

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

95-153

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance )  
 Amending the Yamhill County )  
 Comprehensive Plan Map and Zoning )  
 Map to Change the Plan Map Desig- )  
 nation on a 1.5 Acre Parcel Known )  
 as Tax Lot 4333-400 from Public )  
 Facilities to Agriculture/Forestry )  
 Large Holding, and the Zone Map )  
 from Public Assembly Institutional )  
 (PAI) to Exclusive Farm Use (EF-80); )  
 Docket G-8-94; Applicant Yamhill )  
 County; and Declaring an Emergency. )

ORDINANCE 588

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on March 15, 1995 Commissioners Dennis L. Goecks, Robert Johnstone, and Thomas E. E. Bunn being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Yamhill County ("Applicant") applied to the Department of Planning and Development for approval of Planning Docket G-8-94, a Comprehensive Plan map amendment from "Public Facilities" to "Agricultural/Forestry Large Holding", and a Zone Change from "Public Assembly Institutional (PAI)" to "Exclusive Farm Use (EF-80)" on a 1.5 acre parcel known as Tax Lot 4333-400, southeast of the intersection of Palmer Road and Wallace Road, at the former site of the Pleasantdale school/community center, and more particularly identified on the attached Exhibit "B".

B. On February 2, 1995, the Yamhill County Planning Commission held a public hearing on the application and voted unanimously to recommend approval of the application for the comprehensive plan amendment and zone change.

C. On March 1, 1995 the Board held a public hearing at which time the Board received evidence, and following close of the hearing and close of the record, the Board deliberated and voted unanimously to grant tentative approval to the application for a comprehensive plan map amendment and zone change, subject to preparation of necessary findings for approval.

D. The attached Exhibit "A" demonstrates that the proposed amendment to the Yamhill County Comprehensive Plan Map and the Official Zoning Map of Yamhill County are in the best interests of the citizens of Yamhill County. NOW THEREFORE,

95-153

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. The Yamhill County Comprehensive Plan Map is hereby amended as specified in the attached Exhibit "B", incorporated into this ordinance by reference, to reflect a plan map designation of "Agriculture/Forestry Large Holding" for the 1.5 acre parcel known as Tax Lot 4333-400.

Section 2. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B", to reflect a zoning designation of "Exclusive Farm Use District (EF-80)" for the 1.5 acre parcel known as Tax Lot 4333-400 identified on Exhibit "B".

Section 3. The findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this ordinance.

Section 4. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE March 15, 1995 at McMinnville, Oregon.

ATTEST

CHARLES STERN  
County Clerk

By: Jaynie Mitchell  
Deputy JAYNIE MITCHELL

FORM APPROVED BY:  
John C. Pinkstaff  
JOHN C. PINKSTAFF  
Assistant County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Dennis L. Goecks  
Chairman DENNIS L. GOECKS

Robert Johnstone  
Commissioner ROBERT JOHNSTONE

Thomas E. E. Bunn  
Commissioner THOMAS E. E. BUNN

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Accepted by Yamhill County  
Board of Commissioners on  
3-15-95 by Board Order  
# 95-153.

ORDINANCE 588

Findings for Approval

DATE OF PLANNING COMMISSION APPROVAL: February 2, 1995

DATE OF PRELIMINARY BOARD OF COMMISSIONERS' APPROVAL: March 1, 1995

DATE OF ADOPTION OF IMPLEMENTING ORDINANCE: March 15, 1995

DOCKET: G-8-94

REQUEST: Zone change from Public Assembly Institutional District (PAI) to Exclusive Farm Use District (EF-80), and Comprehensive Plan amendment from Public Facilities to Agriculture/Forestry Large Holding.

APPLICANT: Yamhill County

TAX LOT: 4333-400

LOCATION: Southeast of the intersection of Palmer Road and Wallace Road, at the former site of the Pleasantdale school/community center.

FINDINGS:

A. Background Facts

1. Lot Size: 1.5 acres
2. Access: Wallace Road, a state highway
3. On-Site Land Use: Approximately one acre on the northern portion of the property is part of an orchard. The southern portion of the property is undeveloped and covered with brush. An old school/community center building used to occupy the site, but has been removed.
4. Surrounding Land Use: Surrounding property is predominantly devoted to agricultural uses, including a large orchard to the north and west. A fruit packing and processing operation is directly west of the subject property.
5. Surrounding Zoning: Adjacent property to the west is zoned Resource Industrial (RI). All other surrounding land is zoned

Exclusive Farm Use (EF-40). (This area was rezoned to EF-80 on December 29, 1993 pursuant to Ordinance 565, and approved by LCDC, but the rezoning has been appealed to the Court of Appeals, and therefore this proposed zone change is to EF-80 for consistency.)

6. Water: No public water available.
7. Sewage Disposal: No public sewage disposal available.
8. Fire Protection: Dayton Rural Fire District
9. Taxes: Tax lot 400 was exempted from taxation because the recorded owner was the Dayton School District. A quitclaim deed transferring ownership to Hubert and Barbara Wilson was recorded 12/21/94 (although it was signed and notarized in 1977). Current tax status is unknown, although presumably the property will be placed on the tax rolls since the school district is no longer the recorded owner.
10. Previous Actions: The old school/community hall was inventoried in 1984 as a potential historic resource, but was not designated as a significant landmark. The building has since been demolished. A recent application (Docket FD-60-94) was submitted to allow construction of two farm help dwellings on the property, to be occupied by employees of Wilson Farms, owners of adjacent property to the north and east. That request was tentatively approved on January 14, 1995, subject to rezoning of the property to EF.

B. Ordinance Provisions and Analysis

1. A quasi-judicial change to a zoning map must comply with the standards and criteria in the Yamhill County Zoning Ordinance (YCZO), Section 1208.02, which provides:

"A quasi-judicial zone map change is processed as follows:

"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 amend-

ment 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."

2. The Board finds that the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan as required by YCZO 1208.01 A as follows.

2.1 Section IV.A. Public Facilities and Services, Goal 1 of the Comprehensive Plan goals and policies, provides:

"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."

The lot was originally zoned PAI because a public building existed on the property. Since that building no longer exists, the PAI designation is no longer appropriate. No need has been demonstrated for a new public institutional use of the property. Re-development of the lot to a public use would not comply with Goal 1 because the location of the property would not be an efficient arrangement of public facilities, nor would a new use serve as a framework for further urban or rural development because of the restrictive surrounding zoning.

2.2 Goal II.A. Agricultural Lands, Policy 1 (a) of the Comprehensive Plan goals and policies states:

"Yamhill County will provide for the preservation of farm lands through appropriate zoning, recognizing comparative economic returns to agriculture and alternative uses, changing ownership patterns and management practices, changing market conditions for agricultural produce, and various public financial incentives."

Policy (a) of Goal II.A.2 states:

"Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service."

The proposed zone change is for a 1.5 acre lot, of which approximately 1 acre is currently in agricultural use as part of a 150+ acre orchard. Soils on the lot are Woodburn silt loam (WuB), rated Class II for agricultural capability. The property has been acquired by, and is part of, Wilson Farms, a 642 acre farm operation. Rezoning to Exclusive Farm Use will preserve the high-value Class II soils for agricultural uses and will recognize the existing agricultural use of the property, which is consistent with Comprehensive Plan policies.

3. The Board finds 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, as required by YCZO 1208.01 B as follows.

3.1 Wilson Farms is currently farming a portion of the property in conjunction with a larger orchard, and have requested that two farm help dwellings be allowed on the property. Farm use and any associated dwellings would require conditional use approval in the PAI district. Yamhill County recognizes the need to protect lands that are suitable for agricultural use and limit or prohibit those uses that would impact or be incompatible with agricultural practices. Uses which might be allowed in the PAI district could negatively impact or interfere with normal agricultural practices on the adjacent orchard. Consequently there is a need to change the zoning to recognize and allow agricultural uses on the property and to prevent uses of the property which would conflict with surrounding farm uses.

4. The Board finds that the 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, as required by YCZO 1208.01 C as follows.

4.1 The proposed change is appropriate because the surrounding area is zoned Exclusive Farm Use and is used for agricultural purposes. Development in the area is limited to scattered farm dwellings, except for the fruit processing plant to the west. A change has occurred with the removal of the public building on the site and its planting as an orchard, which supports the proposed rezoning to EF. There are no urban services available to the property, so intensive development of the site would not be feasible. On-site water and septic are sufficient to serve farm uses and/or farm dwellings.

5. The Board finds 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, as required by YCZO 1208.01 D as follows.

5.1 This is an up-zoning to the Exclusive Farm Use district, which is more restrictive in the number and type of allowed uses than the PAI district. The lot is well-suited for agricultural uses based on soil type (Class II soils) and location next to an existing orchard, and will be used as part of the 642 acre farm operation of Wilson Farms.

6. The Board finds that the application satisfies the requirements of YCZO 1208.01 E as follows.

6.1 This proposal will remove the land from exception status and make it subject to Statewide Planning Goal 3, Agricultural Lands, and thereby add to the supply of land protected for agricultural use. The proposed rezone and Comprehensive Plan amendment is therefore consistent with Goal 3 and OAR Chapter 660, Division, the administrative rule governing agricultural lands.

#### CONCLUSIONS:

1. The request is for an amendment to the Yamhill County Comprehensive Plan map to change 1.5 acres from Public Facilities to Agriculture/Forestry Large Holding and a zone change for the same property from Public Assembly/Institutional (PAI) to Exclusive Farm Use (EF-80).

2. The request is consistent with the goals, policies, and applicable provisions of the Comprehensive Plan.

3. 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.

4. The 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 amendment is particularly appropriate, considering surrounding land uses and the present agricultural use of the property.

5. The property is well-suited for uses which would be allowed by the proposed EF zoning.

6. The amendment is consistent with Statewide Planning Goal 3, Agricultural Lands and the Oregon Administrative Rule for agricultural lands.

**DECISION:**

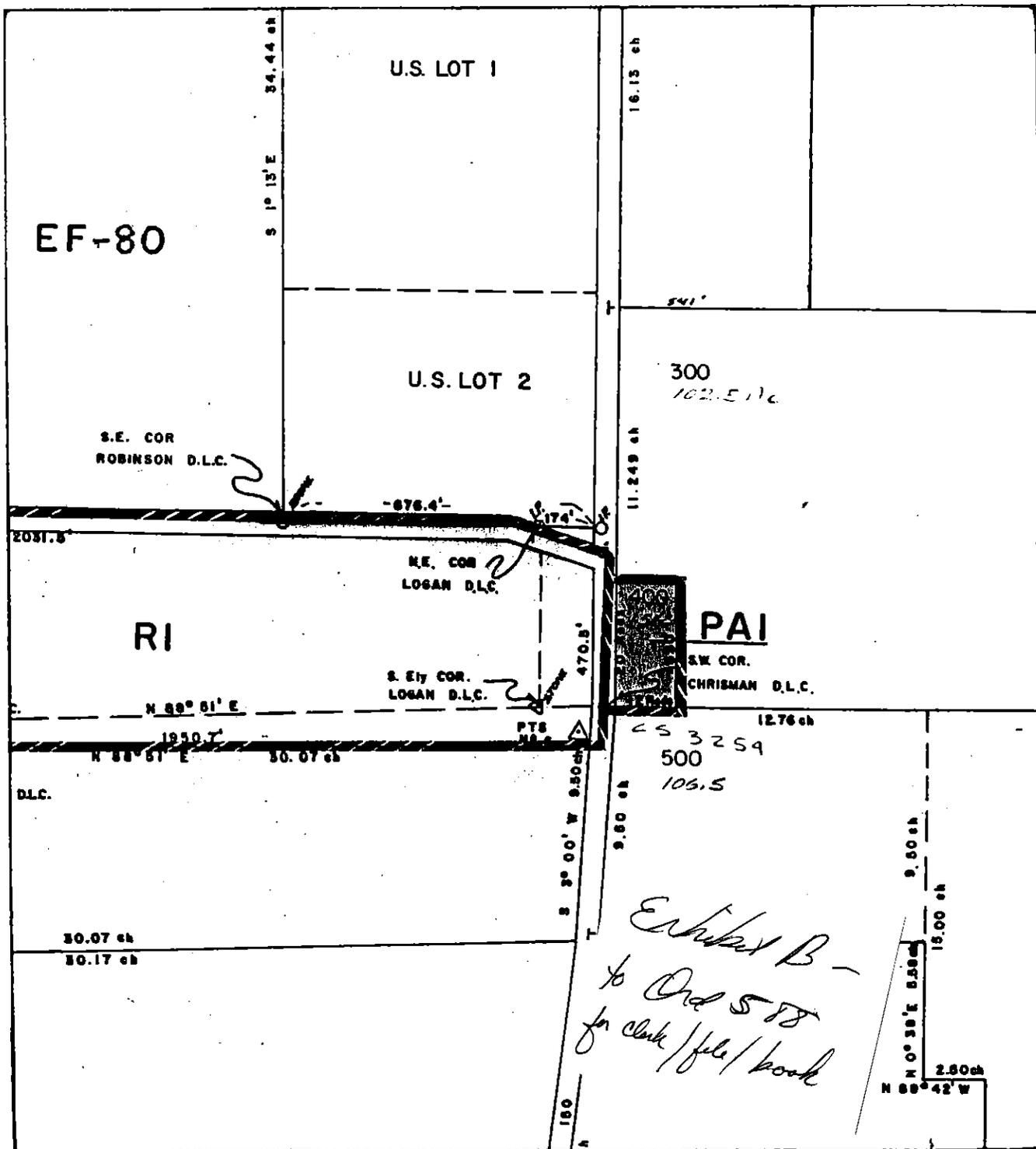
The application by Yamhill County for an amendment to the Comprehensive Plan map to change the designation from Public Facilities to Agriculture/Forestry Large Holding and an amendment to the Zone Map to change the designation from Public Assembly Institutional (PAI) to Exclusive Farm Use District (EF-80), for Tax Lot 4333-400, on Docket G-8-94, is granted.

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APPLICANT: Yamhill County

TAX LOT NO: 4333-400



# VICINITY MAP

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## LOCATION OF PROPERTY

