

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

84-620

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
1984 NOV 20 PM 4:48
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance to)
Implement Planning Commission)
Resolution 84-23, and Authorizing)
an Amendment to Yamhill County)
Zoning Ordinance, No. 310, 1982)
to Amend the Official Zoning Map)
on Tax Lot 4411-2300, to Change)
the Official Zoning From LI to)
NC, as Requested by Jan J. Fourier)

ORDINANCE NO. 396

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 31st day of October, 1984, sat for the transaction of County business, in special session, Commissioners David E. Bishop, Ted Lopuszynski and Robin J. Hamblet being present.

WHEREAS, Jan J. Fourier has applied to the Yamhill County Department of Planning and Development to change the Official Zoning Map on Tax Lot 4411-2300 from LI to NC in conjunction with a plan amendment on said property; and

WHEREAS, on the 4th day of October, 1984, the Yamhill County Planning Commission voted unanimously to approve said zone change for the reasons set forth in said Resolution and the attached Exhibit "A" constituting the findings of fact and conclusionary findings for approval; and

WHEREAS, on the 24th day of October the Board held public hearing on the question whether to allow said zone change and voted unanimously to allow the amendment to the Official Zoning Map of the Yamhill County Zoning Ordinance, No. 310, 1982, to change the official zoning on Tax Lot 4411-2300 from LI to NC as more particularly identified on the attached Exhibit "B" for the reasons set forth in Resolution 84-23 and the attached Exhibit "A", constituting the findings of fact and conclusionary findings for approval;

NOW THEREFORE, IT IS HEREBY ORDAINED by the Yamhill County Board of Commissioners as follows:

Section 1. The Official Zoning Map of Yamhill County Zoning Ordinance, No. 310, 1982 be and hereby is amended to change the official zoning on Tax Lot 4411-2300 as identified on the attached Exhibit "B" incorporated herein by this reference from LI to NC for the reasons set forth in the attached Resolution 84-23 and the attached Exhibit "A" incorporated herein by this reference, constituting the findings of fact and conclusionary findings for approval.

Section 2. This Ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage hereof.

DONE this 31st day of October, 1984 at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk


Chairman DAVID E. BISHOP

By: 
Deputy ELAINE PEARCEY


Commissioner's TED LOPUSZYNSKI

APPROVED AS TO FORM BY

DARYL S. GARRETTSON
County Counsel


Commissioner ROBIN J. HAMBLET

EXHIBIT "A"

Findings of Fact

1. The applicant has requested a plan amendment/zone change from LI/LI to C/NC on the 5 acre subject property. Additionally, the applicant has requested that motorcycle sales and service be authorized as a similiar use in the NC District.
2. The subject property is located between the north and southbound lanes of Hwy 99W, less than one mile northeast of the McMinnville Urban Growth Boundary. A two-lane paved connecting road borders the western edge of the property and this existing access road will continue to serve the subject property.
3. There are currently two buildings located on the subject property; an 8,400 square foot building that currently houses Mountain Valley Cycle and a partially enclosed 5,760 square foot building that is used for the storage of miscellaneous equipment.
4. The applicant purchased the property in June of 1984 and subsequently leased the site to Mountain Valley Cycle. However, the applicant received notice from the County that the motorcycle sales and service use was not an authorized use in the LI zone and this land use request followed.
5. The subject property was plan designated for commercial purposes on the 1974 Comprehensive Plan Map. However, in 1975, Scott Machinery Co. requested a plan amendment and zone change for the commercial designation to light industrial. Both the City of McMinnville Planning Commission and the County Planning Commission recommended denial of the Scott Machinery request. The Board of Commissioners ultimately approved the plan amendment and zone change to Light Industrial with the imposition of a Planned Unit Development Overlay which limited industrial use of the property to the Scott Machinery operation.
6. Mountain Valley Cycle sells on and off-road motorcycles and a limited line of automotive equipment, outboard motors, lawnmowers, tractors and rototillers. Mountain Valley Cycle operated out of the Sports Center Building in McMinnville for 20 years. The Sports Center Building has been demolished to make way for additional off-street parking. Mountain Valley Cycle is restricted by franchise agreements with Honda and Suzuki Motorcycles to a sales location in the McMinnville market area. Therefore, Mountain Valley Honda limited their search for a suitable alternative site to the McMinnville vicinity (see page 25 of the applicant's justification).
7. The following public facilities and services are presently available to the site:
 - a. Sewage disposal - A septic system capable of accommodating up to 12 employees per shift exists on the site.
 - b. Water - An existing well and pressure tank are located on the property. The applicant and the previous owner of the property have not experienced any problems with water availability or quality.
 - c. Fire Protection - The property lies within the service area of the McMinnville Fire Protection District.
 - d. Electricity - Electrical service is presently provided to the property by McMinnville Water & Light.
 - e. Telephone - Phone service is presently provided to the property by GTE.

8. Lands abutting the subject property to the east and west are commercially developed. An automobile sales and service business and a farm machinery sales business are located east of the subject property. Both automobile sales and farm machinery sales were previously not allowed in the Neighborhood Commercial District, however, both uses were found to be similar in nature to the uses permitted in that district by previous planning action. Bunn Village is located west of the subject property. There are 12 buildings presently located on the site. Among the types of businesses on the property are a lumber yard, a glass company, auto body and auto painting shops, pickup canopy sales, a furniture shop, a beauty shop and a muffler shop. There are two dwellings located west of Bunn Village; the remainder of the "island" to the west is currently vacant. Other uses in the area include Evergreen Cemetery to the northwest of the subject property and across Highway 99W. McMinnville Ready Mix, a nonconforming industrial use is located across Highway 99W to the north. Land to the south, southeast and northeast of the subject property is committed to rural residential development.
9. Other than the subject property, those lands within the "island" between the north and south bound lanes of Highway 99W are plan designated Commercial. The automobile/farm implement property and Bunn Village are both zoned NC. The two other parcels within the "island" are zoned VLDR 2 1/2.
10. At the present time there is one vacant parcel zoned NC within Yamhill County. The parcel is located within the McMinnville Urban Growth Boundary, west of Prairie Market and Rice's Auction Yard. The parcel is not available for sale. All other NC zoned lands in the County are presently developed and committed to existing uses.
11. The following public agency comments have been received:
 - a. Director of Public Works - No conflicts with Public Works interests.
 - b. County Sanitarian - Recommend pumping of septic tank. The septic system has a capacity of accommodating 12 employees per shift.
 - c. McMinnville Fire Chief - No conflicts with the Fire District's interests.
12. The County has received complaints from adjacent property owners regarding noise generated from the testing of off-road motorcycles on the site.
13. There was no quorum present at the August 15, 1984 meeting of the McMinnville PAC.

Conclusionary Findings

Approval

The applicant has submitted information addressing the goals and policies of the Comprehensive Plan, and the relevant Zoning Ordinance criteria. The application and supporting materials as submitted by the applicant can adequately serve as conclusionary findings for approval of the requested amendment and similar use authorization. Should the Planning Commission decide to approve the application, the staff recommends that the applicant's report serve as the basis for such an action.

IV. ZONE CHANGE REVIEW CRITERIA

Section 1207.02 of the Yamhill County Zoning Ordinance, adopted by the Board of Commissioners in December of 1982, states that an amendment to the Official Zoning Map may be authorized, provided that the applicant demonstrates the following:

- o That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- o That there is an existing, demonstrable need for the particular uses proposed for the property once the zone is changed, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand for any goods or services which such uses will provide and the presence or absence and location of other such uses or similar uses in the area;
- o That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district; and
- o That there are no other lands in the County already zoned for the proposed uses, or, if there are such lands, that they are either unavailable or unsuitable due to location, size or other factors.

The applicant proposes that the zoning of the subject property be changed from Light Industrial (LI) to Neighborhood Commercial (NC). The NC District is intended to provide limited convenience commercial services for a specific residential market area outside urban growth boundaries.

An analysis of why the proposed zone change to NC is consistent with the four criteria listed in Section 1207.02 of the Zoning Ordinance is presented below.

A. Compliance with Comprehensive Plan Policies

Comment: Findings were presented in Section III of this report to provide an explanation of why the proposed amendment from an industrial to commercial designation is consistent with the Yamhill County Comprehensive Plan.

B. Need

Comment: It is proposed that the property be rezoned from LI to NC and that Mountain Valley Cycle's use of the existing building be authorized as a similar use in the NC District. Mountain Valley Cycle sells "on and off-road" motorcycles, a limited line of automotive equipment, outboard motors, lawnmowers, tractors and rototillers. Mountain Valley Cycle operated out of the Sports Center building at 2nd and Baker Streets in McMinnville for 20 years. Therefore, the company has an established history of providing products and services to meet the market need of consumers in the McMinnville and larger Yamhill County area.

The Sports Center building was owned by First Federal Savings & Loan. The building is being demolished in August of 1984 to provide additional area for bank parking. Mountain Valley Cycle is restricted by franchise agreements with Honda and Suzuki Motorcycles to a sales location in the McMinnville market area. Consequently, Mountain Valley Cycle looked for a suitable building for their business in the McMinnville area. The following site factors were considered by Mountain Valley Cycle in their search for a new location:

- o Access to a building of approximately 10,000 square feet with adequate outside area for parking and limited display.
- o Good visibility and accessibility.
- o Good location for access to customers in the McMinnville and larger Yamhill County market.

The subject property meets Mountain Valley Cycle site needs. The site location provides excellent visibility and accessibility to existing and potential consumers. With the increasing interest in recreational activities, Mountain Valley Cycle has experienced strong demand for their motorcycle and outboard motor goods. Additionally, there is strong interest in home gardening in Yamhill County and Mountain Valley Cycle has done well with their rototiller and lawnmower products.

Jay Cayton, Manager of Mountain Valley Cycle, estimates that the majority of his customers reside in the McMinnville area. However, he also serves customers from the smaller towns and unincorporated area of Yamhill County. A business similar to Mountain Valley Cycle operates in Newberg, approximately twelve miles northeast of the subject property.

In summary, Mountain Valley Cycle has provided goods and services to meet a specialized market demand for over twenty (20) years. Given the demolition of their prior place of business, there is an existing need to find another location and building suitable for the business.

C. Timeliness of the Proposal

Comment: The proposed amendment from a Light Industrial (LI) to a Neighborhood Commercial (NC) designation is timely for the following three reasons:

- o The entire island of land bounded by Highway 99W, including the subject property, was designated for commercial development on the 1974 Plan. The designation of the subject property was changed to Light Industrial in 1975 to accommodate a specific use, Scott's Machinery, which has since been abandoned.

Therefore, it is timely to consider a reaffirmation of commercial zoning for the subject property.

- o Parcels abutting the subject property are intensively developed with commercial uses. A Honda dealership and farm machinery sales business are located on the abutting parcel to the east. A variety of commercial businesses are located on the abutting parcel to the west (Bunn's Village). Therefore, given the pattern of commercial development which has been established on adjacent properties, it is timely to consider a zone change for the subject property to a compatible designation.
- o The existing building on the subject property is supported by an individual well and septic system appropriate for use by Mountain Valley Cycle. The construction of additional commercial buildings on the property will only be allowed with approval of Site Design Review and a septic permit. Therefore, the existing level of facilities and services available to the site can accommodate the level of development proposed.

D. Availability of Other NC Lands

Comment: Yamhill County has zoned very few sites outside of urban growth boundaries for Neighborhood Commercial development. Additionally, nine of the eleven parcels which are currently zoned NC are committed to development. A list of all NC zoned parcels in Yamhill County is presented in Table 1.

Table 1
Parcels Zoned Neighborhood Commercial

Tax Lot No.	Approximate Acreage	Use
4411 - 2200	2.5	Honda dealer; farm machinery sales
4411 - 2500	5.0	Bunn Village (lumber sales, furniture sales, bodyshop, auto painting, glass shop, hair design, etc.)
* 4429 - 1500	15.0	Rice's Auction Yard; furniture sales
* 4429 - 1800	5.0	Vacant
* 4429 - 1801	1.0	Praire Market
* 4429 - 1900	1.0	Residential
* 4429 - 2501	1.0	Vacant
5316 - 2100	1.0	Gas Station/Cafe
5321 - 2200	1.0	Gas Station/Grocery
5332BB - 900	1.0	Hopewell Grocery/Gas Station
168 - 16&17	1.0	King's Agency Grocery

* Parcels located within McMinnville's UGB

Therefore, a total of approximately 35 acres are currently zoned NC. The two vacant NC parcels are not currently available for sale. Additionally, two parcels,

approximately 5 acres total, which are located west of Bunn Village are designated for commercial development on the Comprehensive Plan Map. These two parcels are currently zoned VLDR 2½ and consequently are not available to accommodate the motorcycle sales and service use.

Mountain Valley Cycle is restricted by franchise agreements with Honda and Suzuki to a business location within the McMinnville area. A search for a suitable commercial site and building within the City of McMinnville was not successful. As indicated above, there are no NC zoned properties available in the McMinnville area to accommodate the proposed use. Therefore, the applicant has demonstrated that:

- o rezoning the subject property to a NC designation is consistent with the goals and policies of the Comprehensive Plan;
- o there is an existing, demonstrable need for the specific use proposed;
- o the proposed zone change to NC is timely; and
- o there are no alternative, suitable locations already zoned NC.

EF-40

UNIT 67

EXHIBIT "B"

UNIT 66

1500 VLDR-2 1/2
ST. JOE

AF-10

VLDR-2 1/2

SEE SEC. 4 4 10

RL S. Line Cory
& W. Line Sec. 11

ANGLE COR
D.L.C.

NC

St. Corner
Cory, D.L.C.

3300
10.82 ac

2600
6.95 ac

2800
2.07 ac

2601
4.41 ac

PRO

RIVER

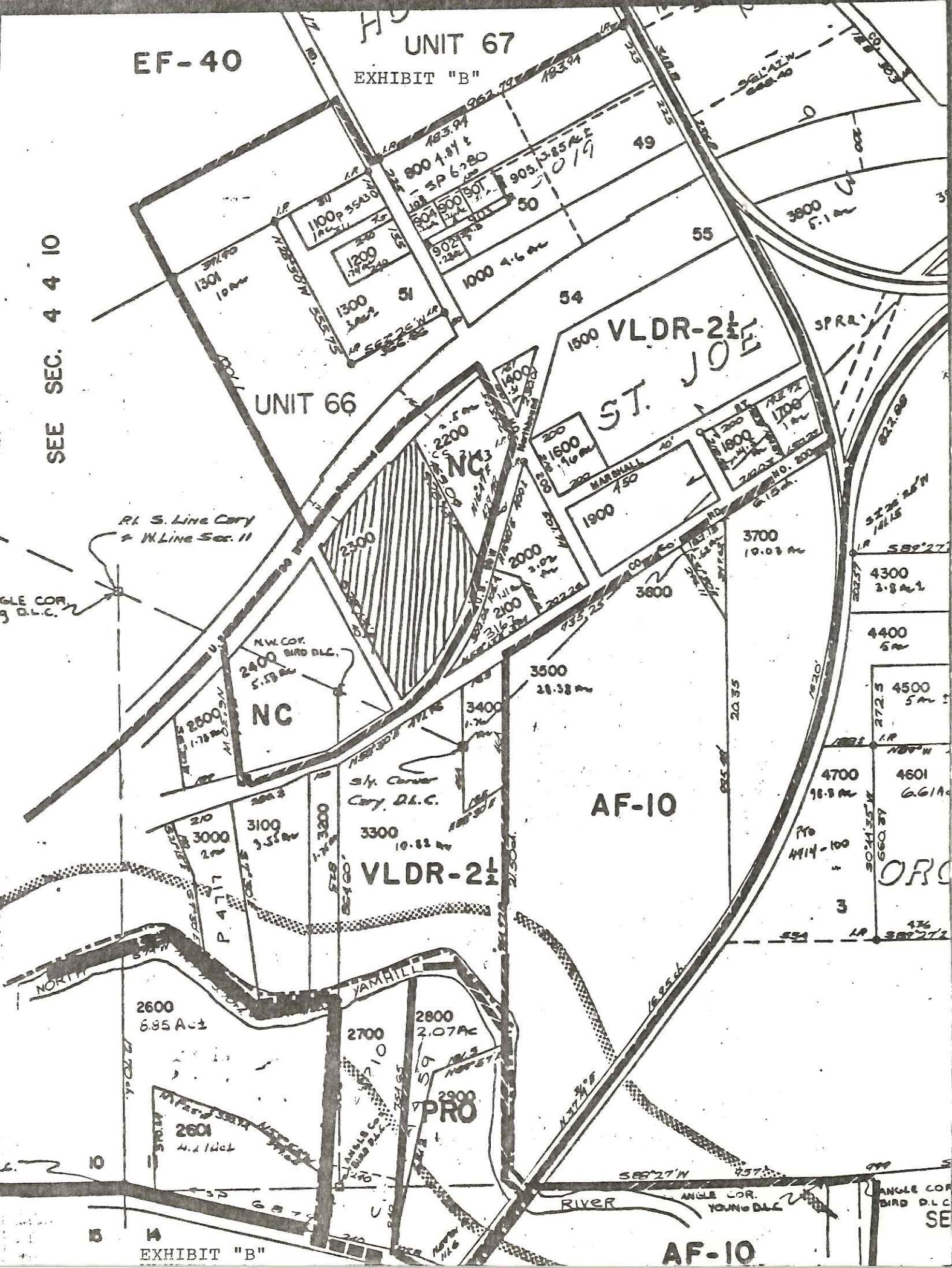
AF-10

EXHIBIT "B"

ORC

ANGLE COR
BIRD D.L.C.

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In the Matter of an Amendment to the)
Yamhill County Zoning Ordinance,) RESOLUTION NO. 84-23
Ordinance No. 310, 1982 as requested)
by Jan Fourier)

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 4th day of October, 1984, sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Sadler, Miller, Philpott, Creel, Redford, Bennette, Schatz and Weidemann were present.

WHEREAS, the Yamhill County Board of Commissioners adopted the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 on the 1st day of December, 1982, being the Yamhill County Zoning Ordinance text and Official Zoning Map; and

WHEREAS, ORS 215.020 provides that a governing body may create a county planning commission and, pursuant to ORS 215.406, may designate the planning commission to serve as a hearings officer with all the power and duties of a hearing officer as prescribed by ORS 215.010 and 215.402 to 215.422; and

WHEREAS, the Yamhill County Board of Commissioners created the Yamhill County Planning Commission by adoption of an unnumbered Board Order on the 6th day of November, 1957 and designated that planning commission as the hearings body for petitions for amendments to the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 by adoption of Ordinance No. 138 on the 1st day of June, 1977; and

WHEREAS, it appears to the Planning Commission that a petition submitted on behalf of Jan Fourier has been filed with the Yamhill County Department of Planning and Development, pursuant to Section 1207 of Ordinance No. 310 to amend said Ordinance, and change the Official Zoning Map designation from Light Industrial (LI) to Neighborhood Commercial (NC) for a parcel described as being a 5+ acre tract; and

WHEREAS, the Planning Commission, on the 4th day of October, 1984, held a public hearing as required by ORS 215.223 and 215.416 on the proposed amendment and voted to approve the request based on the findings and conclusions attached hereto as Exhibit "A" and by this reference made a part hereof;

NOW THEREFORE, IT IS HEREBY RESOLVED that the Official Zoning Map be and hereby is amended to show the Zoning Designation on a 5+ acre portion of Yamhill County Tax Lot 4411-1200 as Neighborhood Commercial as shown on the sketch plan attached hereto as Exhibit "B" and by this reference made a part hereof.

This resolution shall be in force and effect from and after the date the change is properly recorded on the Official Zoning Map. The Yamhill County Planning Director be and hereby is directed and authorized to amend said Official Zoning Map in conformance with this Ordinance.

Such amendment is to be done in conjunction with a Comprehensive Plan map change from Light Industrial to Commercial recommended by the Planning Commission to be approved by the Board of Commissioners for the same area.

DONE this 4th day of October, 1984.

AYES: Sadler, Philpott, Bennette, Weidemann, Schatz, Miller,
Redford, Creel

NAYES: _____

Approved by the Chairman on this 4th day of October, 1984.

ATTEST:


Lynn Steiger
Planning Director

YAMHILL COUNTY PLANNING COMMISSION

Dick Sadler, Chairman