IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving a Zoning Map Amendment from Resource Industrial (RI) to the Light/General Industrial District (LI) for Tax Lots: R2402DD 00400 & R2402DD 00500; Applicant: Roy Spry; and Declaring an Emergency	ORDINANCE 926

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on April 13, 2023, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

WHEREAS, On July 29, 2022, Roy Spry requested a Yamhill County Zoning Map amendment for Tax Lots R2402DD 00400 and R2402DD 00500 from Resource Industrial (RI) to the Light/General Industrial District (LI); and

WHEREAS, This matter came before the Planning Commission for public hearing on February 2, 2023, and the Planning Commission voted unanimously to recommend approval of the application by the Board of Commissioners; and

WHEREAS, The Board held a public hearing on the application on March 30, 2023; and

WHEREAS, Following deliberation, the Board voted unanimously to approve the application; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. The Zoning Map of Yamhill County is hereby amended to reflect a Zoning Map designation of "Light/General Industrial District (LI)" for Tax Lot Nos. R2402DD 00400 and R2402DD 00500, as identified on the attached Exhibit A map, incorporated herein by reference.

Section 2. The findings attached as Exhibit B, and incorporated herein by this reference, are hereby adopted in support of this ordinance.

Section 3. 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 immediately.

DATED this 13th day of April, 2023, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

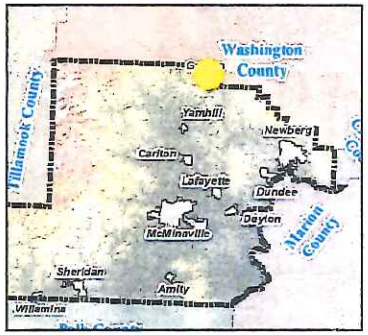
		AYE	NAY
KERI HINTON County Clerk	Chair LINDSAY BERSCHAUER	_X_	____
By: _____ Deputy CAROLINA ROOK	Commissioner KIT JOHNSTON	_X_	____
FORM APPROVED BY: _____ JODI GOLLEHON Assistant Yamhill County Counsel	Commissioner MARY STARRETT	__X__	____

EXHIBIT A - MAPS FOR ORDINANCE _____
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
APRIL 13, 2023
FOR A ZONE CHANGE FROM
Resource Industrial (RI)
to
Light/General Industrial District (LI)
for
Tax Lot R2402DD 00400 &
Tax Lot R2402DD 00500

Exhibit "A"

YAMHILL COUNTY

TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information

Docket: Z-01-22

27225 Highway 47

Subject Parcel(s)

Tax Lot: R2402DD 00400
Lot Acreage: 0.49
Tax Lot: R2402DD 00500
Lot Acreage: 1.00

Wetland

FEMA Flood Zone

Base Flood Elev (ft)

100 Year Zone

Floodway

1 inch = 100 feet

N W E S

1843 YAMHILL COUNTY

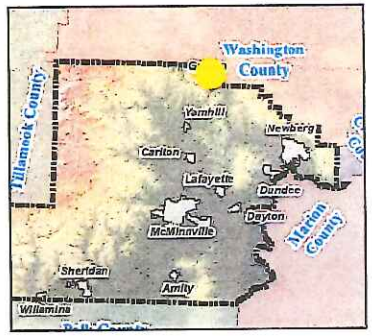
R2402DA 00700
R2402DA 00800
R2402DA 00400
R2402DA ROADS
28629 HIGHWAY 47
R2402DA 01000
R2402 00300
R2402DD 00100
R2402DA 00900
28570 HIGHWAY 47
R2402 02900
R2402DD 00400
47 TUALATIN VALLEY HWY
27225 HIGHWAY 47
R2402 03100
28590 HIGHWAY 47
R2402DD 00500
28590 HIGHWAY 47
R2402DD 00300
R2402DD 00700
R2402 ROADS
28350 NW MATTESON RD
47
R2411 00100
NW MATTESON RD
R2402DD 00800
R2402DD ROADS
R2411 ROADS

Source: Maxar, Earthstar Geographics, and the GIS User Community

Last Update: January 0., 2023

YAMHILL COUNTY

TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information

Docket: Z-01-22

27225 Highway 47

Subject Parcel(s)

Tax Lot: R2402DD 00400
Lot Acreage: 0.49
Tax Lot: R2402DD 00500
Lot Acreage: 1.00

Wetland

FEMA Flood Zone

Base Flood Elev (ft)

100 Year Zone

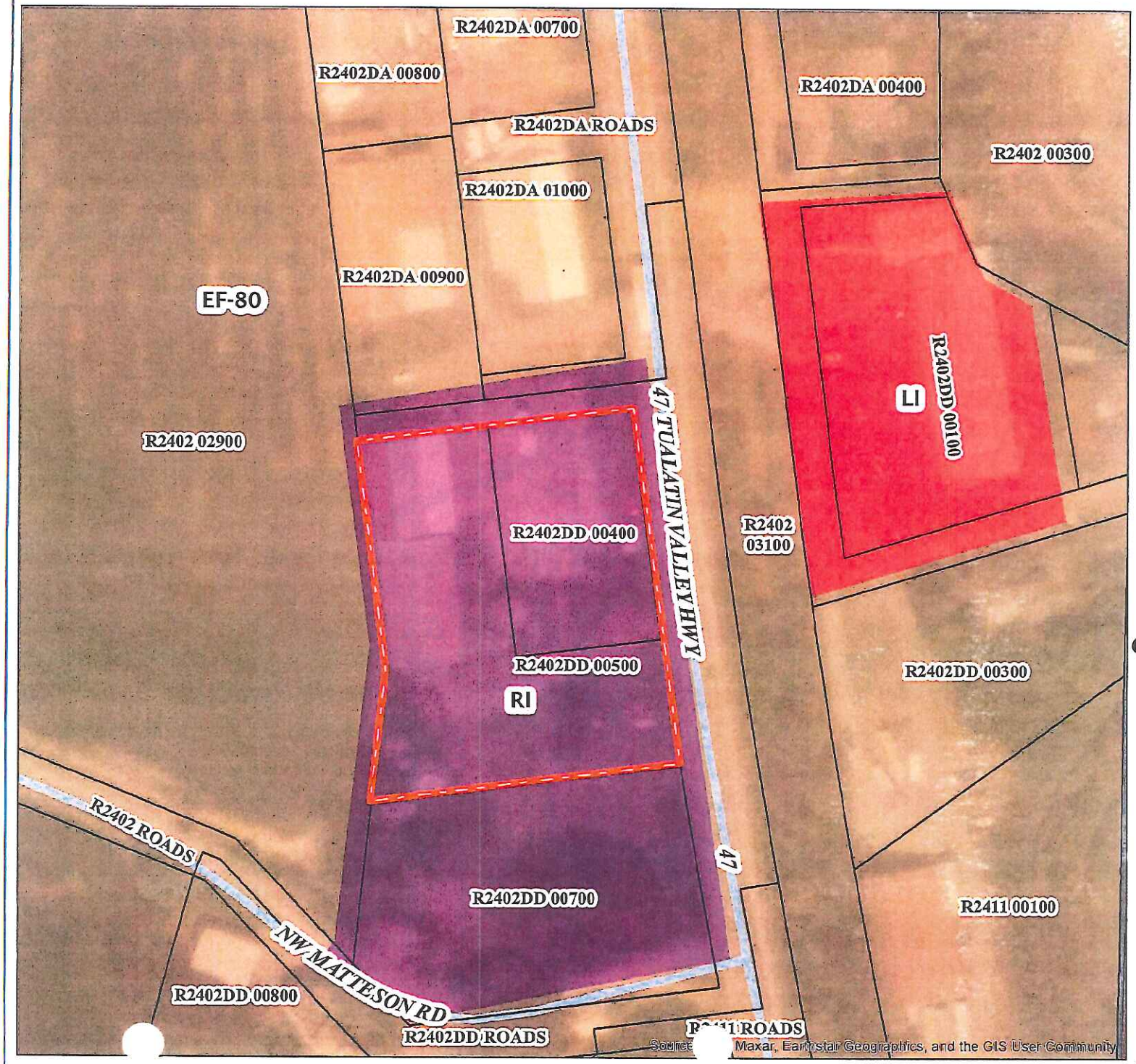
Floodway

1 inch = 600 feet

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

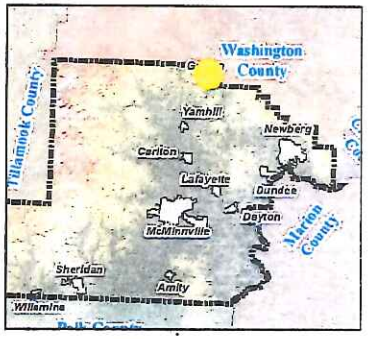
Exhibit A

Last Update: January 03, 2023



YAMHILL COUNTY

TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information

Docket: Z-01-22

27225 Highway 47

Subject Parcel(s)

Tax Lot: R2402DD 00400
Lot Acreage: 0.49
Tax Lot: R2402DD 00500
Lot Acreage: 1.00

Current Zoning Districts

- LI - Light Industrial
- RI - Resource Industrial
- Exclusive Farm Use EF-80, EF-40, EF-20

1 inch = 100 feet

N W E S

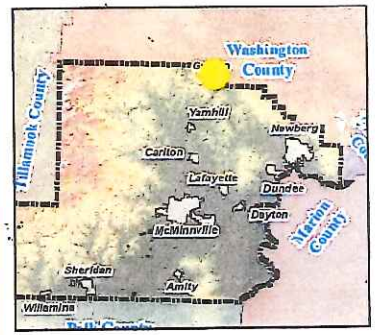
1843 YAMHILL COUNTY

Exhibit A
Page 4 of 5

Last Update: January 03, 2023

YAMHILL COUNTY

TAX LOT INFORMATION & CONTEXTUAL MAP



Property Information

Docket: Z-01-22

27225 Highway 47

Subject Parcel(s)

Tax Lot: R2402DD 00400
Lot Acreage: 0.49
Tax Lot: R2402DD 00500
Lot Acreage: 1.00

Proposed Zoning Districts

- LI - Light Industrial
- RI - Resource Industrial
- Exclusive Farm Use EF-80, EF-40, EF-20

1 inch = 100 feet

N W E S

YAMHILL COUNTY 1843

Exhibit A

Last Update: January 03, 2022

EXHIBIT B
FINDINGS IN SUPPORT OF APPROVAL
ORDINANCE 926
(Board Order 23-136)

HEARING DATES: February 2, 2023 – Planning Commission Hearing
March 30, 2023 – Board of Commissioners Hearing

DOCKET NO.: Z-01-22

REQUEST: Approval of a zone change from Resource Industrial (RI) to the Light/General Industrial District (LI).

APPLICANT: Roy Spry

OWNER: Roy Spry

TAX LOTS: 2402DD-00400 & 2402DD-00500

LOCATION: 27225 Highway 47, Gaston.

CRITERIA: Sections 701, 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.

A. Background Facts

1. *Tract size*: A total of approximately 1.5-acres. Tax Lot 2402DD-00400 measures approximately 0.5-acres and Tax Lot 2402DD-00500 measures approximately 1-acre.

2. *Access*: There is an existing driveway that provides ingress/egress from/to Tualatin Valley Highway (Highway 47).

3. *On-site Land Use*: There is a large concrete pad and grain silo on Tax Lot 2402DD-00400. There are two structures, measuring approximately 100' x 55' and approximately 82' x 63', located on Tax Lot 2402DD-00500.

4. *Surrounding Zoning and Land Use*: The adjacent parcel to the south of the subject tract, Tax Lot 2402DD-00700, is in the Resource Industrial (RI) zone and is also under the ownership of the Applicant. This lot appears to be used residentially with a forested area along both NW Matteson Road and Highway 47.

   The 100-year floodplains for Wapato Creek and Goodin Creek are located to the north and east of the subject tract, however there is no mapped floodplain or wetlands identified on

the subject tract.

One of the adjacent parcels to the east and located east of Highway 47 (Tax Lot 2402DD-00100), is zoned for Light Industrial (LI) use. This lot was approved for a comprehensive plan amendment and zone change from the Exclusive Farm Use (EF-20) zone to the Light Industrial (LI) zone in 2000, Docket PAZ-04-00/SDR-20-00. There is an industrial building located on the property which is approved for use in light manufacturing and machining. There is a cluster of nine (9) lots zoned for Light Industrial use approximately 900-feet north of the subject parcel, Tax Lots 2402AD-00600, 2402AD-00700, 2402AD-00800, 2402AD-00900, 2402AD-01000, 2402AD-01100, 2402DA-00100, 2402DA-00200, 2402DA-00300, and all but one of these lots (2402AD-00600) appears to be used industrially.

Approximately ½ mile north of the subject parcel is some rural residential zoned land, with some lots within the Very Low Density Residential (VLDR-1) zone and the Agriculture/Forestry Small Holding (AF-10) zone. Rural residential use appears to be the predominant use occurring on these properties. The AF-10 zoned lot is used as a manufactured home park, the Country Mobile Estates.

The remainder of the surrounding area in Yamhill County is zoned for Exclusive Farm use, in the EF-80 zone. Most of these lots appear to be used for commercial farming with grass seed, cultivation of corn, fruit and nut orchards, haying, and livestock pasturage being the most prevalent farm uses evident.

The subject parcel is located approximately 340-feet west of the Yamhill and Washington County boundary. The area east of the subject parcel, in Washington County, represents a significant part of the Tualatin River/Wapato Lake National Wildlife Refuge which is also partially located in Yamhill County, and this area of the refuge measures approximately 775-acres in size.

5. *Water*: The application indicates that water is provided to the tract through the LA Water Cooperative.

6. *Sewage Disposal*: The application indicates that a septic system is located on the tract.

7. Exception: The property was found to be a committed exception to Goals 3 (Agricultural) and 4 (Forestry) by Ordinance 202, adopted by the Yamhill County Board of Commissioners on June 20th, 1979. The exception area is not within an 'unincorporated community' as that term is defined by OAR 660-022-0010(10).

8. *Previous Actions*: There is no previous land use history associated with either of these parcels.

B. Zone Change and Plan Amendment Provisions and Analysis

The application describes the reason for the requested zone change because the farmland that the Resource Industrial zoned parcels in this area used to provide service to have largely been lost following the loss of many of the onion farms that were purchased by the U.S. Fish and Wildlife service for the expansion of the Tualatin River/Wapato Lake National Wildlife Refuge. The Applicant states a zone change to Light Industrial zone will provide greater opportunity to serve the local community. Section 702.02 of the Yamhill County Zoning Ordinance (YCZO) provides a list of uses permitted in the LI zone which are all subject to site design review. The Light Industrial zone provides for a much wider variety of services that can support both the farmers and industrial businesses that may wish to operate on the subject tract, and include such uses as fruit, nut or vegetable packing and processing, or farm and industrial equipment storage, sales, repair, or service, winery, or veterinary hospitals. The less farm-related industrial uses include the manufacturing of machine tools, medical or dental equipment, electronic instruments, mobile homes, or food products that do not generate noxious odors, mini-storage, and RV storage. The Applicant suggests that a mini-storage facility could be sited on this tract if the zone change request is approved. If approved, any future use would be subject to site design review and depending on the nature of the proposed business may trigger a traffic impact analysis.

This 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.

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*; and

(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*; and

(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*; and

(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*; and

(E) *The amendment is consistent with the current Oregon Administrative Rules for*

exceptions, if applicable.

An analysis of each respective provision follows.

1. Analysis: *Is the proposed change 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 Board of Commissioners would need to decide whether it is more appropriate for the 1.5-acre tract to be preserved for the more agricultural-focused Rural Industrial zone uses or if it is better suited to the more diversified list of uses permitted in the Light Industrial.

Since an exception to Statewide Planning Goals 3 and 4 has already been taken for the subject tract, Comprehensive Plan goals and policies related to agricultural and forest lands are not applicable. In addressing this standard, the application states, in part, that the zone change facilitates the establishment of an agriculturally based warehousing and retail business which the applicant contends will directly benefit the farming community of Yamhill County.

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

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

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

The above goals and policies encourage the location of industrial uses within the urban growth boundaries. Although not located within an urban growth boundary, the Applicant's tract is located approximately ¾ of a mile south of the Gaston city limits and along a stretch of Highway 47 that includes a mix of Light Industrial (LI), Resource Industrial (RI), and farm use (EF-80), so much of the necessary infrastructure is in place for the transition of this property from Resource Industrial

to Light Industrial operation and use. The subject tract is bordered to the east by Highway 47 and the Applicant notes that the operation of the light industrial business from this location is ideal because the property can be used for such things as a mini storage for local residents.

An analysis of all available land zoned for light industrial use within the unincorporated areas of the county was not submitted by the Applicant. The Applicant notes that the nearest storage facility is located in Forest Grove to the north and McMinnville to the south of the subject tract.

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 does not have access to city water or sewer services. The Applicant states that the tract can use an existing connection to the L.A. Water Cooperative and that a septic system is installed that can serve a future business. Any development on this property would be subject to site design review which allows the county planning department and partner agencies to evaluate the existing services that would serve a proposed business and to impose reasonable conditions to develop new or improve existing services prior to issuance of building permits or operation of a business. As discussed in greater detail above, the subject tract is located in an area with other industrial uses, as well as being located a short distance from Gaston along a major highway (OR-47).

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 Applicant's request for a zone change on the subject parcel from Resource Industrial to Light Industrial does represent the extension of an existing industrial area due to the single Light Industrial lot located to the east of the subject tract and the nine (9) Light Industrial lots located to the east and north of the subject tract also along Highway 47. The Applicant did not provide an economic analysis regarding the present supply and demand for Light Industrial-zoned land in the county.

The proposed zone change appears to be in keeping with the character of the surrounding area which include a mix of resource and light industrial, and agricultural uses. The surrounding area appears to have adequate utilities and services in place to serve the proposed use of the property although a traffic impact analysis is likely to be required prior to development of a business on the property during a site design review process which is required prior to land use approval for the operation of a business in the Light Industrial and Resource Industrial zones. This would allow for ODOT and other partner agencies to evaluate a specific use and provide feedback to an Applicant

and to the county regarding any potential improvements needed to the site or infrastructure used to support any future business.

2. Analysis: *Is there 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 mini-storage facility is the most likely use to be pursued for operation on the subject tract if the zone change request is approved. Mini-storage facilities were approved as a permitted use in the LI-zone through the similar use process and this use, like all others in the Light Industrial zone, is subject to Site Design Review prior to the commencement of the use or issuance of building permits for the construction of such a facility, per subsection 702.02 of the YCZO. The Applicant did not submit an economic analysis regarding an existing demonstrable need for the uses permitted in the Light Industrial zone, however the Applicant did note that the closest mini-storage facilities available to the residents of Gaston and the surrounding area can be found in Forest Grove or McMinnville. The Applicant also asserts that the City of Gaston is considering policies and plans that could lead to a significant increase in the population of Gaston leading to an increased demand for storage service that this tract could provide, if the zone change request is approved.

3. Analysis: *Is the proposed change appropriate considering the surrounding land uses, the density and pattern of development in the area, and any changes which may have occurred in the vicinity to support the proposed amendment, and is there availability of utilities and services likely to be needed by the anticipated uses in the proposed district?*

A portion of criterion (C) requires the proposed change to be shown to be appropriate considering the surrounding land uses along with the density and pattern of development in the area. A more comprehensive description of the surrounding land uses, the development pattern in the area, and changes to the surrounding area, as well as existing utilities and services in the area is provided in greater detail in Sections A.4., A.9., and B.3. of this staff report. Staff will consider whether the proposed zone change from RI (Resource Industrial) to LI (Light Industrial) is appropriate considering the surrounding land use information presented earlier in this staff report. The subject property is located less than a mile south of the City of Gaston, and along Highway 47. The Applicant notes that a significant area of farmland near the subject parcel, east of Highway 47, has been acquired by the Fish & Wildlife Department and has been designated part of the Tualatin River/Wapato Lake National Wildlife Refuge. The Applicant contends that this change in use from farmland to a wildlife refuge has led to a decrease in the need for the types of uses commonly permitted in the Resource Industrial zone while the growth of Gaston has led to an increase in the types of uses commonly permitted in the Light Industrial zone. While the majority of the land surrounding the subject tract is zoned for Exclusive Farm use there are several lots that are zoned for Industrial (LI and RI) use adjacent to or very near the subject tract. The long-established industrial uses in this area appear to be adequately served by electrical, transportation, and communications utilities and services. The Applicant proposes that a Site Design Review application may be submitted for the siting of mini-storage units if the zone change request is

approved. Site Design Review allows the planning department to solicit comments and suggestions from other local and state agencies regarding the potential need for improvements on-site or to the road(s) providing access to the site. A traffic impact analysis prepared by a registered professional engineer may also be required by the Planning Department depending on the nature of the proposed use. The site design review process provides the county, the Applicant, and other interested agencies a structured process for an in-depth evaluation of 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.

To date, staff has not received comments or concerns from surrounding property owners regarding the Applicant's request for a zone change.

4. Analysis: *Are other lands in the county already designated for the proposed uses either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors?*

The Applicant did not submit an analysis of the other lands in the unincorporated area of the county that are zoned for Light Industrial use. However, the Applicant notes that many LI-zoned lots in the surrounding area are currently used for manufacturing or repair services. The Applicant also notes that the subject tract is a convenient distance from the residents of Gaston and the surrounding rural residents to provide Light Industrial uses and services, such as mini storage, from the property. As a property with an Industrial comprehensive plan designation, the proposed zone change allows for greater flexibility in terms of the types of uses permitted, and that these uses may more accurately reflect the changing demography and economic opportunities within Gaston and the surrounding rural areas.

5. Analysis: *Is the amendment consistent with the current Oregon Administrative Rules for exceptions, if applicable?*

As noted above, the property was found to be a committed exception to Goals 3 (Agricultural) and 4 (Forestry) by Ordinance 202, adopted by the Yamhill County Board of Commissioners (the "Board") on June 20th, 1979. The exception area is not within an "unincorporated community", as that term is defined by OAR 660-022-0010(10). Goal 14 (Urbanization) requires a limitation on the intensity of development to that which is rural in nature, otherwise, an exception to the Goal is required. Additional limitations, such as setbacks and septic requirements would further limit development of additional structures on the property, thus limiting the scale to conform with other rural Light Industrial properties in the county. Section 702.07(C) in the LI zone states: The maximum parcel coverage shall be thirty (30) percent for any use. The subject tract is approximately 1.5-acres in size, allowing a maximum of approximately 19,602-square feet of building footprint on the property without requesting a Variance to this parcel coverage standard.

C. Goal 12 (Transportation Rule) Provisions and Analysis

The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-0060 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.

Regarding this criterion, the Applicant did not submit a traffic impact analysis to the Planning Department and waived the submission of an analysis following receipt of a letter of incompleteness provided to the Applicant on August 30th, 2022.

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

CONCLUSIONS FOR APPROVAL:

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

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

    a. There is an existing demonstrable need for the particular uses allowed by the requested zone change.

b. 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.

c. Other lands in the County already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses.

d. The property was found to be a committed exception to Goals 3 (Agricultural) and 4 (Forestry) by Ordinance 202, adopted by the Yamhill County Board of Commissioners (the "Board") on June 20th, 1979.

3. The Applicant has demonstrated that the use complies with the (Goal 12) Transportation Planning Rule in that it will not have a significant effect on transportation facilities in the area.

END