVE INV</td>
<td>CURVE PRESENT AT CRASH LOCATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>129</td>
<td>HILL INV</td>
<td>VERTICAL GRADE / HILL PRESENT AT CRASH LOCATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>130</td>
<td>CURVE HCD</td>
<td>VIEW OBSCURED BY CURVE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>131</td>
<td>HILL HCD</td>
<td>VIEW OBSCURED BY VERTICAL GRADE / HILL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>132</td>
<td>WINDOW HCD</td>
<td>VIEW OBSCURED BY VEHICLE WINDOW CONDITIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>133</td>
<td>SPRAY HCD</td>
<td>VIEW OBSCURED BY WATER SPRAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>134</td>
<td>TORNADICAL</td>
<td>TORNADICAL RAIN (EXCEPTIONALLY HEAVY RAIN)</td>
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**FUNCTIONAL CLASSIFICATION TRANSLATION LIST**

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<td>01</td>
<td>RURAL PRINCIPAL ARTERIAL - INTERSTATE</td>
</tr>
<tr>
<td>02</td>
<td>RURAL PRINCIPAL ARTERIAL - OTHER</td>
</tr>
<tr>
<td>06</td>
<td>RURAL MINOR ARTERIAL</td>
</tr>
<tr>
<td>07</td>
<td>RURAL MAJOR COLLECTOR</td>
</tr>
<tr>
<td>08</td>
<td>RURAL MINOR COLLECTOR</td>
</tr>
<tr>
<td>09</td>
<td>RURAL LOCAL</td>
</tr>
<tr>
<td>11</td>
<td>URBAN PRINCIPAL ARTERIAL - INTERSTATE</td>
</tr>
<tr>
<td>12</td>
<td>URBAN PRINCIPAL ARTERIAL - OTHER</td>
</tr>
<tr>
<td>14</td>
<td>URBAN MAJOR COLLECTOR</td>
</tr>
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<td>16</td>
<td>URBAN MINOR ARTERIAL</td>
</tr>
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<td>17</td>
<td>URBAN MAJOR COLLECTOR</td>
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<td>18</td>
<td>URBAN MINOR COLLECTOR</td>
</tr>
<tr>
<td>19</td>
<td>URBAN LOCAL</td>
</tr>
<tr>
<td>78</td>
<td>UNKNOWN RURAL SYSTEM</td>
</tr>
<tr>
<td>79</td>
<td>UNKNOWN RURAL NON-SYSTEM</td>
</tr>
<tr>
<td>98</td>
<td>UNKNOWN URBAN SYSTEM</td>
</tr>
<tr>
<td>99</td>
<td>UNKNOWN URBAN NON-SYSTEM</td>
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**HIGHWAY COMPONENT TRANSLATION LIST**

<table>
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<tbody>
<tr>
<td>0</td>
<td>MAINLINE STATE HIGHWAY</td>
</tr>
<tr>
<td>1</td>
<td>CULVERT</td>
</tr>
<tr>
<td>3</td>
<td>FRONTAGE ROAD</td>
</tr>
<tr>
<td>6</td>
<td>CONNECTION</td>
</tr>
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<td>8</td>
<td>HIGHWAY - OTHER</td>
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</tbody>
</table>

**INJURY SEVERITY CODE TRANSLATION LIST**

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>KILL</td>
<td>FATAL INJURY</td>
</tr>
<tr>
<td>2</td>
<td>INJX</td>
<td>INCAPACITATING INJURY - BLEEDING, BROKEN BONES</td>
</tr>
<tr>
<td>3</td>
<td>INJN</td>
<td>NON-INCAPACITATING INJURY</td>
</tr>
<tr>
<td>4</td>
<td>INJU</td>
<td>POSSIBLE INJURY - COMPLAINT OF PAIN</td>
</tr>
<tr>
<td>5</td>
<td>PAI</td>
<td>DIED PRIOR TO CRASH</td>
</tr>
<tr>
<td>7</td>
<td>NO-3</td>
<td>NO INJURY - 0 TO 4 YEARS OF AGE</td>
</tr>
<tr>
<td>9</td>
<td>NONE</td>
<td>PARTICIPANT UNINJURED, OVER THE AGE OF 4</td>
</tr>
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**LIGHT CONDITION CODE TRANSLATION LIST**

<table>
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<tr>
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<th>DESC</th>
<th>LONG DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>UNK</td>
<td>UNKNOWN</td>
</tr>
<tr>
<td>1</td>
<td>DAY</td>
<td>DAYLIGHT</td>
</tr>
<tr>
<td>2</td>
<td>DLIT</td>
<td>DUSK - WITH STREET LIGHTS</td>
</tr>
<tr>
<td>3</td>
<td>DDK</td>
<td>DUSK - NO STREET LIGHTS</td>
</tr>
<tr>
<td>4</td>
<td>DWN</td>
<td>DUSK - DUSK (TWILIGHT)</td>
</tr>
<tr>
<td>5</td>
<td>DUSK</td>
<td>DUSK - DUSK (TWILIGHT)</td>
</tr>
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</table>

**MEDIAN TYPE CODE TRANSLATION LIST**

<table>
<thead>
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<th>LONG DESCRIPTION</th>
</tr>
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<tbody>
<tr>
<td>0</td>
<td>NONE</td>
<td>NO MEDIAN</td>
</tr>
<tr>
<td>1</td>
<td>REDMED</td>
<td>SOLID MEDIAN BARRIER</td>
</tr>
<tr>
<td>2</td>
<td>DYNMD</td>
<td>EARTH, GRASS OR PAVED MEDIAN</td>
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</table>

**MILEAGE TYPE CODE TRANSLATION LIST**

<table>
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<tbody>
<tr>
<td>0</td>
<td>REGULAR MILEAGE</td>
</tr>
<tr>
<td>7</td>
<td>TEMPORARY</td>
</tr>
<tr>
<td>Y</td>
<td>SPUR</td>
</tr>
<tr>
<td>Z</td>
<td>OVERLAPPING</td>
</tr>
</tbody>
</table>
### Movement Type Code Translation List

<table>
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<th>Code</th>
<th>Desc</th>
<th>Long Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>UNK</td>
<td>Unknown</td>
</tr>
<tr>
<td>1</td>
<td>STR</td>
<td>Straight</td>
</tr>
<tr>
<td>2</td>
<td>TURN-R</td>
<td>Turning Right</td>
</tr>
<tr>
<td>3</td>
<td>TURN-L</td>
<td>Turning Left</td>
</tr>
<tr>
<td>4</td>
<td>U-TURN</td>
<td>Making a U-Turn</td>
</tr>
<tr>
<td>5</td>
<td>BACK</td>
<td>Backing</td>
</tr>
<tr>
<td>6</td>
<td>STOP</td>
<td>Stopped In Traffic</td>
</tr>
<tr>
<td>7</td>
<td>PRED-P</td>
<td>Parked - Properly</td>
</tr>
<tr>
<td>8</td>
<td>PRED-I</td>
<td>Parked - Improperly</td>
</tr>
<tr>
<td>9</td>
<td>PARKING</td>
<td>Parking Maneuver</td>
</tr>
</tbody>
</table>

### Participant Type Code Translation List

<table>
<thead>
<tr>
<th>Code</th>
<th>Desc</th>
<th>Long Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>OCC</td>
<td>Unknown Occupant Type</td>
</tr>
<tr>
<td>1</td>
<td>DNR</td>
<td>Driver</td>
</tr>
<tr>
<td>2</td>
<td>PNR</td>
<td>Passenger</td>
</tr>
<tr>
<td>3</td>
<td>PED</td>
<td>Pedestrian</td>
</tr>
<tr>
<td>4</td>
<td>CONV</td>
<td>Pedestrian Using a Pedestrian Converta</td>
</tr>
<tr>
<td>5</td>
<td>DTOM</td>
<td>Pedestrian Towing or Trailering An OS</td>
</tr>
<tr>
<td>6</td>
<td>BIKE</td>
<td>Pedacyclist</td>
</tr>
<tr>
<td>7</td>
<td>BTOM</td>
<td>Pedacyclist Towing or Trailering An</td>
</tr>
<tr>
<td>8</td>
<td>RND</td>
<td>Occupant of a Parked Motor Vehicle</td>
</tr>
<tr>
<td>9</td>
<td>UNK</td>
<td>Unknown Type Of Non-Motorist</td>
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### Traffic Control Device Code Translation List

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<th>Desc</th>
<th>Long Description</th>
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</thead>
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<tr>
<td>000</td>
<td>NONE</td>
<td>No Control</td>
</tr>
<tr>
<td>001</td>
<td>SGN</td>
<td>Traffic Signals</td>
</tr>
<tr>
<td>002</td>
<td>FLASHER-R</td>
<td>Flashing Beacon - Red (Stop)</td>
</tr>
<tr>
<td>003</td>
<td>FLASHER-A</td>
<td>Flashing Beacon - Amber (Sigh)</td>
</tr>
<tr>
<td>004</td>
<td>STOPLIGHT</td>
<td>Stop Sign</td>
</tr>
<tr>
<td>005</td>
<td>SLOW</td>
<td>Slow Sign</td>
</tr>
<tr>
<td>006</td>
<td>REG</td>
<td>Regulatory Sign</td>
</tr>
<tr>
<td>007</td>
<td>YIELD</td>
<td>Yield Sign</td>
</tr>
<tr>
<td>008</td>
<td>WARNING</td>
<td>Warning Sign</td>
</tr>
<tr>
<td>009</td>
<td>CURVE</td>
<td>Curve Sign</td>
</tr>
<tr>
<td>010</td>
<td>SCNL X-ZING</td>
<td>School Crossing Sign or Special Signal</td>
</tr>
<tr>
<td>011</td>
<td>POLICE OFFICER</td>
<td>Police Officer - Flashing</td>
</tr>
<tr>
<td>012</td>
<td>BRG-GATE</td>
<td>Bridge Gate - Barrier</td>
</tr>
<tr>
<td>013</td>
<td>TEMP-BARRIER</td>
<td>Temporary Barrier</td>
</tr>
<tr>
<td>014</td>
<td>NO-PASS-SW</td>
<td>No Passing Zone</td>
</tr>
<tr>
<td>015</td>
<td>ON-WAY</td>
<td>One-Way Street</td>
</tr>
<tr>
<td>016</td>
<td>CHANNEL</td>
<td>Channelization</td>
</tr>
<tr>
<td>017</td>
<td>MEDIAN</td>
<td>Median Barrier</td>
</tr>
<tr>
<td>018</td>
<td>PILOT CAR</td>
<td>Pilot Car</td>
</tr>
<tr>
<td>019</td>
<td>STRIP</td>
<td>Special Pedestrian Signal</td>
</tr>
<tr>
<td>020</td>
<td>X-BUCK</td>
<td>Crossbuck</td>
</tr>
<tr>
<td>021</td>
<td>X-BUCK</td>
<td>Through Green Arrow or Signal</td>
</tr>
<tr>
<td>022</td>
<td>L-GRN-SIG</td>
<td>Left Turn Green Arrow, Lane Markings, or Signal</td>
</tr>
<tr>
<td>023</td>
<td>GTW</td>
<td>Right Turn Green Arrow, Lane Markings, or Signal</td>
</tr>
<tr>
<td>024</td>
<td>MOW</td>
<td>Mow or Flashing Lights W/O Drop-Arm Gate</td>
</tr>
<tr>
<td>025</td>
<td>X-BUCK</td>
<td>Crossbuck and Advance Warning</td>
</tr>
<tr>
<td>026</td>
<td>MM</td>
<td>Flashing Lights With Drop-Arm Gates</td>
</tr>
<tr>
<td>027</td>
<td>OVRHD</td>
<td>Supplemental Overhead Signal (RR Xing Only)</td>
</tr>
<tr>
<td>028</td>
<td>RR</td>
<td>Special RR Stop Sign</td>
</tr>
<tr>
<td>029</td>
<td>ILLUMinated</td>
<td>Illuminated Grade Crossing</td>
</tr>
<tr>
<td>030</td>
<td>RAMP</td>
<td>Ramped Ramps</td>
</tr>
<tr>
<td>031</td>
<td>RUBL</td>
<td>Rumble Strips</td>
</tr>
<tr>
<td>032</td>
<td>L-RAMP-REL</td>
<td>Left Turn Ramp Release (When Ramp Is Involved)</td>
</tr>
<tr>
<td>033</td>
<td>R-TURN</td>
<td>Right Turn at All Times Sign, Etc.</td>
</tr>
<tr>
<td>034</td>
<td>EMERGENCY</td>
<td>Emergency Signs or Flakes</td>
</tr>
<tr>
<td>035</td>
<td>ACCEL</td>
<td>Acceleration or Deceleration Lanes</td>
</tr>
<tr>
<td>036</td>
<td>R-TURN PROHIBITED</td>
<td>Right Turn Prohibited On Red After Stopping</td>
</tr>
<tr>
<td>037</td>
<td>BUS STOP</td>
<td>Bus Stop Sign and Red Lights</td>
</tr>
<tr>
<td>038</td>
<td>UNK</td>
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### Non-Motorist Location Code Translation List

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<th>Long Description</th>
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<tr>
<td>00</td>
<td>AT INTERSECTION - NOT IN ROADWAY</td>
<td></td>
</tr>
<tr>
<td>01</td>
<td>AT INTERSECTION - INSIDE CROSSWALK</td>
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</tr>
<tr>
<td>02</td>
<td>AT INTERSECTION - IN ROADWAY, OUTSIDE CROSSWALK</td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>AT INTERSECTION - IN ROADWAY, XMALK AVG UNKN</td>
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</tr>
<tr>
<td>04</td>
<td>NOT AT INTERSECTION - IN ROADWAY</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>NOT AT INTERSECTION - ON SHOULD</td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>NOT AT INTERSECTION - ON MEDIAN</td>
<td></td>
</tr>
<tr>
<td>07</td>
<td>NOT AT INTERSECTION - WITHIN TRAFFIC RIGHT-OF-WAY</td>
<td></td>
</tr>
<tr>
<td>08</td>
<td>NOT AT INTERSECTION - IN BIKE PATH OR PARKING LANE</td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>NOT AT INTERSECTION - ON SIDEWALK</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>OUTSIDE TRAFFICWAY BOUNDARIES</td>
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</tr>
<tr>
<td>11</td>
<td>AT INTERSECTION - IN BIKE LANE</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>NOT AT INTERSECTION - IN BIKE LANE</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>NOT AT INTERSECTION - INSIDE MID-BLOCK CROSSWALK</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>NOT AT INTERSECTION - IN PARKING LANE</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>OTHER, NOT IN ROADWAY</td>
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</tr>
<tr>
<td>16</td>
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### Road Character Code Translation List

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<thead>
<tr>
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<tbody>
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<td>0</td>
<td>UNK</td>
<td>Unknown</td>
</tr>
<tr>
<td>1</td>
<td>INTER</td>
<td>Intersection</td>
</tr>
<tr>
<td>2</td>
<td>ALLEY</td>
<td>Driveway or Alley</td>
</tr>
<tr>
<td>3</td>
<td>STR</td>
<td>Straight</td>
</tr>
<tr>
<td>4</td>
<td>TRANS</td>
<td>Transition</td>
</tr>
<tr>
<td>5</td>
<td>CURVE</td>
<td>Curve (Horizontal Curve)</td>
</tr>
<tr>
<td>6</td>
<td>OPENAC</td>
<td>Open Access or Turnout</td>
</tr>
<tr>
<td>7</td>
<td>GRADE</td>
<td>Grade (Vertical Curve)</td>
</tr>
<tr>
<td>8</td>
<td>BRIDGE</td>
<td>Bridge Structure</td>
</tr>
<tr>
<td>9</td>
<td>TUNNEL</td>
<td>Tunnel</td>
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</table>

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Exhibit: 26 of 28
### Vehicle Type Code Translation List

<table>
<thead>
<tr>
<th>Code</th>
<th>Short Desc</th>
<th>Long Description</th>
</tr>
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<tbody>
<tr>
<td>00</td>
<td>PDO</td>
<td>NOT COLLECTED FOR PDO CRASHES</td>
</tr>
<tr>
<td>01</td>
<td>PSNGR CAR</td>
<td>PASSENGER CAR, PICKUP, LIGHT DELIVERY, ETC.</td>
</tr>
<tr>
<td>02</td>
<td>RONTAIL</td>
<td>TRUCK TRACTOR WITH NO TRAILERS (RONTAIL)</td>
</tr>
<tr>
<td>03</td>
<td>FARM TRCTR</td>
<td>FARM TRACTOR OR SELF-PROPELLED FARM EQUIPMENT</td>
</tr>
<tr>
<td>04</td>
<td>SEMI TOW</td>
<td>TRUCK TRACTOR WITH TRAILER/MOBILE HOME IN TOW</td>
</tr>
<tr>
<td>05</td>
<td>TRUCK</td>
<td>TRUCK WITH NON-DETACHABLE BED, PANEL, ETC.</td>
</tr>
<tr>
<td>06</td>
<td>MOPED</td>
<td>MOPED, MINI BIKE, SEATED MOTOR SCOOTER, MOTOR BIKE</td>
</tr>
<tr>
<td>07</td>
<td>SCHL BUS</td>
<td>SCHOOL BUS (INCLUDES VAN)</td>
</tr>
<tr>
<td>08</td>
<td>OTH BUS</td>
<td>OTHER BUS</td>
</tr>
<tr>
<td>09</td>
<td>MHRCYCLE</td>
<td>MOTORCYCLE, DIRT BIKE</td>
</tr>
<tr>
<td>10</td>
<td>OTHER</td>
<td>OTHER: FORKLIFT, BACKHOE, ETC.</td>
</tr>
<tr>
<td>11</td>
<td>MHGRHOME</td>
<td>MOTORHOME</td>
</tr>
<tr>
<td>12</td>
<td>TROLLEY</td>
<td>MOTORIZED STREET CAR/TROLLEY (NO BAILS/ WIRES)</td>
</tr>
<tr>
<td>13</td>
<td>ATV</td>
<td>ATV</td>
</tr>
<tr>
<td>14</td>
<td>MHRTCTR</td>
<td>MOTORIZED SCOOTER (STANDING)</td>
</tr>
<tr>
<td>15</td>
<td>SNOMOBILE</td>
<td>SNOMOBILE</td>
</tr>
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### Weather Condition Code Translation List

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WATER WELL REPORT

STATE ENGINEER, OREGON
WATER RESOURCES DEPT.
SALEM, OREGON

NOV 1 1975

OWNER:
Name: Will Salley, Work Shop
Address: 7026 NE 50

TYPE OF WORK (check):
New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

TYPE OF WELL: [ ] Rotary [ ] Cable [ ] Dug
[ ] Driven [ ] Jetted [ ] Bored
[ ] Domestic [ ] Industrial [ ] Municipal [ ]
[ ] Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED:
[ ] Threaded [ ] Welded

Perforations:
[ ] Perforated [X] Yes [ ] No

Perforations: 40 in. by 6 in.

SCREENS:
Manufacturer's Name:
Type: [ ] Well screen installed [ ] Yes [ ] No

Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

WELL TESTS:
Was a pump test made? [ ] Yes [ ] No
If yes, by whom

Dewater test 35 gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

CONSTRUCTION:
Well seal—Material used [ ] Cement
Well sealed from land surface to ft.
Diameter of well bore to bottom of seal in.
Diameter of well bore below seal in.
Number of sacks of cement used in well seal sacks
Number of sacks of bentonite used in well seal sacks
Brand name of bentonite
Number of pounds of bentonite per 100 gallons of water lbs/100 gals.
Was a drive shoe used? [ ] Yes [ ] No
If No, Size: location ft.
Did any strata contain unusable water? [ ] Yes [ ] No
Type of water? [ ] depth of strata
Method of sealing strata off
Was well gravel packed? [ ] Yes [ ] No
Size of gravel: 1/3 - 0
Gravel placed from ft. to ft.

LOCATION OF WELL:
County [ ]
Driller's well number 40 [ ]
Hearing and distance from section or subdivision corner

WATER LEVEL: Completed well
Depth at which water was first found ft.
Static level ft. below land surface Date
Artesian pressure lbs. per square inch Date

WELL LOG: Diameter of well below casing ft.
Depth drilled ft. Depth of completed well ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL: From To SWL
Top Soil
Brown Clay
Blue Clay
Sand plus Blue Clay
Sand
Gravel plus Sand
Gravel

Work started Nov 1 1975 Completed Nov 10 1975
Date well drilling machine moved off of well Nov 10 1975

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

(Signed) William W. Halstead Date Nov 11 1975
(Drilling Machine Operator)

Drilling Machine Operator's License No. 639

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name: [ ]
Address: 11-18-1975

Contractor's License No. 417 Date 11-18-1975

Exhibit 10 SP-4698-122
1 of 21
Existing System Evaluation Report for Onsite Wastewater Systems

State of Oregon Department of Environmental Quality
Onsite Program
165 East Seventh Ave, Suite 100
Eugene, OR 97401

Please answer the following questions completely. Do not leave any blank responses. Write unknown if unknown. Refer to Oregon Administrative Rule 340-071-0155 for more information, and please visit: http://www.oregon.gov/deq/Residential/Pages/Septic-Smart.aspx

Septic System Owner-Provided Information:

Property Owner(s)(Sellers): MV Advancements (Single Tank)    Telephone: ______________

Site Address: 16700 S Hwy 99W    City: Amity    Zip Code: 97101

County: ____________________    Lot Size: ________________    Acres/Square Feet (circle units)

Legal Description: ________________________________

Age of wastewater treatment system ______ (years)    Is there a service contract for system components? __________

Date the septic tank was last pumped ________ (please attach receipt if available)

Number of people occupying dwelling ________    If unoccupied, for how long has it been vacant? ________

Was this section completed by the evaluator because owner or agent was unavailable? __________

The above information is true and to the best of my knowledge.

Date (MM/DD/YYYY) __________________________ Signature of Owner, or agent if present

Name of person performing evaluation (please print): Jeremy Spires

Certification:

□ Installer
□ Maintenance Provider
□ National Association of Wastewater Technicians
□ Other: DEQ approved in writing (please describe) ________________________________

Certification Number: M 591

Business name: McMinnville Pumping    Email: mpadm@mcminnvillelpumping.com

Business address: 743 NE 5th St. McMinnville OR 97128    Phone: 503-472-1323

Date of Evaluation: 10/16/2023 (MM/DD/YYYY)

I hereby certify, by my signature, that I meet all of the qualifications required to perform onsite wastewater system evaluations in the state of Oregon pursuant to OAR 340-071-0155.

Date (MM/DD/YYYY) 10/16/2023

Signature of Qualified Septic System Evaluator

Page 1 of 8

Updated 12/29/2016

Exhibit 10
2 of 21
1. **General System Information**

   The Existing System Evaluation Report form contains 8 pages. Some of the questions on this form may not pertain to the system being evaluated, as there are many system designs. If you (the septic system evaluator) are unable to answer any of the questions on this form please indicate, in writing, why this information was not available at the time the evaluation was completed.

   - The existing septic system consists of (check all that apply):
     - Septic Tank
     - Dosing Tank
     - Multi-compartment Tank
     - Seepage Bed
     - Cesspool
     - Disposal Trenches/Leach Lines
     - Capping Fill
     - Sand Filter

   **Note:** Cesspools may be used only to serve existing sewage loads and if failing only be replaced with a seepage pit system on lots that are too small to accommodate a standard system or other alternative onsite system.

   There is a permit for the septic system [☐]Yes [☐]No [☐]Unknown

   - Permit Number(s) 3-105-82
   - Year original septic system installed: [☐]No record of installation date
   - Dates of subsequent repairs or alterations: 1982 (YYYY)
   - All plumbing fixtures are connected to the septic system [☐]Yes [☐]No [☐]Unknown

   If you answered “No” or “unknown,” please describe below:

   ___________________________________________________________

   - Additional Comments:
     ___________________________________________________________

2. **Overall Septic System Status**

   - Discharge of sewage to the ground surface [☐]Yes [☐]No [☐]None observed
   - Discharge of sewage to surface waters [☐]Yes [☐]No [☐]None observed
   - Sewage backup into plumbing fixtures [☐]Yes [☐]No [☐]Unknown

   - Additional Comments:
     ___________________________________________________________

3. **Septic tank**

   In order to fully describe the condition of the tank, the septic tank may need to be pumped. Please indicate below if the septic system tank was pumped during the course of this evaluation.

   - Septic tank was pumped during the course of this evaluation [☐]Yes [☐]No

   - If the septic tank was NOT pumped during the course of this evaluation, please explain (e.g. septic system owner declined to have the tank pumped etc):
• The septic tank material is:
- [ ] Concrete
- [ ] Steel
- [ ] Plastic
- [ ] Fiberglass
- [ ] Other (explain)
- [ ] Unknown

• Is the septic tank accessible? [ ] Yes [ ] No

• Septic tank volume in gallons 2000

• Tank volume determined by: Check all that apply, add comments below as needed
- [ ] Permit Records
- [ ] Measured
- [ ] Stamped on Tank
- [ ] Other

• Septic tank risers are at ground level [ ] Yes [ ] No

• Tank appears to be free from defects, leaking and signs of deterioration [ ] Yes [ ] No

If you answered “No,” please describe the condition of the septic tank below. For example, evidence of gas corrosion, cracks, leaks, etc.

• Septic tank lid(s) is intact [ ] Yes [ ] No

• Septic tank baffles are intact: Inlet [ ] Yes [ ] No Outlet [ ] Yes [ ] No

• Baffle material - Inlet [ ] Plastic [ ] Concrete [ ] Metal Outlet [ ] Plastic [ ] Concrete [ ] Metal

• Effluent filter is present [ ] Yes [ ] No

• Effluent filter is free of debris [ ] Yes [ ] No [ ] Not Applicable

• Liquid level in tank relative to invert of outlet [ ] At [ ] Above [ ] Below

If above or below invert outlet, please explain:

• Scum layer ___ (inches) Sludge layer ___ (inches)

• Scum and Sludge layer more than 35% of the total tank volume [ ] Yes [ ] No

Indicate where sludge measured from: [ ] Inlet [ ] Middle [ ] Outlet

• Additional Comments:

4. Dosing tank / Pump Basin

Dosing tanks use a pump to send effluent to a treatment unit or a soil absorption field.

• The septic system has a dosing tank [ ] Yes [ ] No

(If “No,” skip the rest of section 4)

• At the time of this evaluation the power was on to test the pump(s): [ ] Yes [ ] No
5. Soil absorption system

The soil absorption system is a set of trenches that receives effluent from the septic tank and filters the effluent before it enters the groundwater.

- The septic system has a soil absorption system [ ] Yes [ ] No [ ] Unknown
- Was the soil absorption system part of the evaluation? [ ] Yes [ ] No [ ] See note below

If the soil absorption system was not evaluated, please explain below (for example unable to locate, client did not authorize this part of the evaluation):

Unable to locate

- Absorption distribution [ ] Equal [ ] Serial [ ] Pressure [ ] Equal via pressure

- Absorption lines construction material:
  [ ] Gravel and pipe [ ] Chamber [ ] Tile [ ] Polystyrene foam and pipe [ ] Other
- Absorption distribution unit(s): [ ] dropbox [ ] hydrosplitter [ ] equal distribution box
  [ ] Intact [ ] Damaged [ ] N/A
- Absorption distribution unit(s) are free of debris or solids [ ] Yes [ ] No [ ] N/A

Add additional comments:

---

Dosing tank capacity __________ (gallons)

- Tank volume determined by: Check all that apply, add comments below as needed
  [ ] Permit Records [ ] Measured [ ] Stamped on Tank [ ] Other

- Dosing tank material____________________

- Dosing tank appears to be watertight and in good condition [ ] Yes [ ] No

- Dosing tank lid is intact [ ] Yes [ ] No

- Electrical components are sealed and watertight [ ] Yes [ ] No

- Pump/siphon is functional [ ] Yes [ ] No

- Type of Pump [ ] Demand dose [ ] Time dose

- Pump control mechanism is functional (floats, pressure transducer) [ ] Yes [ ] No

- There is a high water alarm [ ] Yes [ ] No

- The high water alarm (audible and visual) is working [ ] Yes [ ] No [ ] Not Applicable

- Type of screen________________________________________

- Screen is clean and free of debris [ ] Yes [ ] No - Screen cleaned for this evaluation [ ] Yes [ ] No

- Scum/sludge present in Dosing tank [ ] Yes [ ] No

- Scum layer _______ (inches) Sludge layer _______ (inches)
- Locate all drain lines in soil absorption system  □Yes □No
  Total length of drain lines _________(ft)
  Lengths determined by □Physically uncovering portions of system/probing □Written records
□Fish tape □Electronic locator □camera
- Absorption area appears to be free from roads, vehicular traffic, structures, livestock, deep-rooted plants etc.
  □Yes □No
  If you answered “No,” please describe below:

  __________________________________________________________
  __________________________________________________________

- Absorption area appears to be free from surface water runoff and down spouts  □Yes □No
- Evidence of ponding in absorption area or distribution unit(s)  □Yes □No
- The soil absorption system replacement area assigned in the permit record appears to be intact:
  □Yes □No □Replacement area not identified in permit record
  If you answered “No,” please explain below:

  __________________________________________________________
  __________________________________________________________

- Additional Comments:

  __________________________________________________________
  __________________________________________________________
  __________________________________________________________

6. Sand Filter System
   There are different sand filter system designs used in Oregon. Not every sand filter system will contain all of
   the components mentioned below, e.g. pumps. The owner of a sand filter system permitted on or after January 2, 2014
   must maintain an annual service contract with a certified Maintenance Provider. Maintenance records should be
   available from the system owner, or the contracted Maintenance Provider. Please attach copies of the previous two
   years of maintenance records to this evaluation form.
   - The septic system has a sand filter □Yes □No
     (If “No,” skip the rest of section 6)
   - Type of sand filter
     □ Intermittent □ Recirculating □ Bottomless
   - Sand filter container appears free from defects, leaks and signs of deterioration: □Yes □No
• Sand filter unit appears to be free from roads, vehicular traffic, structures, livestock, deep-rooted plants etc.
  □ Yes □ No
If you answered “No,” please describe below:

• Sand filter appears to be free from surface water runoff and down spouts □ Yes □ No
• Evidence of ponding in/on sand filter media surface □ Yes □ No
• Surface access to manifold and valves □ Yes □ No
• Monitoring ports are present □ Yes □ No
• Lateral lines flushed and equal distribution verified □ Yes □ No
• The sand filter has a pump □ Yes □ No
  (If “No”, skip the rest of section 6)
• Pump vault appears to be watertight and in good condition □ Yes □ No □ N/A
• Pump is functional □ Yes □ No
• Pump control mechanism is functional (floats, pressure transducer) □ Yes □ No
• High water alarm in pump vault (audible and visual) is working □ Yes □ No
• Pump electrical components are sealed and watertight □ Yes □ No

• Additional Comments:

7. Alternative Treatment Technology System
The owner of an ATT system must maintain an annual service contract with a certified Maintenance Provider. Maintenance records should be available from the system owner, or the contracted Maintenance Provider. Please attach copies of the previous two years of maintenance records to this evaluation form.

Note* Some ATT systems may have a WPCF permit. Please contact the local Health Department or the DEQ to obtain a copy of the WPCF permit.
• The septic system has an Alternative Treatment Technology (ATT) □ Yes □ No
  (If “No,” skip the rest of section 7)
• Please provide the product name, system ID number, and manufacturer name below:
  Product name
  System ID number
  Manufacturer name
• Previous two years of maintenance records are available □ Yes □ No
If you answered “No,” please explain below:

________________________________________________________________________
________________________________________________________________________

• Previous two years of maintenance records are attached to this form □ Yes □ No
If you answered “No,” please explain below:

________________________________________________________________________
________________________________________________________________________

• Additional Comments:

________________________________________________________________________
________________________________________________________________________

8. Please attach a copy of the following items to this form. Contact the DEQ, or the local Health Department to locate these items.
• The septic system permit(s) to this form, if available
• The as-built drawing(s) to this form, if available
• The Certificate of Satisfactory Completion to this form, if available
• Additional Comments:

________________________________________________________________________
________________________________________________________________________

9. Provide a Site Plan
• Please provide a sketch of the complete system (show only system components that were evaluated) on page 8 of this form, if a copy of the original “as-built” drawing is not available.
• Please provide a sketch of the complete system on page 8 of this form if the original “as-built” drawing is not accurate or representative of the existing system.
• If the original “as-built” drawing is available for copy, and the original appears to be accurate and representative of the existing system, write “see attached as-built” on page 8 of this form, redrawing the system is unnecessary.
• Additional Comments:

________________________________________________________________________
________________________________________________________________________

10. Disclaimer:
This evaluation report describes the septic system as it exists on the date of evaluation and to the extent that components and operation of the system are reasonably observable. DEQ recognizes that this evaluation report does not provide assurance or any warranty that the system will operate properly in the future.

11. I hereby certify, by my signature, that the above information and the plot plan on the next page of this form are accurate and true to the best of my knowledge.

10/16/2023 Innovative Signature of Qualified Septic System Evaluator
Provide a Site Plan in the space below: Show the actual or best estimate measurements of components that were confirmed during this evaluation; septic tank, soil absorption system, property lines (if known), easements (if known), existing structures, driveways, and water supply (water lines and wells). Draw to scale and indicate the direction north.
APPLICATION FOR SEPTIC TANK FOR YAMHILL COUNTY

Date Issued: 8/1/82  Expiration Date: 8/1/82  Fee Paid: $50.00

Owner: John Doe  Address: 123 Main St
Mailing Address: 456 Elm St, Anytown, USA

Location of Site: 123 Main St  Phone: 555-1234

Description of Property: Tax Lot: 5417-300  Size: 1/4 AC  Zone:

Soil Type: Loam

Water Supply: (Spring, Well, Public) Min. Distance from Septic Tank System: 100 Feet.

SPECIFICATIONS:

Septic Tank Capacity: 1500 Gallons
1500 gal. pump chamber

DISPOSAL FIELD:

Sq. Ft. of Trench per Bedroom: 2000 Gallons

Number of Bedrooms: 4

Add 10% for Garbage Disposal: 

Total Sq. Ft. Required: 2500

Trenches - Total Lineal Feet: 1250

Use 3/4" to 2" clean gravel or crushed rock: KEEP BOTTOM OF TRENCHES LEVEL

TRENCHES: No. Required: 10
Length: 125  Depth: 24 26"  Width: 24  Gravel: 12"  In.

REPAIR:

Pump System:
Pump cycle set for 300 gal./day:
Alarm installed to activate about 3' above activation on pump.

THIS DEPARTMENT DOES NOT RECOMMEND INSTALLATION OF THIS SYSTEM UNTIL DRY WEATHER, DUE TO SOIL SMEARING OF THE TRENCH SIDEWALLS AND GREATLY REDUCED PERMEABILITY. IF IT IS NECESSARY TO INSTALL THE SYSTEM DURING WET WEATHER MANUALLY RAKE THE TRENCH SIDEWALLS.

IT IS UNDERSTOOD THAT ANY DWELLING OR STRUCTURE FOR WHICH SEWAGE DISPOSAL IS TO BE ACCOMMODATED BY THIS PERMIT SHALL:

1. Be sited in locations shown on the approved plot plan attached hereto.
2. Not be occupied or utilized until such time as a "Certificate of Satisfactory Completion" has been issued.

COMMENTS:

System designed to handle up to 1500 gal/day flow. 100 people maximum.

SIGNATURE OF APPLICANT: [Signature]  Date: 8/1/82

SPECIFICATIONS OF APPROVED BY: [Signature]  Date: 8/1/82

INSTALLATION APPROVED BY: [Signature]  Date: 8/1/82

(1)Applicant  (2)HD Files  (3)Bldg.Insp.  (4)Assessor

Exhibit 10  10 of 21
Existing System Evaluation Report for Onsite Wastewater Systems

State of Oregon Department of Environmental Quality
Onsite Program
165 East Seventh Ave, Suite 100
Eugene, OR 97401

Please answer the following questions completely. Do not leave any blank responses. Write unknown if unknown. Refer to Oregon Administrative Rule 340-071-0155 for more information, and please visit http://www.oregon.gov/deq/Residential/Pages/Septic-Smart.aspx

Septic System Owner-Provided Information:

Property Owner(s)(Sellers): MV Advancements (Dual Tank)  Telephone: ______________
Site Address: 16700 S Hwy 99W  City: Amity  Zip Code: 97101
County: ______________ Lot Size: ______________ Acres/Square Feet (circle units)

Legal Description: ______________

Age of wastewater treatment system _______ (years)  Is there a service contract for system components? ______________
Date the septic tank was last pumped _______ (please attach receipt if available)
Number of people occupying dwelling _______ If unoccupied, for how long has it been vacant? ______________
Was this section completed by the evaluator because owner or agent was unavailable? _______

The above information is true and to the best of my knowledge.

______________________________  ______________________________
Date (MM/DD/YYYY)  Signature of Owner, or agent if present

Name of person performing evaluation (please print): Jeremy Spires

Certification:
☐ Installer
☐ Maintenance Provider
☐ National Association of Wastewater Technicians
☐ Professional Engineer
☐ Other: DEQ approved in writing (please describe)
☐ Environmental Health Specialist
☐ Waste Water Specialist

Certification Number: M 591

Business name McMinnville Pumping  Email mpadmin@mcminnvillepumping.com
Business address 743 NE 5th ST. McMinnville OR 97128  Phone 503-472-1323

Date of Evaluation: 10/16/2023  (MM/DD/YYYY)

I hereby certify, by my signature, that I meet all of the qualifications required to perform onsite wastewater system evaluations in the state of Oregon pursuant to OAR 340-071-0155.

______________________________  ______________________________
Date (MM/DD/YYYY)  Signature of Qualified Septic System Evaluator

Page 1 of 8  Updated 12/29/2016
1. General System Information
   The Existing System Evaluation Report form contains 8 pages. Some of the questions on this
form may not pertain to the system being evaluated, as there are many system designs. If you (the
septic system evaluator) are unable to answer any of the questions on this form please indicate, in
writing, why this information was not available at the time the evaluation was completed.

   • The existing septic system consists of (check all that apply):
     ✔ Septic Tank
     ✔ Dosing Tank
     ✔ Multi-compartment Tank
     ✔ Seepage Bed
     □ Cesspool
     □ Disposal Trenches/Leach Lines
     □ Capping Fill
     □ Sand Filter

   Note: Cesspools may be used only to serve existing sewage loads and if failing only be replaced with
a seepage pit system on lots that are too small to accommodate a standard system or other alternative
onsite system.
   There is a permit for the septic system ✔Yes □No □Unknown

   • Permit Number(s) 3-105-82

   • Year original septic system installed: ________ (YYYY) ✔No record of installation date

   • Dates of subsequent repairs or alterations: 1982 ________ (YYYY)

   • All plumbing fixtures are connected to the septic system ✔Yes □No □Unknown
   If you answered “No” or “unknown,” please describe below:

   ________________________________________________________________

   Additional Comments:

   ________________________________________________________________

2. Overall Septic System Status
   • Discharge of sewage to the ground surface □Yes ✔No □None observed
   • Discharge of sewage to surface waters □Yes ✔No □None observed
   • Sewage backup into plumbing fixtures □Yes ✔No □Unknown
   • Additional Comments:

   ________________________________________________________________

3. Septic Tank
   In order to fully describe the condition of the tank, the septic tank may need to be pumped. Please
indicate below if the septic system tank was pumped during the course of this evaluation.
   • Septic tank was pumped during the course of this evaluation ✔Yes □No
   • If the septic tank was NOT pumped during the course of this evaluation, please explain (e.g.
   septic system owner declined to have the tank pumped etc):
• The septic tank material is:
  ☑ Concrete
  ☐ Steel
  ☐ Plastic
  ☐ Fiberglass
  ☐ Other (explain)
  ☐ Unknown

• Is the septic tank accessible? ☑ Yes ☐ No

• Septic tank volume in gallons 1500

• Tank volume determined by: Check all that apply, add comments below as needed
  ☑ Permit Records ☑ Measured ☐ Stamped on Tank ☐ Other

• Septic tank risers are at ground level ☑ Yes ☐ No

• Tank appears to be free from defects, leaking and signs of deterioration ☑ Yes ☐ No
  If you answered “No,” please describe the condition of the septic tank below. For example, evidence of gas corrosion, cracks, leaks, etc.

• Septic tank lid(s) is intact ☐ Yes ☑ No

• Septic tank baffles are intact: Inlet ☑ Yes ☐ No Outlet ☑ Yes ☐ No

• Baffle material - Inlet ☐ Plastic ☐ Concrete ☑ Metal Outlet ☐ Plastic ☐ Concrete ☑ Metal
  Effluent filter is present ☐ Yes ☑ No

• Effluent filter is free of debris ☑ Yes ☐ No ☑ Not Applicable

• Liquid level in tank relative to invert of outlet ☑ At ☐ Above ☐ Below
  If above or below invert outlet, please explain:

• Scum layer 2 (inches) Sludge layer 6 (inches)

• Scum and Sludge layer more than 35% of the total tank volume ☑ Yes ☐ No
  Indicate where sludge measured from: ☑ Inlet ☐ Middle ☐ Outlet

• Additional Comments:

4. **Dosing tank / Pump Basin**

Dosing tanks use a pump to send effluent to a treatment unit or a soil absorption field.

• The septic system has a dosing tank ☑ Yes ☐ No
  (If “No,” skip the rest of section 4)

• At the time of this evaluation the power was on to test the pump(s): ☑ Yes ☐ No
• Dosing tank capacity _________(gallons)
• Tank volume determined by: Check all that apply, add comments below as needed
  □ Permit Records □ Measured □ Stamped on Tank □ Other
• Dosing tank material____________________
• Dosing tank appears to be watertight and in good condition □ Yes □ No
• Dosing tank lid is intact □ Yes □ No
• Electrical components are sealed and watertight □ Yes □ No
• Pump/ siphon is functional □ Yes □ No
• Type of Pump □ Demand dose □ Time dose
• Pump control mechanism is functional (floats, pressure transducer) □ Yes □ No
• There is a high water alarm □ Yes □ No
• The high water alarm (audible and visual) is working □ Yes □ No □ Not Applicable
• Type of screen____________________
• Screen is clean and free of debris □ Yes □ No - Screen cleaned for this evaluation □ Yes □ No
• Scum/ sludge present in Dosing tank □ Yes □ No
• Scum layer ________(inches) Sludge layer______(inches)
• Additional Comments:

____________________________________________________

5. Soil absorption system
The soil absorption system is a set of trenches that receives effluent from the septic tank and filters the effluent before it enters the groundwater.
• The septic system has a soil absorption system □ Yes □ No □ Unknown
• Was the soil absorption system part of the evaluation? □ Yes □ No □ See note below
  If the soil absorption system was not evaluated, please explain below (for example unable to locate, client did not authorize this part of the evaluation):
  Unable to locate

____________________________________________________
• Absorption distribution □ Equal □ Serial □ Pressure □ Equal via pressure
• Absorption lines construction material:
  □ Gravel and pipe □ Chamber □ Tile □ Polystyrene foam and pipe □ Other ______________________
• Absorption distribution unit(s): □ dropbox □ hydrosplitter □ equal distribution box
  □ Intact □ Damaged □ N/A
• Absorption distribution unit(s) are free of debris or solids □ Yes □ No □ N/A
• Locate all drain lines in soil absorption system  ☐Yes ☐No
  Total length of drain lines ________(ft)
  Lengths determined by ☐Physically uncovering portions of system/probing ☐Written records
  ☐Fish tape ☐Electronic locator ☐camera

• Absorption area appears to be free from roads, vehicular traffic, structures, livestock, deep-rooted plants etc.
  ☐Yes ☐No
  If you answered “No,” please describe below:

• Absorption area appears to be free from surface water runoff and down spouts ☐Yes ☐No

• Evidence of ponding in absorption area or distribution unit(s) ☐Yes ☐No

• The soil absorption system replacement area assigned in the permit record appears to be intact:
  ☐Yes ☐No ☐Replacement area not identified in permit record
  If you answered “No,” please explain below:

• Additional Comments:

  ________________________________________________________________

  ________________________________________________________________

  ________________________________________________________________

6. Sand Filter System

There are different sand filter system designs used in Oregon. Not every sand filter system will contain all of the components mentioned below, e.g. pumps. The owner of a sand filter system permitted on or after January 2, 2014 must maintain an annual service contract with a certified Maintenance Provider. Maintenance records should be available from the system owner, or the contracted Maintenance Provider. Please attach copies of the previous two years of maintenance records to this evaluation form.

• The septic system has a sand filter ☐Yes ☑No
  (If “No,” skip the rest of section 6)

• Type of sand filter
  ☐ Intermittent
  ☐ Recirculating
  ☐ Bottomless

• Sand filter container appears free from defects, leaks and signs of deterioration: ☐Yes ☐No
Oregon Department of Environmental Quality

- Sand filter unit appears to be free from roads, vehicular traffic, structures, livestock, deep-rooted plants etc.
  ☐ Yes ☐ No
  If you answered "No," please describe below:

  ________________________________________________________________

- Sand filter appears to be free from surface water runoff and down spouts  ☐ Yes ☐ No
- Evidence of ponding in/on sand filter media surface  ☐ Yes ☐ No
- Surface access to manifold and valves  ☐ Yes ☐ No
- Monitoring ports are present  ☐ Yes ☐ No
- Lateral lines flushed and equal distribution verified  ☐ Yes ☐ No
- The sand filter has a pump  ☐ Yes ☐ No
  (If "No", skip the rest of section 6)
- Pump vault appears to be watertight and in good condition  ☐ Yes ☐ No ☐ N/A
- Pump is functional  ☐ Yes ☐ No
- Pump control mechanism is functional (floats, pressure transducer)  ☐ Yes ☐ No
- High water alarm in pump vault (audible and visual) is working  ☐ Yes ☐ No
- Pump electrical components are sealed and watertight  ☐ Yes ☐ No

- Additional Comments:
  ________________________________________________________________

7. Alternative Treatment Technology System
The owner of an ATT system must maintain an annual service contract with a certified Maintenance Provider. Maintenance records should be available from the system owner, or the contracted Maintenance Provider. Please attach copies of the previous two years of maintenance records to this evaluation form.

Note*: Some ATT systems may have a WPCF permit. Please contact the local Health Department or the DEQ to obtain a copy of the WPCF permit.
- The septic system has an Alternative Treatment Technology (ATT)  ☐ Yes ☐ No
  (If "No," skip the rest of section 7)
- Please provide the product name, system ID number, and manufacturer name below:

  Product name
  System ID number
  Manufacturer name

Page 6 of 8
8. Please attach a copy of the following items to this form. Contact the DEQ, or the local Health Department to locate these items.
   - The septic system permit(s) to this form, if available
   - The as-built drawing(s) to this form, if available
   - The Certificate of Satisfactory Completion to this form, if available
   - Additional Comments:

9. Provide a Site Plan
   - Please provide a sketch of the complete system (show only system components that were evaluated) on page 8 of this form, if a copy of the original "as-built" drawing is not available.
   - Please provide a sketch of the complete system on page 8 of this form if the original "as-built" drawing is not accurate or representative of the existing system.
   - If the original "as-built" drawing is available for copy, and the original appears to be accurate and representative of the existing system, write "see attached as-built" on page 8 of this form, redrawing the system is unnecessary.
   - Additional Comments:

10. Disclaimer:
    This evaluation report describes the septic system as it exists on the date of evaluation and to the extent that components and operation of the system are reasonably observable. DEQ recognizes that this evaluation report does not provide assurance or any warranty that the system will operate properly in the future.

11. I hereby certify, by my signature, that the above information and the plot plan on the next page of this form are accurate and true to the best of my knowledge.

10/16/2023
Date

Signature of Qualified Septic System Evaluator
Provide a Site Plan in the space below: Show the actual or best estimate measurements of components that were confirmed during this evaluation; septic tank, soil absorption system, property lines (if known), easements (if known), existing structures, driveways, and water supply (water lines and wells). Draw to scale and indicate the direction north.
APPLICATION FOR SEPTIC TANK FOR YAMHILL COUNTY

Date Issued_________________ Expiration Date_________________ Fee Paid_________________

Owner_________________ Mailing Address_________________

Location of Site_________________ Phone_________________

Description of Property: Tax Lot#__ Size__ Zone__

Soil Type_________________

Water Supply: (Spring, Well, Public) Min. Distance from Septic Tank System 100 Feet.

SPECIFICATIONS:

<table>
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<tr>
<th>TRENCHES: No. Required</th>
<th>Length__ Depth__ In.</th>
<th>Width__ Gravel__ In.</th>
</tr>
</thead>
</table>

Septic Tank Capacity______ Gallons

DISPOSAL FIELD:

Sq. Ft. of Trench per Bedroom___________

Number of Bedrooms___________

Add 10% for Garbage Disposal___________

Total Sq. Ft. Required___________

Trenches- Total Lineal Feet___________

Use 3/4" to 2½" clean gravel or crushed rock: KEEP BOTTOM OF TRENCHES LEVEL

THIS DEPARTMENT DOES NOT RECOMMEND INSTALLATION OF THIS SYSTEM UNTIL DRY WEATHER, DUE TO SOIL SMEARING OF THE TRENCH SIDEWALLS AND GREATLY REDUCED PERMEABILITY. IF IT IS NECESSARY TO INSTALL THE SYSTEM DURING WET WEATHER MANUALLY RAKE THE TRENCH SIDEWALLS.

IT IS UNDERSTOOD THAT ANY DWELLING OR STRUCTURE FOR WHICH SEWAGE DISPOSAL IS TO BE ACCOMMODATED BY THIS PERMIT SHALL:
1. Be sited in locations shown on the approved plot plan attached hereto.
2. Not be occupied or utilized until such time as a "Certificate of Satisfactory Completion" has been issued.

COMMENTS:

SIGNATURE OF
APPLICANT_________________ Date_________________

SPECIFICATIONS OF APPROVED BY_________________ Date_________________

INSTALLATION APPROVED BY_________________ Date 7-25-80

COPYES
(1)Applicant
(2)HD Files
(3)Bldg.Insp.
(4)Assessor

Exhibit 10
20 of 21
DESCRIPTION CONTINUED.

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 South East 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 a non-exclusive right-of-way of that private road lying within said described tract.
KNOW ALL MEN BY THESE PRESENTS, That...RAYMOND C. KAUER and BARBARA M. KAUER, husband and wife,
hereinafter called the grantor, for the consideration hereinafter stated, to grant and transfer to

MID-VALLEY WORKSHOP, INC., an Oregon corporation,
hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and 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, Willamette 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 North 66° 55' 30" West 215.53 feet; thence South 66° 12' 45" East 173.98 feet; thence South 00° 33' 00" West 229.95 feet; thence West 03' 00" 30" East 215.04 feet; thence South 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 36° 20' West 300.45 feet to the traveled center of existing private road; thence along traveled center of existing private road South 34° 43' East

Continued on reverse.

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that

grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ none.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 5th day of August, 1974:

[Signature]
Raymond C. Kauer
Barbara M. Kauer

STATE OF OREGON,

County of Yamhill

Personally appeared the above named RAYMOND C. KAUER and BARBARA M. KAUER, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon
My commission expires: 9-6-1978

RAYMOND C. KAUER, et ux
Rt. 1, Box 372
Amitry, Oregon 97101

MID-VALLEY WORKSHOP, INC.
Sherman & Trade Street
Amitry, Oregon 97101

31986 STATE OF OREGON,

County of Yamhill

I certify that the within instrument was received for record on the 31st day of October, 1974:

[Signature]
Wayne Welker, County Clerk
Recording Officer

By: Opal V. Hest
Deputy

Record of Deeds of said county.

Before me:

[Seal]
RE: List of customers/suppliers

Michael Yuen <michael.yuen@gwrr.com>
Mon 3/11/2024 3:12 PM
To: Samantha Bush <sb@klgp.com>

Sam,

Some examples of recent customer inquiries for rail in the area include lumber and other forest products, renewable diesel, propane, sand and corn. Typically, property with an existing rail spur is difficult to find and highly sought after. Often times, new customers have to invest capital and build track in order to receive rail service. If you would like any help in marketing the property to prospective parties, G&W’s industrial development site highlights properties suitable for rail service: https://www.gwrr.com/pnwr/. Just click the industrial development tab to view.

Once you’re at a point to activate rail service, we can either have someone from Portland & Western inspect the track or recommend a local contractor to determine the condition of the rail and what it would cost to restore service. If your customer wants modifications to the current track layout, I can help them get a new track design free of charge. I’ll also be your initial point of contact for the real estate agreements we discussed. An Industry Track Agreement is required for maintenance responsibilities and a Right-of-Entry is required to perform work on railroad property. Ultimately, our engineering department will need to approve the track for use and our transportation group will also have to approve a service plan.

A full list of Portland & Western customers is listed here:
https://www.bnsf.com/bnsf.was/SCRSTrack/SCRSCentralController?command=SCRDSUMMARY. If it doesn’t come over sorted already, type in OR for state and PNWR for serving carrier. Let me know if you have additional questions.

From: Samantha Bush <sb@klgp.com>
Sent: Monday, March 11, 2024 11:47 AM
To: Michael Yuen <michael.yuen@gwrr.com>; Chad Mullarkey <chad.mullarkey@gwrr.com>
Subject: Re: List of customers/suppliers

Thank you Michael!

1pm works the best for me.

Thank you!

Samantha Bush | Paralegal
MAILING ADDRESS:
P.O. Box 2209
Lake Oswego, OR 97035

PHYSICAL ADDRESS
From: Michael Yuen <michael.yuen@gwrr.com>
Sent: Monday, March 11, 2024 8:44 AM
To: Chad Mullarkey <chad.mullarkey@gwrr.com>; Samantha Bush <sb@klgpc.com>
Subject: RE: List of customers/suppliers

Samantha – good to meet you. I’ll give you a call today. Let me know if there’s a particular time that’s best.

From: Chad Mullarkey <chad.mullarkey@gwrr.com>
Sent: Friday, March 8, 2024 8:24 AM
To: Samantha Bush <sb@klgpc.com>
Cc: Michael Yuen <michael.yuen@gwrr.com>
Subject: RE: List of customers/suppliers

Hello Samantha – Allow me to introduce Michael Yuen who heads up out industrial development team on the west coast. He will be able to assist in possibly starting rail service at the subject facility.

Please fill him in on the location and details.

Thanks,

Chad Mullarkey
Senior Manager – Real Estate

From: Samantha Bush <sb@klgpc.com>
Sent: Thursday, March 7, 2024 5:33 PM
To: Chad Mullarkey <chad.mullarkey@gwrr.com>
Subject: List of customers/suppliers

Good afternoon,

I am working with a property owner in Amity Oregon who has a rail spur on his property. He is in the process of getting ready to sell/lease it. I was wondering if you had a list of current customers or suppliers who use your rail service that we would have to hopefully connect with.
Thank you!

Sent from Mail for Windows

Samantha Bush | Paralegal
MAILING ADDRESS:
P.O. Box 2209
Lake Oswego, OR 97035

PHYSICAL ADDRESS
4500 Kruse Way, #340
Lake Oswego Or 97035

(971) 404-1686 Cell
(503) 636-0069 Main Office
(503) 636-0102 fax
sb@kellington.com
www.kellington.com
<table>
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<th>C/O</th>
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<th>PRIMARY</th>
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<th>CITY</th>
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BNSF Railway

Exhibit 13

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BNSF Railway

Exhibit 13

5 of 8
SCHMITZER STEEL INDUSTRIES INC 056403253-0000 - - 111 HWY 66 N EUGENE OR 6744229 EUGENE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

SEAPORT MIDSTREAM PARTNERS LLC 050650064-0000 - - 5930 NW ST HELENS RD PORTLAND OR 97231 LINCOLN OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF. Receipt of switching will only apply for BNSF.

SEENEAL SAWMILL CO 060022236-0000 - - 9201 HWY 20 N EUGENE OR 97402 EUGENE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

SIMPLT Growers SOLUTION 071304187-0000 JR SIMPLT CO - - 232 E ST INDEPENDENCE OR 97431 INDEPENDENCE OR PNRW Restricted UP Serving carrier is a Handling Carrier for UP.

SKYLANE FARMS 055930335-9000 VALLEY FRESH FOODS INC 8535 CROSBY ROAD N E WOODBURN OR 5071978 LOGANVILLE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

SMITH SEED SERVICES 064792763-0000 - - 57790 POWERLINE RD HALSAY OR 87349 AMERICAN OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

SPECIALTY LAMINATE USA INC 051449307-0000 - - 1740 W 5TH AVE EUGENE OR 97426 EUGENE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

STATES INDUSTRIES LLC 057483472-0000 - - 25943 END RD E EUGENE OR 97429 EUGENE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

STELLA-JONES CORP A03144101-0000 - - 90453 HWY 92 N EUGENE OR 97402 EUGENE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

STELLA-JONES CORP 117032683-0000 - - 23215 ROCK CREEK RD SHERIDAN OR 97378 SHIPLEY OR PNRW Restricted UP Serving carrier is a Handling Carrier for UP.

STELLA-JONES CORP 117930056-0000 - - 58144 OLD PORTLAND RD WARREN OR 97053 ST HELENS OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

STIMSON LUMBER C 167438918-0000 - - 885 STIMSON MILL RD CLATSKANIE OR 97016 CLATSKANIE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

SUBURBAN PROPANE PARTNERS LP 096010196-0000 - - 12007 SW CASCADE BOULEVARD TIGARD OR 97224 FANKO OR PNRW Restricted UP Serving carrier is a Handling Carrier for UP.

SWANSON SEED LLC 080360824-0000 - - 27405 SW LADD HILL RD SHERWOOD OR 97140 TJulATIN OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

TEEVIN BROTHERS LAND & TIMBER 067602467-0000 - - 29191 DIXE RD RAINIER OR 97048 RAINIER OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

TYREE OIL INC 080203954-0000 - - 2345 IRVING RD EUGENE OR 97429 EUGENE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

TYREE OIL INC 195413271-0000 - - 2076 IRVING RD EUGENE OR 97429 EUGENE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

ULTRA QUIET FLOORS 071603191-0000 STEPHEN WALROOP CONSTRUCTION 403 N MAIN ST NEWBERG OR 97132 NEWBERG OR PNRW Restricted UP Serving carrier is a Handling Carrier for UP.

UNITED STATES GYSUM CO 029322926-0000 - - 29873 DIXE RD RAINIER OR 97048 RAINIER OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

VALLEY AGROMICROS LLC 027626021-0000 - - 10180 OAK ST SE DONALD OR 97020 DONALD OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

VALLEY AGROMICROS LLC 080050798-0000 - - 14005 S HWY 99 W McMinnville OR 97128 WHITESON OR PNRW Restricted UP Serving carrier is a Handling Carrier for UP.

VALLEY AGROMICROS LLC 030117095-0000 - - 9056 RICKREALL RD RICKREALL OR 97371 DERRY OR PNRW Restricted UP Serving carrier is a Handling Carrier for UP.

VALLEY FRESH FOODS INC 055948330-0000 SKYLANE FARMS - 2003 8535 CROSBY ROAD N E WOODBURN OR 97077 LOGANVILLE OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

VAN BEEK DAIRY FARMS 121649502-0000 - - 20450 MCFARLAND RD MONROE OR 97459 ALBANY OR PNRW Restricted UP BNSF Serving carrier is a Handling Carrier for UP.

VIPER RAIL CAR STORAGE INC 054459352-0006 - - 275 PARK TRACKS WAPAMA DIR CLATSKANIE OR 97015 WAUKA OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for BNSF.

WEST COAST FEED & SEED LLC 117112994-0000 - - 102 SE BOOTH BEND RD McMinnville OR 97128 McMinnville OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for UP.

WEST COAST FEED & SEED LLC 117112994-0000 - - 102 SE BOOTH BEND RD McMinnville OR 97128 McMinnville OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for UP.

WEST COAST FEED & SEED LLC 117112994-0000 - - 102 SE BOOTH BEND RD McMinnville OR 97128 McMinnville OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for UP.

WEST COAST FEED & SEED LLC 117112994-0000 - - 102 SE BOOTH BEND RD McMinnville OR 97128 McMinnville OR PNRW Restricted BNSF Serving carrier is a Handling Carrier for UP.


BNSF Railway
Exhibit 13
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<td>97322</td>
<td>Restricted</td>
<td>BNSF</td>
</tr>
<tr>
<td>WILBUR-ELLIS COMPANY LLC</td>
<td>650 RIVER ROAD NE</td>
<td>Salem</td>
<td>OR</td>
<td>97303</td>
<td>Restricted</td>
<td>BNSF</td>
</tr>
<tr>
<td>WILBUR-ELLIS COMPANY LLC</td>
<td>650 RIVER ROAD NE</td>
<td>Salem</td>
<td>OR</td>
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<tr>
<td>WILCO FARMERS</td>
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<td>OR</td>
<td>97128</td>
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<tr>
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<td>OR</td>
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<tr>
<td>WHEN HILL LUMBER LLC</td>
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<td>Philomath</td>
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<td>Restricted</td>
<td>UP</td>
</tr>
<tr>
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<td>201 MAIN ST</td>
<td>Philomath</td>
<td>OR</td>
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<td>UP</td>
</tr>
<tr>
<td>ZIP-LOG MILLS INC</td>
<td>2235 W 5TH AVE</td>
<td>Eugene</td>
<td>OR</td>
<td>97402</td>
<td>Restricted</td>
<td>BNSF</td>
</tr>
<tr>
<td>ZIP-LOG MILLS INC</td>
<td>2235 W 5TH AVE</td>
<td>Eugene</td>
<td>OR</td>
<td>97402</td>
<td>Restricted</td>
<td>BNSF</td>
</tr>
</tbody>
</table>
IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance

WHEREAS, the Board of Commissioners enacted Ordinance No. 62 on September 25, 1974, adopting the Yamhill County Comprehensive Plan and certain maps designated and certified as Schedules "A" and "B" thereto; and

WHEREAS, the Mid-Valley Workshop and Rehabilitation Center, Inc. applied for an amendment to Schedule "B" of said Comprehensive Plan under Section 6(2) of Ordinance No. 62; and

WHEREAS, the Yamhill County Planning Commission held a public hearing on November 12, 1974, as required by Ordinance No. 62, found that the proposed amendment was in compliance with particular provisions of the Comprehensive Plan found on page 181, and other applicable Plan provisions; and passed a resolution recommending said plan amendment to the Yamhill County Board of Commissioners; and

WHEREAS, the Board of Commissioners, on November 27, 1974, held a public hearing as required by ORS 215.210 on the proposed Plan amendment and passed a resolution approving the recommendation of the Planning Commission.

NOW THEREFORE, IT IS HEREBY ORDAINED THAT, the Yamhill County Comprehensive Plan be and is hereby amended to show an 11.14-acre site as identified by County Survey C.S.P.5697, T-302, attached hereto and certified as Schedule "A" by this Ordinance, as "Special Facility Institutional" on Schedule "B" of said Comprehensive Plan.

This Ordinance shall be in force and effect from and after the 27th day of November, 1974.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chairman

County Clerk

Commissioner

Deputy

Exhibit 14
1 of 2
SURVEY FOR MID-VALLEY WORKSHOP INC.

POINT OF BEGINNING
353.75' SOUTH B.
453.15' E EAST OF THE S.E. CORNER OF THE JOSEPH WATT'S D.L.C.

VALLEY SEED PROCESSING INC.
TRACT

LINE    DISTANCE BEARING

<table>
<thead>
<tr>
<th>Line</th>
<th></th>
<th>Bearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>45.09</td>
<td>S 50° 40' W</td>
</tr>
<tr>
<td>2</td>
<td>150.07</td>
<td>N 7° 34' 30' W</td>
</tr>
<tr>
<td>3</td>
<td>64.69</td>
<td>S 01° 08' 45' E</td>
</tr>
<tr>
<td>4</td>
<td>153.53</td>
<td>N 86° 55' 30' W</td>
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<tr>
<td>5</td>
<td>173.38</td>
<td>S 66° 12' 45' W</td>
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<td>6</td>
<td>22.80</td>
<td>S 20° 03' 30' E</td>
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<td>7</td>
<td>215.04</td>
<td>S 37° 00' 30' E</td>
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<tr>
<td>8</td>
<td>372.61</td>
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<td>9</td>
<td>100.00</td>
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<tr>
<td>10</td>
<td>180.00</td>
<td>N 89° 25' 30' W</td>
</tr>
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</table>

MONUMENTS FOUND: From former survey
MONUMENTS SET: Bearing base from deed of record

PART OF THE JEROME B WALLING D.L.C.
CLAIM NO. 42 SEC. 17, TSS, R4.W. W.M.
YAMHILL COUNTY, STATE OF OREGON

Exhibit 14
2 of 2
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>2021</td>
<td>2021</td>
<td>2022</td>
<td>2021</td>
<td>2022</td>
<td>2021</td>
</tr>
<tr>
<td></td>
<td>Acres</td>
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<td>Acres</td>
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<td>Acres</td>
<td>Dollars</td>
</tr>
<tr>
<td>All</td>
<td>143</td>
<td>117</td>
<td>107</td>
<td>138</td>
<td>2.02</td>
<td>2.88</td>
</tr>
<tr>
<td>Albariño</td>
<td>143</td>
<td>117</td>
<td>107</td>
<td>138</td>
<td>2.02</td>
<td>2.88</td>
</tr>
<tr>
<td>Carignan</td>
<td>364</td>
<td>376</td>
<td>323</td>
<td>306</td>
<td>2.33</td>
<td>3.02</td>
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<tr>
<td>Viognier</td>
<td>1,152</td>
<td>1,152</td>
<td>1,152</td>
<td>1,152</td>
<td>1.65</td>
<td>3.01</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>Gewürztraminer</td>
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<td>151</td>
<td>150</td>
<td>150</td>
<td>1.62</td>
<td>1.80</td>
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<tr>
<td>Melon</td>
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<td>187</td>
<td>187</td>
<td>187</td>
<td>2.09</td>
<td>2.82</td>
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<tr>
<td>Merlot</td>
<td>202</td>
<td>202</td>
<td>202</td>
<td>202</td>
<td>2.88</td>
<td>3.35</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>25,123</td>
<td>23,707</td>
<td>24,729</td>
<td>23,707</td>
<td>2.28</td>
<td>2.52</td>
</tr>
<tr>
<td>Pinot Gris</td>
<td>2,740</td>
<td>2,740</td>
<td>2,740</td>
<td>2,740</td>
<td>4.44</td>
<td>4.74</td>
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<td>Riesling</td>
<td>453</td>
<td>453</td>
<td>453</td>
<td>453</td>
<td>2.92</td>
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<td>Sauvignon</td>
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<td>1,939</td>
<td>1,939</td>
<td>2.21</td>
<td>2.77</td>
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<tr>
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<td>1,469</td>
<td>1,469</td>
<td>1,469</td>
<td>1,469</td>
<td>1.67</td>
<td>1.79</td>
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<tr>
<td>Pinot Noir</td>
<td>25,123</td>
<td>23,707</td>
<td>24,729</td>
<td>23,707</td>
<td>2.28</td>
<td>2.52</td>
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<td>Tempranillo</td>
<td>398</td>
<td>398</td>
<td>398</td>
<td>398</td>
<td>2.72</td>
<td>2.88</td>
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<td>Viognier</td>
<td>398</td>
<td>398</td>
<td>398</td>
<td>398</td>
<td>1.66</td>
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<tr>
<td>Other</td>
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<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>2.55</td>
<td>3.25</td>
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<tr>
<td>Total</td>
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<td>44,487</td>
<td>40,684</td>
<td>40,774</td>
<td>2.93</td>
<td>3.36</td>
</tr>
</tbody>
</table>

1Includes estimates for incomplete responses.
2Price per ton is the median value of price received by Oregon grape growers for each variety (see Table 4).
3Value of production is derived by multiplying production by price.
4Other includes all other varieties, including some varieties for which collected data were insufficient for individual reporting.
5Totals may not add up due to rounding.
6No data reported, or reported data were insufficient to develop estimates.
### Table 2: Wine Grapes: Vineyards, acreage, yield and production by growing area, 2021-2022

<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>
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</thead>
<tbody>
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<td></td>
<td>Number²</td>
<td>Number²</td>
<td>Acres</td>
<td>Acres</td>
<td>Acres</td>
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<tr>
<td>North Willamette Valley⁵</td>
<td>842</td>
<td>890</td>
<td>24,467</td>
<td>25,897</td>
<td>22,392</td>
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<tr>
<td>South Willamette Valley⁶</td>
<td>123</td>
<td>126</td>
<td>4,601</td>
<td>5,337</td>
<td>4,552</td>
</tr>
<tr>
<td>Umpqua Valley⁷</td>
<td>85</td>
<td>85</td>
<td>3,856</td>
<td>3,941</td>
<td>3,581</td>
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<tr>
<td>Rogue Valley⁸</td>
<td>207</td>
<td>207</td>
<td>5,886</td>
<td>6,054</td>
<td>5,697</td>
</tr>
<tr>
<td>Columbia River⁹</td>
<td>138</td>
<td>151</td>
<td>2,223</td>
<td>2,317</td>
<td>2,004</td>
</tr>
<tr>
<td>Other Oregon³</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-Carlton, 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 3: Wine Grapes – Acreage and production by variety and growing area, 2021 and 2022 totals

<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>
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<td>Acres</td>
<td>Acres</td>
<td>Tons</td>
<td>Acres</td>
<td>Acres</td>
<td>Tons</td>
</tr>
<tr>
<td>Albillo</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>123</td>
<td>107</td>
<td>428</td>
<td>129</td>
<td>91</td>
<td>250</td>
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<tr>
<td>Chardonnay</td>
<td>2,307</td>
<td>1,874</td>
<td>4,967</td>
<td>281</td>
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<td>775</td>
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<tr>
<td>Gamay</td>
<td>162</td>
<td>116</td>
<td>303</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>
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<td>15</td>
<td>8</td>
<td>24</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Merlot</td>
<td>-</td>
<td>-</td>
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<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>3,324</td>
<td>3,399</td>
<td>15,498</td>
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<td>6,438</td>
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<td>Pinot Noir</td>
<td>18,280</td>
<td>17,001</td>
<td>53,362</td>
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<td>2,858</td>
<td>8,546</td>
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<td>Riesling</td>
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<td>258</td>
<td>899</td>
<td>36</td>
<td>35</td>
<td>100</td>
</tr>
<tr>
<td>Syrah</td>
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<td>302</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tempranillo</td>
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<td>55</td>
<td>246</td>
<td>20</td>
<td>16</td>
<td>26</td>
</tr>
<tr>
<td>Viognier</td>
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<td>20</td>
<td>93</td>
<td>21</td>
<td>20</td>
<td>20</td>
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<td>Other3</td>
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<td>378</td>
<td>1,362</td>
<td>129</td>
<td>121</td>
<td>364</td>
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<tr>
<td>Total, 20224</td>
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<td>23,880</td>
<td>79,486</td>
<td>9,337</td>
<td>4,946</td>
<td>16,938</td>
</tr>
<tr>
<td>Total, 2021</td>
<td>24,407</td>
<td>22,892</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.
### Table 4: Wine Grapes - Price per ton by variety and growing area, 2022

<table>
<thead>
<tr>
<th>Variety</th>
<th>Statewide¹</th>
<th>North Willamette Valley²</th>
<th>South Willamette Valley³</th>
<th>Umpqua Valley⁴</th>
<th>Rogue Valley⁵</th>
<th>Columbia River⁶</th>
<th>Other Oregon Area⁷</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average⁴</td>
<td>Median</td>
<td>Low⁴</td>
<td>High⁴</td>
<td>Average⁴</td>
<td>Median</td>
<td>Low⁴</td>
</tr>
<tr>
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<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>2,260</td>
<td>2,384</td>
<td>1,196</td>
<td>2,685</td>
<td>2,007</td>
<td>2,935</td>
<td>1,948</td>
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<tr>
<td>Merlot</td>
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<td>1,988</td>
<td>1,179</td>
<td>2,881</td>
<td>2,102</td>
<td>1,657</td>
<td>1,957</td>
</tr>
<tr>
<td>Pinot Noir</td>
<td>2,052</td>
<td>2,712</td>
<td>1,956</td>
<td>5,162</td>
<td>2,191</td>
<td>2,320</td>
<td>2,239</td>
</tr>
<tr>
<td>Riesling</td>
<td>2,170</td>
<td>1,691</td>
<td>585</td>
<td>2,587</td>
<td>2,360</td>
<td>2,120</td>
<td>1,660</td>
</tr>
<tr>
<td>Sauvignon</td>
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<td>1,802</td>
<td>1,061</td>
<td>2,091</td>
<td>1,551</td>
<td>1,826</td>
<td>1,489</td>
</tr>
<tr>
<td>Tempranillo</td>
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<td>1,000</td>
<td>1,762</td>
<td>2,526</td>
<td>1,908</td>
<td>2,000</td>
<td>1,838</td>
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<tr>
<td>Average</td>
<td>2,412</td>
<td>2,393</td>
<td>2,361</td>
<td>3,778</td>
<td>2,207</td>
<td>2,466</td>
<td>2,540</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, 2021-2022¹

<table>
<thead>
<tr>
<th>Region²</th>
<th>All Wineries³</th>
<th>Number of Wineries 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>Total</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 totals¹

<table>
<thead>
<tr>
<th>Region²</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>Total, 2022</td>
<td>94,426</td>
<td>2,376</td>
<td>96,802</td>
<td></td>
</tr>
<tr>
<td>Total, 2021</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

<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>Cases</td>
<td>Cases</td>
<td>Cases</td>
<td>Cases</td>
<td>Cases</td>
<td>Cases</td>
<td>Cases</td>
<td>Cases</td>
<td>4,535,592</td>
<td>956,424,346</td>
</tr>
<tr>
<td>2021</td>
<td>478,012</td>
<td>423,070</td>
<td>182,949</td>
<td>728,938</td>
<td>157,222</td>
<td>3,438,871</td>
<td>162,999</td>
<td>125,778</td>
<td>5,717,159</td>
<td>844,376,688</td>
</tr>
</tbody>
</table>

1 Includes estimates for incomplete responses.
2 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

<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>78,823</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>3,014</td>
<td>2,017</td>
<td>33,455</td>
<td>182,939</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>

1 Includes estimates for incomplete responses.
Economic impact of Oregon’s wine industry statewide, 2016

Grocery, retail, distributor, other employees*: 124.4 or 2.2%
Winery/vineyard employees: 130.2 or 2.3%
Tourism/on-premise employees: 314.7 or 5.6%
Vineyard expenses: 157.2 or 2.8%
Taxes, fees, other: 206.2 or 3.7%
Wine industry induced revenue†: 782.8 or 14%
Other indirect effects*: 527.7 or 9.4%
Industry induced†: 225.2 or 4%
Retailer/restaurant wine sales: 946.9 or 16.9%
Total economic impact: $5.61 billion
Tourism: 786.8 or 14%
Wine grape/winery sales: 629.9 or 11.2%
Distributor’s sales: 526.3 or 9.4%

*Other employees includes wine store, trucking, shipping, warehouse, printing services, tank manufacture, and professional services such as legal, financial and insurance.
† Estimated from primary research and IMPLAN. For more information, go to www.implan.com/

Sierra Dawn McClain and Alan Kenaga/Capital Press

Source: Full Glass Research

Exhibit 15
7 of 8
III. Public Notice
June 24, 2024

To:  □ Public Works  □ City of Amity
     □ Amity Rural Fire District  □ ODOT
     □ DLCD  □ Water Master
     □ Sanitarian

Re:  Docket PAZ-02-24, MV Advancements, 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: July 9, 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_____________
IV. Public Agency Reports
No Comments Received
I. Staff Report
HEARING DATES: July 11th – Planning Commission Hearing
             TBD – Board of Commissioners Hearing

DATE:         June 26, 2024

DOCKET NO.:   Z-01-24

REQUEST:      Approval of a zone change from Exclusive Farm Use (EF-80) to
              Agriculture Forestry Small Holding (AF-10).

APPLICANT:    Catherine Wright

OWNER:        Caleb and Haley Bunn

TAX LOT:      4307-2301

LOCATION:     Located to the south of address 290 SE Locks Rd. Dayton.

ZONE:         EF-80, Exclusive Farm Use

CRITERIA:     Sections 402, 501 and 1208.02 of the Yamhill County Zoning
              Ordinance. Oregon Administrative Rule, OAR 660-12-0060
              Transportation Planning Rule.

REFERRALS:    Public Works – No comments received to date.
              Dayton Rural Fire District – No comments received to date.
              SWCD- No comments received to date.
              ODOT – No comments received to date.
              Water Master – No comments received to date.
              DLCD – No comments received to date.
              Sanitarian – No comments received to date.

EXHIBITS:     I. Staff Report
              II. Application
                  a. Letter of Incompleteness
                  b. Response to Letter of Incompleteness
              III. Exclusive Farm Use EF-80 and Agriculture and Forestry Small
                   Holding (AF-10) Zoning Ordinances
              IV. Public Notice
              V. Public Agency Reports
              VI. Comments Received
FINDINGS:

A. **Background Facts**

1. *Parcel size:* 14.7 acres

2. *Access:* There is a proposed driveway with access to SE Locks Rd.

3. *On-site Land Use:* Currently the parcel is being used for farming including raising Christmas trees, flowers, bees, and grazing cattle. There are no structures on the property. Henry Creek runs through the property on the west side and the Yamhill River borders the southwest property. There are approximately 5.6 acres of fir trees along the river and creek.

4. *Surrounding Zoning and Land Use:* The property is bordered to the west by the City of Lafayette. To the north, south and west is Exclusive Farm Use, EF-80 District, and to the east is Very Low Density Residential, VLDR, District. Uses in the area include farming, housing, as well as commercial uses to the north, along nearby Highway 99. The Lafayette Sewer Plant is nearby to the west.

5. *Water:* The application indicates that water will be provided by a well.


7. *Previous Actions:* There is no previous land use history associated with the parcel.

8. *Overlay District:* A portion of the western property is within the Flood Plain Overlay District. The property is not within any other overlay districts.

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

1. The property is zone EF-80, but most of the parcel has a Comprehensive Plan of VLDR, very low density residential. A small portion at the far west side of the property has a Comprehensive Plan designation of AFLH. Property to the east has a VLDR Comprehensive Plan designation and is zone VLDR-1. The request is to only change the zoning within the VLDR Comprehensive Plan. The application is not requesting any change to the zoning of the portion of the property which is subject to the AFLH Comprehensive Plan designation. The applicant is requesting the zone change due to the need for a smaller agricultural and residential parcel within Yamhill County.

2. This zone change application must comply with 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:
The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.

Though most 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 14.7-acre tract to be preserved for the more agricultural-focused uses or if it is better suited to allow for both small farm and rural residential use.

The applicant states that the comprehensive Plan designation for most of the property is VLDR. The VLDR designation is consistent with Section I. A. of the Yamhill County Comprehensive Land Use Plan in that it encourages low density residential development in areas contiguous with existing cities and with access to services. (Goal 3, Policy B.) This area is adjacent to the city limits of Lafayette and is near to other low density residential zoning with parcels ranging in size from 0.89 acres to 23 acres. The described use is consistent with both the comprehensive plan and physical development in the area.

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.

The applicant’s response includes their wish to have a small commercial farm and homestead in an area where parcels of this size with a home, are limited. The applicant believes that it is not feasible for a farm of this size to support the gross sales necessary to qualify for a farm dwelling under the current zoning. The applicant explains that the AF-10 zoned parcels are of great importance to the citizenry of Yamhill County and the economy. They state that a significant portion of Yamhill County’s economy comprises the hospitality business, hotels, restaurants, wineries, breweries, etc., thus requiring additional agriculture product to the area that support niche farming that compliment the large-scale farms in the area. The applicant further describes that the availability of these types of parcels is very limited. The applicant provided a list of 12 available properties, see exhibit 2, all of which would not meet their needs.

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 significant portion of the property is designated VLDR, Very Low Density Residential on the County’s comprehensive plan. The applicant wishes to apply a zone change only to that portion of the property. Many of the surrounding properties are zoned VLDR. The request for a zone change would be in character with the surrounding area. Most of the surrounding properties include single family residences, with parcel sizes ranging from 0.85 acres to 23 acres. The applicant does not wish to subdivide the property and requests the AF-10 zone, which would limit the intensity of development to the area. The AF-10 zone is considered a rural residential district similarly to the VLDR district.

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.

According to the applicant, there are very few other lands in the area currently with a Comprehensive Plan designation of VLDR and which meet the criteria of Yamhill County’s Comprehensive Plan Goal 3, Policy B. The applicant states that there are very few, if any, other options for a rural parcel of approximately 10 acres with a dwelling, close to city services. The applicant concludes that there are currently no such properties listed for sale in Yamhill County. The proposed use includes a small-scale farm and a single-family residence. The applicant intends to raise flowers, goats, bees, chickens, and orchard fruit. Due to the size, the location, existing nearby uses, and the designated Comprehensive Plan of VLDR, this property would be best suited for the AF-10 designation.

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

This amendment is consistent with the existing Comprehensive Plan designation of VLDR and as such does not require the application of any exceptions.

C. 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 this criterion, the Applicant did not submit a traffic impact analysis to the Planning Department nor did Planning staff receive any comments or concerns from the county Public Works Department regarding the Applicant’s request. The request is for a single-family dwelling, which should not produce more than 10 trips per day. Therefore, it appears that the proposed use is consistent with the existing characteristics of the area. The road infrastructure appears to be able to support the single-family residence. If required, a new driveway would be subject to Yamhill County Public Works permitting process.

CONCLUSIONS FOR APPROVAL:

1. The request is for a zone change from EF-80, Exclusive Farm Use, to AF-10, Agriculture Forestry Small Holding, residential rural.

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.
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
# 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>Last name</td>
<td>First</td>
</tr>
<tr>
<td>Wright, Catherine A.</td>
<td></td>
</tr>
<tr>
<td>Mailing address (Street or PO Box)</td>
<td>Mailing address (Street or PO Box)</td>
</tr>
<tr>
<td>PO Box 625</td>
<td>3209 Lorian Lane SE</td>
</tr>
<tr>
<td>City</td>
<td>State</td>
</tr>
<tr>
<td>McMinnville, OR 97128</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>Telephone</td>
</tr>
<tr>
<td>503-472-0344</td>
<td>971-241-6600</td>
</tr>
<tr>
<td>E-mail address</td>
<td>E-mail address</td>
</tr>
<tr>
<td><a href="mailto:catherine@twslaw.net">catherine@twslaw.net</a></td>
<td><a href="mailto:bunncaleb@yahoo.com">bunncaleb@yahoo.com</a></td>
</tr>
</tbody>
</table>

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

### PROPERTY INFORMATION

- **Tax Lot(s):** 4307-2301
- **Zone:** EF-80
- **Size of Tract (include all adjacent tax lots):** Approximately 14.7 acres

1. **TYPE OF APPLICATION (what is requested?):** Zone change from EF-80 to AF-10.

2. **JUSTIFICATION FOR REQUEST**

   **YCZO Section(s):** YCZO Section 1208.02 and consistent with Comprehensive Plan designation of VLDR.

   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:** Raising flowers, bees, cattle grazing. Christmas trees.

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

   None.

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

6. **How will water be provided?**

   □ Well □ City □ Other

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

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

**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.

Applicant’s signature: ____________________________ Date: 3/1/24

Property owner’s signature (if different): ____________________________ Date: ____________________________

State of: Oregon

County of: Yamhill

Signed before me on this ______ day of March, 2024, by Catherine A. Wright.

Notary Public for Oregon
My Commission expires 3/15/27
8. To your knowledge, do any of the following natural hazards exist on the property?

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

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.

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Applicant’s signature

[Signature]

Date 03/01/2024

Property owner’s signature (if different)

[Signature]

Date

State of Oregon

County of Yamhill

Signed before me on this 1 day of March, 2024.

by Caleb Burn

[Stamp]

Julie Anderson

Notary Public for Oregon
My Commission expires 3/15/27
8. To your knowledge, do any of the following natural hazards exist on the property?

- [ ] Floodplain
- [x] 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.

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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 ___________________________ Date _______ 3/11/2024

Property owner’s signature (if different) ___________________________ Date _______ 3/11/2024

State of ___________________________ County of ___________________________

Signed before me on this _______ day of _______ March _______ 20 _______.

by ___________________________

Notary Public for Oregon
My Commission expires 3-15-27
PROPERTY INFORMATION

Tax Lot Subject to Zone Change: 4307-2301

Ownership: Caleb Bunn and Haley Bunn. See Exhibit A.

ZONE CHANGE CRITERIA

Summary of Request

The property in question is currently zoned EF-80, but most of the parcel has a Comprehensive Plan of VLDR (Very Low Density Residential). A small portion at the far west side of the property has a Comprehensive Plan designation of AFLH. Property to the east has a VLDR Comprehensive Plan designation and is zoned VLDR-1 (with some adjacent parcels zoned VLDR 2.5). (See attached Exhibits B and C.)

REVIEW CRITERIA

1208.02 Review criteria:

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

The Comprehensive Plan designation for the majority of this property is VLDR. The VLDR designation is consistent with Section IA of the Yamhill County Comprehensive Land Use Plan in that it encourages low density residential development in areas contiguous with existing cities and with access to services. (Goal 3, Policy B.) This area is adjacent to the city limits of Lafayette and is typical of the type of area described in Goal 3, Policy B.

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 applicants wish to conduct a small commercial farm and homestead. This requires a small acreage which allows farming but on which applicants can also reside. Applicants’ farming operations are too small to generate sufficient income and the size parcel they can work with is too small to generate the necessary income to qualify for a primary farm dwelling under the current zoning. Applicants need a very specific type of property, a small
acreage with a dwelling. Such parcels are very rare in this area. This property, if zoned AF-10, would meet their needs. The property has been in applicant Caleb Bunn’s family for many generations and applicants hope to retain it and use it to operate their small farm. The products (flowers, honey, chickens, fruit) which applicants intend to continue to produce are products which will serve the restaurant/food and hospitality industries which are prevalent in Yamhill County.

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.

The proposal is for a zone change to AF-10 within the VLDR comprehensive plan area. This is consistent with the land uses in the surrounding area. To the west of the property is the City of Lafayette. To the east are small, residential parcels of 1-5 acres. To the north is a parcel in combined agricultural and residential use. To the south is an undeveloped parcel currently in agricultural use. A change of zone to AF-10 on this 14.7 acre parcel would allow placement of one dwelling on this property, but would not otherwise change the land use. Thus, a larger, rural residential parcel is in keeping with surrounding uses. Water would be provided by a well on the subject property and a septic system would be installed on the subject property. A parcel of 14.7 acres, most of which is not within the flood zone, can appropriately accommodate both a well and septic system. The property adjoins a county road (SE Locks Road) and power is available (and currently serves multiple residential parcels on the east side of SE Locks Road).

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.

There are very few other lands in the area currently with a Comprehensive Plan designation of VLDR and which meet the criteria of Yamhill County’s Comprehensive Plan Goal 3, Policy B. The applicant has very few, if any, other options for a rural parcel of approximately 10 acres with a dwelling, close to city services. There are currently no such properties listed for sale in Yamhill County. The applicant wishes to operate a small farm on the subject property and reside on site in order to make operation of such farm economically feasible. The applicant intends to raise flowers, goats, bees, chickens, and orchard fruit, and to maintain the existing trees.
E. The amendment is consistent with the current administrative rules (OARs) for exceptions, if applicable.

This amendment is consistent with the existing Comprehensive Plan designation of VLDR and as such does not require the application of any exceptions.

ADDITIONAL INFORMATION

1. The subject property is zoned EF-80, but is subject to two Comprehensive Plan designations. The majority of the property has a Comprehensive Plan designation of VLDR. A small portion on the west side of the property has a Comprehensive Plan designation of AFLH. This application is for a change only to the zoning within the VLDR Comprehensive Plan designation. The applicant is not requesting any change to the zoning of the portion of the property which is subject to the AFLH Comprehensive Plan designation.

2. Part of the western boundary of the property is bordered in part by the South Yamhill River. A portion of the subject property which lies adjacent to the river is subject to flooding. See attached Exhibit D.
EXHIBIT LIST

1. Deed
2. Comprehensive Plan map
3. Zone map
4. Flood map
BARGAIN AND SALE DEED

James L. Bunn, Trustee of the Jim Bunn Revocable Living Trust
16900 S Hwy 99W
Amity, OR 97101

to

Caleb Bunn and Haley Bunn
3209 Lorian Ln SE
Salem, OR 97302

SEND TAX STATEMENTS TO:
Caleb and Haley Bunn
3209 Lorian Ln SE
Salem, OR 97302

AFTER RECORDING, RETURN TO:
Caleb and Haley Bunn
3209 Lorian Ln SE
Salem, OR 97302

OFFICIAL YAMHILL COUNTY RECORDS
KERINTON, COUNTY CLERK

$86.00

DMR-DDMR
Cnt=1 Str=3 SUTTONS
$10.00 $5.00 $11.00 $60.00

01/19/2024 11:38:59 AM

BARGAIN AND SALE DEED – Statutory Form

James L. Bunn, Trustee of the Jim Bunn Revocable Living Trust, grantor, conveys to Caleb Bunn and Haley Bunn, Grantees, the following described real property situated in Yamhill County, Oregon:

See attached Exhibit A

The true consideration for this conveyance is $80,000.


Dated this 19 day of January, 2024

James L. Bunn, Trustee

STATE OF OREGON

) ss.

County of Yamhill

On the 19 of January, 2024, personally appeared the above-names James L. Bunn, who acknowledged that the foregoing instrument was his voluntary act and deed.

Before me:

[Stamp]

NOTARY PUBLIC FOR OREGON

Exhibit A

Page 1 of 2
"EXHIBIT A"

Date: 27 October 2023

Bunn - Legal Description "A" (14.7 Ac. more or less)

A tract of land in Section 7, Township 4 South, Range 3 West, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the northwest corner of Block 18 of the FISK'S SUBDIVISION Franklin Martin Donation Land Claim; thence East 1597.1 feet along the north line of said Block 18 to an iron rod as shown by CS-13127; thence East 10 feet to the northeast corner of Block 18 of said FISK'S SUBDIVISION Franklin Martin DLC; thence South 00°04'28" East 196.31 feet; thence North 89°59' 53" West 10 feet to an iron rod as shown by CS-13127; thence continuing North 89°59' 53" West 284.98 feet to an iron rod as shown by CS-13127; thence South 74°30'43" West 1200.30 feet to an iron rod as shown by CS-13127; thence continuing South 74°30'43" West 200 feet more or less to the northerly bank of the Yamhill River; thence westerly along the river bank to the southeast corner of the Joel Perkins DLC; thence North 40° East 484.44 feet along the west line of said FISK'S SUBDIVISION Franklin Martin DLC to the beginning point. The intention of this deed is, and the deed conveys to, the western boundary of Locks Rd based on the understanding that the Locks Rd is 40 feet rather than 60 feet wide.
April 2, 2024

Tiffanie Willis  
Yamhill County Planning and Development  
400 NE Baker Street  
McMinnville, OR 97128

Re: Caleb and Haley Bunn  
Docket No. Z-01-24

Dear Tiffanie:

You requested additional information to address the criteria of Yamhill County Zoning Ordinance §1208.02(B) and (D).

Section 1208.02(B) provides: “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 need for smaller agricultural and residential parcels in Yamhill County can be shown by the very limited supply of such parcels. While there are some smaller parcels zoned and suitable for agricultural uses, their location may not be appropriate and/or they do not allow siting of a dwelling because the income requirements for a farm dwelling cannot be met on smaller parcels. As such, small-scale family farming is generally a second occupation. Having a dwelling on the farm site is necessary to dedicate the most time possible to tending crops and livestock. There are many factors that can go into the critical timing of tasks that need done when farming including weather, soil conditions, and livestock status, all of which can change unexpectedly. Tending to and watering crops, letting out and taking in livestock for the day, as well as addressing unexpected situations that may arise is not practical from afar. Additionally, most such parcels are sought for small family farming operations which rely on having suitable land which is relatively close to the customers they will be supplying. Most often, these customers are CSA (Community Supported Agriculture) members or are hotels and restaurants in McMinnville and Newberg. Farms in Grand Ronde and Willamina are generally too far from these customers to facilitate efficient and affordable business. Such farms need to be relatively close to the customers and must allow the farmer to reside on the property in order to most efficiently and affordably farm it.
Such parcels are of great importance to the citizenry of Yamhill County and the economy, and support uses such as those intended by the owners which in turn supports local residents and businesses. A significant portion of Yamhill County’s economy (approximately 17 percent - see Exhibit 1) comprises the hospitality business - hotels, restaurants, wineries, breweries, etcetera. Many of these businesses want to promote local produce, whether that is flowers in a hotel or tasting room, ingredients for restaurants, or farmer’s markets selling local produce to the public. There is a consistent and growing market demand for local produce grown on small family farms and niche crops which are not supplied by commercial scale farms.

Farming is the backbone of our nation and is Yamhill County's primary industry. Small farms are the connective tissue to a community. According to the USDA National Institute of Food and Agriculture, "Family and small farms are vital to our economy and well-being as a nation. Not only do they support the competitiveness and sustainability of rural and farm economies, they serve to protect and enhance natural resources and the environment, provide a nursery for the development of new enterprises and marketing systems, [and] maintain rural populations. These farms, most of which are family-owned and operated, confront considerable challenges due to current trends, such as increased movement into cities, an aging population, farm consolidation, and changing weather patterns." With limited parcels that are viable for small-scale farming, re-zoning is a means to bridge the gap to enable these important and dwindling enterprises to continue. Parcels of around 5 to 25 acres are generally too small to be considered useful for large commercial farms and are only put into production and nurtured by small scale family farms.

As shown by the review of parcels currently available on the market (see Exhibit 2), there are no other parcels currently available which are zoned AF-10 and very few which can accommodate a small agricultural enterprise and a dwelling.

Section 1208.02(D) provides: “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.”

A review of parcels in Yamhill County containing 5 to 25 acres currently available for sale in March, 2024 is summarized on the enclosed chart.

The owners need a piece of property which can accommodate agricultural uses and a home. It also needs to be small enough to manage without employees, and affordable. Twelve parcels were identified, none of them currently zoned AF-10, and none of them, for various reasons, suitable for the uses allowed in an AF-10 zone. (Specifically, agriculture and/or forestry, and a dwelling.)

Many of these parcels were not buildable. Many of them were heavily forested, and some of them had steep slopes. The review identified only one parcel which was
buildable and suitable for agricultural uses. However, that property, on Garfield Street in Carlton, is only 7 acres and lies more than 50 percent within the flood zone which leaves it unsuitable for most agricultural enterprises.

This review indicates that small agricultural parcels of approximately ten acres which allow a dwelling, as is generally allowed in the AF-10 zone, are very hard to find in Yamhill County. The owners’ need for such a parcel, and the inability to find a similarly situated parcel within Yamhill County, demonstrates the need for such parcels in this area. Allowing a change of zone for this parcel will allow the owners to conduct their small family farm on a suitable, affordable parcel which is well suited for their needs.

Very truly yours,

TANKERSLEY & WRIGHT, LLC

Catherine A. Wright

CAW:jca
Enc.
cc: Caleb and Haley Bunn
### QuickFacts
Yamhill County, Oregon

QuickFacts provides statistics for all states and counties. Also for cities and towns with a population of 5,000 or more.

#### All Topics

**Population Estimates, July 1, 2022, (V2023)**

- **Yamhill County, Oregon**

<table>
<thead>
<tr>
<th>Population Estimates, July 1, 2023, (V2023)</th>
<th>168,362</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population estimates base, April 1, 2020, (V2023)</td>
<td>168,362</td>
</tr>
<tr>
<td>Population estimates base, April 1, 2020, (V2022)</td>
<td>107,720</td>
</tr>
<tr>
<td>Population, percent change - April 1, 2020 (estimates base) to July 1, 2023, (V2023)</td>
<td>60.9%</td>
</tr>
<tr>
<td>Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)</td>
<td>5.0%</td>
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<tr>
<td>Population, Census, April 1, 2020</td>
<td>107,720</td>
</tr>
<tr>
<td>Population, Census, April 1, 2019</td>
<td>99,193</td>
</tr>
</tbody>
</table>

#### Age and Sex

- Persons under 5 years, percent | 5.0%
- Persons under 18 years, percent | 20.8%
- Persons 65 years and over, percent | 19.3%
- Female persons, percent | 49.0%

#### Race and Hispanic Origin

- White alone, percent | 90.3%
- Black or African American alone, percent | 1.3%
- American Indian and Alaska Native alone, percent | 0.0%
- Asian alone, percent | 2.6%
- Native Hawaiian and Other Pacific Islander alone, percent | 0.3%
- Two or More Races, percent | 3.5%
- Hispanic or Latino, percent | 17.3%
- White alone, not Hispanic or Latino, percent | 75.2%

#### Population Characteristics

- Veterans, 2018-2022 | 7,510
- Foreign born persons, percent, 2018-2022 | 7.4%

#### Housing

- Housing units, July 1, 2022, (V2022) | 41,254
- Owner-occupied housing units, 2018-2022 | 69.4%
- Median value of owner-occupied housing units, 2018-2022 | $408,500
- Median selected monthly owner-occupied housing costs - with a mortgage, 2018-2022 | $1,539
- Median selected monthly owner-occupied housing costs - without a mortgage, 2018-2022 | $603
- Median gross rent, 2018-2022 | $1,302
- Building permits, 2022 | 539

#### Families & Living Arrangements

- Households, 2018-2022 | 38,371
- Persons per household, 2018-2022 | 2.09
- Living in same house 1 year ago, persons of persons age 15 years+, 2018-2022 | 84.4%
- Language other than English spoken at home, percent of persons age 5 years+, 2018-2022 | 17.9%

#### Computer and Internet Use

- Households with a computer, percent, 2018-2022 | 85.3%
- Households with a broadband Internet subscription, percent, 2018-2022 | 89.7%

#### Education

- High school graduate or higher, percent of persons age 25 years+, 2018-2022 | 89.9%
- Bachelor's degree or higher, percent of persons age 25 years+, 2018-2022 | 29.3%

#### Health

- With a disability, under age 65 years, percent, 2018-2022 | 11.7%
- Persons without health insurance, under age 65 years, percent | 7.8%

#### Economy

- In civilian labor force, total, percent of population age 16 years+, 2018-2022 | 59.6%
- In civilian labor force, female, percent of population age 16 years+, 2018-2022 | 44.9%
- Total retail sales, 2018 ($1,000) | $1,412,210
- Total retail sales per capita, 2018 | $10,856
<table>
<thead>
<tr>
<th>ACRES</th>
<th>LOCATION</th>
<th>BUILDABLE?</th>
<th>PRICE</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Old Railroad Grade Road, Yamhill</td>
<td>No</td>
<td>$109,000.00</td>
<td>Heavily forested</td>
</tr>
<tr>
<td>10.8</td>
<td>Sheridan</td>
<td>Yes, per listing</td>
<td>$298,000.00</td>
<td>Steep slopes, heavily forested</td>
</tr>
<tr>
<td>6.54</td>
<td>Lincoln Avenue, Yamhill</td>
<td>No</td>
<td>$298,000.00</td>
<td>EF-20/too small</td>
</tr>
<tr>
<td>7</td>
<td>Garfield Street, Carlton</td>
<td>Yes, per listing</td>
<td>$300,000.00</td>
<td>50%+ within flood zone</td>
</tr>
<tr>
<td>20</td>
<td>Peavine Road, McMinnville</td>
<td>No</td>
<td>$429,000.00</td>
<td>EF-40</td>
</tr>
<tr>
<td>8</td>
<td>Bridge Street, Sheridan</td>
<td>Yes</td>
<td>$919,000.00</td>
<td>Development property/city approved for subdivision</td>
</tr>
<tr>
<td>23</td>
<td>Quarry Road, Newberg</td>
<td>No</td>
<td>$658,000.00</td>
<td>EF-20, wooded, vineyard</td>
</tr>
<tr>
<td>22</td>
<td>Cove Orchard</td>
<td>Yes</td>
<td>$630,000.00</td>
<td>EF-20, too expensive</td>
</tr>
<tr>
<td>7</td>
<td>Highway 18, Sheridan</td>
<td>Probably not</td>
<td>$550,000.00</td>
<td>Adjoins highway, not suitable for livestock</td>
</tr>
<tr>
<td>22</td>
<td>Spirit Mountain Road, Grand Ronde</td>
<td>Yes</td>
<td>$550,000.00</td>
<td>Heavily forested F-80, not suitable for agriculture</td>
</tr>
<tr>
<td>20</td>
<td>Fort Hill Road, Willamina</td>
<td>Yes</td>
<td>$450,000.00</td>
<td>Heavily forested F-80, not suitable for agriculture</td>
</tr>
<tr>
<td>26</td>
<td>River Bend Road, McMinnville</td>
<td>Yes, per listing</td>
<td>$439,000.00</td>
<td>EF-80 forested. Almost entirely within flood zone.</td>
</tr>
</tbody>
</table>
III. Public Notice
APPLICANT: Catherine Wright

PO Box 1234

McMinnville OR 97128

I, Stephanie Carran, on the 21st day of June, 2024, sent the attached public notice of Docket No. Z-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 25th day of June, 2024, by

[Signature]

NOTARY PUBLIC FOR OREGON
My Commission Expires 1-24-25

[Seal]

FORM: #12 • UPDATED: 3/19/2019 10:12 AM
NOTICE OF PUBLIC HEARING
Thursday, July 11, 2024, 7pm
Yamhill County Courthouse, Room 32
535 NE 5th Street
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 at the Yamhill County Department of Planning and Development, 400 N.E. Baker St., McMinnville, 97128, at willist@yamhillcounty.gov, or at (503) 434-7516.

DOCKET NO.: Z-01-24
REQUEST: Approval of a zone change from EF-80, Exclusive Farm Use District to AF-10, Agriculture and Forestry Small Holding District.
PLAN DESIGNATION: Very Low Density Residential
APPLICANT: Catherine Wright
OWNER: Caleb and Haley Bunn
TAX LOT: 4307-2301
LOCATION: Property to the south of address 290 SE Locks Rd., Dayton
CRITERIA: Section 1208.02 of the Yamhill County Zoning Ordinance.

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.
Procedures Regarding Hearings by the Planning Commission Acting on Quasi-judicial Actions in Yamhill County

The Nature and Conduct of Public Hearings

1. Parties to quasi-judicial proceedings are entitled to an opportunity to appear, either in person or through a representative, to present and rebut testimony and evidence before an impartial authority, to record the proceedings, and to receive a written notice of the decision, based on the record made at the hearing.

2. The following persons qualify as parties:
   (a) the applicant;
   (b) all persons that are entitled by ordinance to receive a notice of the hearing; and
   (c) other persons who demonstrate that the action affects a substantial right of those persons.

3. No person shall testify without:
   (a) receiving recognition from the Planning Commission chairperson;
   (b) stating his or her full name and address; and
   (c) if requested, stating the basis on which he or she is entitled to status as a party. A challenge to this status may be made by the Planning Commission or another party. A ruling shall be made by the Planning Commission regarding the person's right to testify.

4. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Audience demonstrations, applause, and display signs shall not be permitted. The chairperson of the Commission shall have the authority to inform, reprimand, or remove any person or persons for violation of the rules of conduct.

Rules of Evidence

1. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.

2. Testimony and evidence must be directed toward the criteria applicable to the subject hearing.

3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Commission and parties an opportunity to respond to the issue precludes appeal based on that issue beyond the local level.

Hearing Procedure

In the conduct of a hearing, the Planning Commission shall have the authority to:

1. Determine who qualifies as a party;
2. Regulate the course, sequence, and decorum of the hearing;
3. Dispose of procedural requirements or similar matters;
4. Rule on offers of proof and relevancy of evidence and testimony;
5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations and rebuttal testimony;
6. Grant, deny, or approve with conditions the matter being heard.

Burden of Proof

The burden of proof is placed upon the applicant. Such proof shall show that the request complies with all applicable standards and criteria of the Comprehensive Plan and Zoning Ordinance.
1. Announce the nature and purpose of the hearing;

2. Ask for disclosure of any potential conflicts of interest or ex parte contact by those on the Commission;

3. Ask parties of the hearing if there is a challenge to the ability of any member of the Commission to make an unbiased decision on the case;

4. State that testimony and evidence must be directed toward the relevant criteria or other criteria in the plan or ordinance which a person believes to apply to the decision;

5. State that failure to raise an issue accompanied by statements or evidence sufficient to afford the Commission and parties an opportunity to respond to the issue precludes appeal beyond the local level;

6. Request the Planning Director or his designee to present a summary of staff findings and the criteria applicable to the request;

7. Allow the applicant to be heard first, testifying on his own behalf or by a representative.

8. Allow parties or witnesses in favor of the proposal to be heard;

9. Allow parties or witnesses opposed to the proposal to be heard;

10. Ask for comments submitted by governmental agencies;

11. Allow rebuttal testimony;

12. Ask for the staff recommendation.

13. Prior to the conclusion of the initial hearing, any party may request an opportunity to present additional testimony or evidence regarding the application. The Commission shall grant such a request by continuing the public hearing or leaving the record open for additional written evidence or testimony.

14. Upon conclusion of the initial hearing, if there is no request to present additional testimony or evidence, the Commission shall decide whether to close the hearing and render a decision or continue the hearing to a later date. The Commission may request proposed findings and conclusions from any party to the hearing.

Appeal of Commission Decisions

1. A decision of the Planning Commission may be appealed to the Board of County Commissioners for review. A petition for review must be submitted to the Planning Department within fifteen (15) days of the date of decision. The date of decision is the date the notice of decision is mailed, not the date of the hearing.

2. Only parties to the subject action may appeal the Commission's decision.

Accommodation of Physical Impairments

Please notify the Planning Department of any special physical or language needs as far in advance of the hearing as possible. The courthouse is handicapped accessible.

TDD 503-434-7519.
June 21, 2024

To: □ Public Works  □ SWDC  □ Dayton Rural Fire Dept.  □ City of Lafayette
□ ODOT  □ Water Master  □ Sanitarian  □ DLCD

Re: **Docket Z-01-24**, Catherine Wright, Tax Lot R4307-2301

The referenced docket is currently under consideration by Yamhill County. A request for approval of a zone change from Exclusive Farm Use (EF-80) to Agriculture Forestry Small Holding (AF-10). The request involves an approximately 14.7-acres parcel located south of the address 290 SE Locks Rd., Dundee.

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: **July 8, 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 ____________
June 18, 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 June 21, 2024, issue of the News Register. Please bill this office and supply us with an affidavit of publication.

Sincerely,

Kenneth P. Friday
Planning Director

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the Yamhill County Planning Commission will hold a public hearing on July 11, 2024, at 7:00 P.M. in room 32 of the Yamhill County Courthouse, located at 535 East Fifth Street, McMinnville to consider: DOCKET Z-01-24, a request by Catherine Wright for approval of a zone change from EF-80, Exclusive Farm Use District to AF-10, Agriculture and Forestry Small Holding District. The property involved is plan designated VLDR Very Low Density Residential. The parcel is identified as Tax Lot 4307-2301 and is located at south of the property addressed as 290 SE Locks Rd, Dayton. This application is being reviewed based on criteria in Section 1208.02 of the Yamhill County Zoning Ordinance. Interested parties are invited to send written comment to willist@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 June 21, 2024, 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
Tiffanie Willis

From: DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov>
Sent: Monday, April 8, 2024 9:04 AM
To: Tiffanie Willis
Subject: Confirmation of PAPA Online submittal to DLCD

Caution: This email originated outside of the Yamhill County email system

Yamhill County

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.
Local File #: Z-01-24
DLCD File #: 001-24
Proposal Received: 4/8/2024
First Evidentiary Hearing: 7/11/2024
Submitted by: willist@yamhillcounty.gov

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.
IV. Public Agency Reports
June 21, 2024

To: □ Public Works
□ SWDC
□ Dayton Rural Fire Dept.
□ City of Lafayette

□ ODOT
□ Water Master
□ Sanitarian
□ DLCD

Re: Docket Z-01-24, Catherine Wright, Tax Lot R4307-2301

The referenced docket is currently under consideration by Yamhill County. A request for approval of a zone change from Exclusive Farm Use (EF-80) to Agriculture Forestry Small Holding (AF-10). The request involves an approximately 14.7-acres parcel located south of the address 290 SE Locks Rd., Dundee.

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: July 8, 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 REUS Date 6/25/2024
Comments Received