



March 3, 2009

To: Clark Worth
cc: Eric Hovee
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From: John Spencer

Re: Analysis of Zoning for Prototype Development Projects in Yamhill County

INTRODUCTION

The purpose of this memo is to determine whether certain hypothetical development prototypes, identified to support tourism and agricultural activities in Yamhill County, may be permitted within the County's unincorporated area and the ten incorporated towns and cities. Table 1 describes the characteristics of each development prototype. Table 2 summarizes the various prototypes and indicates whether each development is permitted, or permitted with conditions, or prohibited in the various zoning districts.

The hypothetical development prototypes are:

- Destination Resort¹-Lodging, dining and meeting facilities on 5 acres.
- Country Inn-Lodging, dining and meeting facilities on 2 acres.
- Wine County Restaurant-Dining facilities on less than 1 acre.
- Bed & Breakfast-Lodging & dining on less than half acre.
- Wine Center (Urban)-Lodging, dining, meeting, retail, spa on 12 acres.
- Wine Center (Rural)-Lodging, dining, winery, tasting room, institute, museum, vineyard on 100 acres.
- Food Processor (Rural)-Processing and related facilities on 2 acres or less.

Where a prototype is permitted or permitted with conditions, it should be noted that development criteria associated with the prototype may not be met. For example, this analysis does not consider whether adequately sized or located sites are available for development within specific zoning districts even though the use may be allowed.

ANALYSIS

The Destination Resort prototype is allowed in Yamhill County's Recreation Commercial RC zone as long as the use is determined to be a resort in conformance with the county's definitions. No other county zoning district permits this combination of uses. The Forestry and Agricultural/Forestry zones permit destination resorts as defined in ORS 197.435, but the prototype as described in Table 1 does not meet the requirements set out in the state statute, particularly the minimum site area and minimum number of overnight lodging units provided.

¹ This prototype does not meet the definition of destination resort used in ORS 197.435.
Yamhill County Development Prototype Analysis

Destination Resort is permitted in at least one zone, typically a general commercial zone, in all cities except Carlton and Lafayette where lodging is not a permitted use in any zone.

The Country Inn prototype is permitted only in Yamhill County's Highway/Tourist Commercial HC zone. As with the Destination Resort prototype, all cities except Carlton and Lafayette permit lodging in at least one zone.

Yamhill County permits the Wine Country Restaurant prototype in both the Neighborhood Commercial NC and Highway/Tourist Commercial HC zones. Generally, commercial zoning districts in all cities permit restaurants.

Bed & Breakfast Inns with up to 9 rooms are considered home occupations in all Yamhill County zoning districts considered, and are permitted as conditional uses. This prototype is permitted or subject to a conditional use in all cities, often in several zoning districts including residential districts.

An Urban Wine Center prototype is allowed in Yamhill County's Recreation Commercial RC zone as long as the use is determined to be a resort in conformance with the county's definitions. No other county zoning district permits this combination of uses. This prototype is permitted in at least one zone, typically a general commercial zone, in all cities except Carlton and Lafayette where lodging is not a permitted use in any zone. As noted above, specific sites of 12 acres or more have not been identified as part of this analysis. But it is unlikely that a site of this size with appropriate zoning would be available in any or all of the smaller cities. It appears possible that suitably sized sites may exist within the unincorporated county and the cities of Newberg and McMinnville.

The Rural Wine Center prototype was considered only in unincorporated Yamhill County, and is permitted in the Exclusive Farm EF and Agricultural/Forestry AF zones. A number of development criteria apply to the location of schools and other specific elements of this prototype project. All uses contained in the prototype except a vineyard are also permitted in the Recreational Commercial RC zoning district.

The Food Processor prototype was also only considered in the unincorporated county. Processing of farm crops is permitted in the Exclusive Farm EF and Agricultural/Forestry AF zones, but the processing facility is limited to a 10,000 square foot structure. As described in Table 1, this prototype would not be permitted in any of the county zoning districts considered because the processing facility exceeds 10,000 square feet.

CONCLUSION

In summary, land is currently zoned appropriately to accommodate most of the prototype projects in most communities. Analysis reveals the following zoning issues or gaps for siting these hypothetical prototype projects in Yamhill County communities:

- Lodging (Destination Resort, Country Inn) is not allowed in Carlton, Lafayette.
- Bed & Breakfast Inn is limited to maximum 9 rooms for rent and, in unincorporated Yamhill County, must include a residence.
- In many communities/zones, Bed & Breakfast Inn is subject to Conditional Use review.
- Wine Center (urban) is not allowed in Carlton, Lafayette.

- Food Processor is limited to 10,000 sf in EF and AF zones.

Further analysis is needed to determine if suitably sized and located sites in appropriate zones are available for development to accommodate such projects, and whether local services are adequate to support them. Jurisdictions may also want to consider, during periodic review, adding suitably zoned sites within an urban growth boundary to provide the opportunity for desirable development that supports the tourism and agriculture sectors.

Yamhill County jurisdictions could consider various amendments to their respective development codes that would make those prototype projects more feasible. For example, definitions could be developed that describe a prototype as a single permitted use. A current limitation is that the multiple-use nature of many prototypes is not sufficiently recognized in the single use approach used by most zoning ordinances. Another example is that current requirements limiting facility size, site acreage, or relationship to permitted uses could be amended to more closely match the requirements of anticipated development to support tourism and agriculture. For example, the food processor prototype confronts limitations on the size of food processing facilities, and restrictions on processing products. Wineries are restricted on food preparation to serve only pre-packaged meals.

Table 1
Yamhill County Tourism Development – Hypothetical Prototype Projects

	Destination Resort	Country Inn	Wine Country Restaurant	Bed & Breakfast	Wine Center (Urban)	Wine Center (Rural)	Food Processor (Rural)
Project Components							
Lodging (# of Rooms)	100	40	-	10	150	10	-
Dining (# of Seats)	125	60	70	20	250	20	-
Meeting/Banquest (# Seats)	250	100	-	-	750	-	-
Other Ancillary Facilities	Spa/pool, tasting room gift shop, gallery				Retail shops, spa/pool & fitness, day care	Winery Tasting room Wine institute Museum	Processing Shop/ storage
Parking Spaces	290	110	40	15	675	675	25
Site Amenities	Outdoor event area, hiking trails	Outdoor patio for events	Outdoor seating area	Outdoor patio	Outdoor seating for 1,250	Outdoor seating for 1,250 Vineyard	
Building Space (Sq Ft)							
Lodging	50,000	24,000	-	7,100	95,000	7,100	
Restaurant	6,150	2,000	2,500	700	13,650	700	
Ancillary Facilities							30,000
Meeting/Banquet Space	5,600	2,200	-	-	15,000	2,200	
Other Revenue Space	9,000	-	-	-	26,350	50,000	
Total Building Area	70,750	28,200	2,500	7,800	150,000	60,000	30,000
Site Area (Acres)							
Building Structures	0.81	0.32	0.06	0.09	1.72	1.72	
At-Grade Parking	2.66	1.01	0.37	0.14	6.20	6.20	
Outdoor Event Area	0.39	0.15	0.17	0.05	1.03	1.03	
Other On-Site Amenities	-	-	-	-	-	60.00	
Open Space / Buffer	1.35	0.52	0.21	0.10	3.05	31.05	
Total Site Area	5.21	2.01	0.81	0.37	12.00	100.00	1-2

**Table 2
Yamhill County Tourism Development Zoning Evaluation for Prototype Projects**

Zoning District Evaluation P-Outright Permitted Use C-Conditional Use N-Not Permitted Na-Not Applicable	City of Carlton			City of Yamhill		Selected Yamhill County Zoning Districts							
	Multi-Family Res MR	Commercial Business CB	Commercial Industrial CI	Res Limited Comm RLC	General Comm GC	Forestry F-80	Exclusive Farm Use EFU	Ag Forestry AF-80-20-10	Rural Res RR	Low Density Res VLDR	Recreation Comm RC	Neigh Comm NC	Highway/Tourist Comm HC
Prototype Projects													
Destination Resort: Lodging for 100 rooms, dining and meeting facilities. Spa, retail and service uses. Outdoor site amenities. Minimum site area 5 acres.	N	N	N	N	P	N ²	N	N ²	N	N	P ³	N	N
Country Inn. Lodging for 40 rooms, dining and meeting facilities. Minimum site area 2 acres.	N	N	N	N	P	N	N	N	N	N	N	N	P
Wine Country Restaurant: Dining for 70. Minimum site area 0.8 acres.	N	P	P	C	P	N	N	N	N	N	N	P	P
Bed & Breakfast Inn. Lodging for 10 rooms, dining for 20. Minimum site areas 0.4 acres.	C	P	P	C	P	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴
Wine Center (Urban). Lodging for 150 rooms, dining and meeting facilities for 750, spa, retail and service uses, large outdoor seating /site amenities. Minimum site area 12 acres.	N	N	N	N	P	N ²	N	N ²	N	N	P ³	N	N

² Destination resorts are permitted in this zone subject to the requirements of ORS 197.435. However, the urban wine center and destination resort as defined here do not meet ORS definitions for destination resorts. Wineries and vineyards are not permitted in the F-80 zone.

³ Allowed as a Resort. Must have open-land commercial or private recreation areas included in outdoor event area.

⁴ Yamhill County allows Home Occupations as a Conditional Use. Bed and Breakfast Inns are considered a home occupation as long as the facility is also used as a residence. The maximum number of rooms available for rent is 9.

Wine Center (Rural). Winery, vineyard, educational institute, museum, bed and breakfast, equestrian facilities, amphitheater. Minimum site area is 100 acres.	na	na	na	na	na	N	P ⁵	P ⁵	N	N	N ⁶	N	N
Food Processor: On-farm processing of organic, fresh-to-market products; shared 20-25,000 SF processing building; 5,000 SF shop/storage; outdoor storage. Site size 1-2 acres. EF and AF zones only.	na	na	na	na	na	na	N ⁷	N ⁷	na	na	na	na	na

⁵ All uses permitted. Any school must be located at least 3 miles from a UGB and not on high value farmland. Adding a hotel would not be permitted.

⁶ All uses for a rural wine center permitted as a Resort except vineyard which is not permitted. If a vineyard was located in an adjacent zone such as AF or EF, then all uses could be accommodated.

⁷ Processing of farm crops is a permitted use in the EF and AF districts, but the building housing the processing function is limited to 10,000 SF. There are no provisions in these zones that would allow a building larger than 10,000 SF as a conditional use. A building housing a shop, equipment storage and repair related to processing activities, if deemed to be related to farm use, would be permitted. Processing facilities are also subject to Site Design Review.

Yamhill County Tourism Development- Hypothetical Prototype Projects Evaluation

Zoning District Evaluation P-Outright Permitted Use C-Conditional Use N-Not Permitted Na-Not Applicable	City of Dundee			City of Dayton		City of Lafayette							
	Community Comm C	Central Business District CBD	Comm Destination Resort CDR	Comm Res CR	Commercia C	Medium Density Res R-2	Res Comm RC	Comm Core C-1	Comm General C-2				
	Prototype Projects												
Destination Resort: Lodging for 100 rooms, dining and meeting facilities. Spa, retail and service uses. Outdoor site amenities. Minimum site area 5 acres.	N	N	P ⁸	N	P	N	N	N	N				
Country Inn. Lodging for 40 rooms, dining and meeting facilities. Minimum site area 2 acres.	P	N	P	N	P	N	N	N	N				
Wine Country Restaurant: Dining for 70. Minimum site area 0.8 acres.	P	P	P	P	P	N	P	P	P				
Bed & Breakfast Inn. Lodging for 10 rooms, dining for 20. Minimum site areas 0.4 acres.	N	P	N	P	N	P	P	N	N				
Wine Center (Urban). Lodging for 150 rooms, dining and meeting facilities for 750, spa, retail and service uses, large outdoor seating /site amenities. Minimum site area 12 acres.	N	N	P ⁸	N	P	N	N	N	N				
Wine Center (Rural). Winery, vineyard, educational institute, museum, bed and breakfast, equestrian facilities, amphitheater. Minimum site area is 100 acres.	na	na	na	na	na	na	na	na	na				

⁸ Maximum building height limited to 30 feet. May be a development constraint.

Yamhill County Tourism Development- Hypothetical Prototype Projects Evaluation

Zoning District Evaluation P-Outright Permitted Use C-Conditional Use N-Not Permitted Na-Not Applicable	City of Newberg ⁹					City of McMinnville							
	Residential R-2, R-3, RP	Neigh Comm C-1	Community Comm C-2	Central Business Dist C-3	Riverfront Comm C-4	MultiFamily Res R-4	Office/ Res OR	Travel Comm C-2	General Comm C-3				
	Prototype Projects												
Destination Resort: Lodging for 100 rooms, dining and meeting facilities. Spa, retail and service uses. Outdoor site amenities. Minimum site area 5 acres.	N	N	P	C ¹⁰	C	N	N	P	P				
Country Inn. Lodging for 40 rooms, dining and meeting facilities. Minimum site area 2 acres.	N	N	P	P	C	N	N	P	P				
Wine Country Restaurant: Dining for 70. Minimum site area 0.8 acres.	N	P	P	P	P	N	N	P	P				
Bed & Breakfast Inn. Lodging for 10 rooms, dining for 20. Minimum site areas 0.4 acres.	C ¹¹	C ¹¹	P	P	P	C	C	P	P				
Wine Center (Urban). Lodging for 150 rooms, dining and meeting facilities for 750, spa, retail and service uses, large outdoor seating /site amenities. Minimum site area 40 acres.	N	N	P	C ¹⁰	C	N	N	P	P				
Wine Center (Rural). Winery, vineyard, educational institute, museum, bed and breakfast, equestrian facilities, amphitheater. Minimum site area is 100 acres.	na	na	na	na	na	na	na	na	na				

⁹ The City of Newberg development code provides for specific plans that are adopted as zoning districts for significant projects. One of these is the Springbrook District, a set of multi-use districts that includes the Allison Inn and Conference Center.

¹⁰ Lodging of 40,000 SF or less permitted outright, larger permitted as a conditional use.

¹¹ Bed & Breakfast with 2 or less rooms permitted outright.

Yamhill County Tourism Development-Hypothetical Prototype Projects Evaluation

Zoning District Evaluation P-Outright Permitted Use C-Conditional Use N-Not Permitted Na-Not Applicable	City of Amity					City of Sheridan				City of Willamina			
	General Comm G-C	High Den Res R-3	Medium Den Res R-2	Low Den Res R-1		SF Resid R-1	Multi-fam Resid R-2	Mixed Resid R-3	Commer C-1	General Comm C-1	Commer Resident C-2	2-Fam Resident R-2	Multi-Fam Resident R-3
	Prototype Projects												
Destination Resort: Lodging for 100 rooms, dining and meeting facilities. Spa, retail and service uses. Outdoor site amenities. Minimum site area 5 acres.	P	N	N	N		N	N	N	P	P	N	N	N
Country Inn. Lodging for 40 rooms, dining and meeting facilities. Minimum site area 2 acres.	P	N	N	N		N	N	N ¹²	P	P	N	N	N
Wine Country Restaurant: Dining for 70. Minimum site area 0.8 acres.	P	N	N	N		N	N	N	P	P	P	N	N
Bed & Breakfast Inn. Lodging for 10 rooms, dining for 20. Minimum site areas 0.4 acres.	P	P	C	C		C	P	P	N	N	P	C	C
Wine Center (Urban). Lodging for 150 rooms, dining and meeting facilities for 750, spa, retail and service uses, large outdoor seating /site amenities. Minimum site area 40 acres.	P	N	N	N		N	N	N	P	P	N	N	N
Wine Center (Rural). Winery, vineyard, educational institute, museum, bed and breakfast, equestrian facilities, amphitheater. Minimum site area is 100 acres.	na	na	na	na	na	na	na	na	na	na	na	na	na

¹² Sheridan's r-3 zone allows motels/hotels (country inn) as a permitted outright use provided it is on 1-acre or less and the activity is limited to 7 am to 10 pm. If the activity starts before 7 am or lasts after 10 pm, then motel/hotel (country inn) is a conditional use in the r-3 zone.