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BEFORE 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 Approval of a Comprehensive Plan amendment)
 from Agriculture/Forestry Large Holding and Very Low Density)
 Residential to Industrial; a zone change from EF-80, Exclusive Farm)
 use and VLDR-2.5, Very Low Density Residential to LI, Light) Ordinance 816
 Industrial, Taking an Exception to Goal 3, & Approving Site Design)
 Review, Docket PAZ-07-07/SDR-10-07, Tax Lot 5316-2401,)
 2900 and 3000, Applicant Oregon Truss, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on September 19, 2007, Commissioners Kathy George, Mary P. Stern and Leslie Lewis being present.

IT APPEARING TO THE BOARD that Oregon Truss requested approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding and Very Low Density Residential to Industrial; a zone change from EF-80, Exclusive Farm use and VLDR-2.5, Very Low Density Residential to LI, Light Industrial, taking an exception to Goal 3. The applicants have also requested a Site Design Review in order to expand the existing truss manufacturing business.

IT APPEARING TO THE BOARD that the matter was heard at a duly noticed public hearing before the Planning Commission, which unanimously recommended approval; and a public hearing was held before the Board on September 5, 2007. After hearing testimony from the applicant the Board voted 3 to 0 to approve the application. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated herein. 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. A map is attached as Exhibit "B".

DONE this 19th day of September, 2007, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk



Kathy George
Chair
KATHY GEORGE

By *Anne Britton*
Deputy Anne Britton

Mary P. Stern
Commissioner
MARY P. STERN

APPROVED AS TO FORM

Leslie Lewis
Commissioner
LESLIE LEWIS

Rick Sanai
Rick Sanai, Assistant County Counsel

Exhibit "A" Findings for Approval

DOCKET NO.: PAZ-07-07/SDR-10-07

REQUEST: Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding and Very Low Density Residential to Industrial; a zone change from EF-80, Exclusive Farm use and VLDR-2.5, Very Low Density Residential to LI, Light Industrial. An exception to Goal 3 is also required. The applicants have also requested a Site Design Review in order to expand the existing truss manufacturing business.

APPLICANT: Oregon Truss

TAX LOT: 5316-2401, 2900 and 3000

LOCATION: 17900 and 18000 SE Wallace Road, Dayton

CRITERIA: Sections 702, 1101 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 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

FINDINGS:

A. Background Facts:

1. Property size: A combined total of approximately 9.5 acres.
2. Access: Wallace Road with a proposed access off of Fairview Road.
3. On-site Land Use and Zoning: Tax Lot 2900 is split zoned VLDR-2.5, Very Low Density Residential and EF-80, Exclusive Farm use and contains a single family residence. Tax Lot 2401 is zoned VLDR-2.5 and is vacant. Tax Lot 3000 is split zoned VLDR-2.5 and LI, Light Industrial and contains the truss manufacturing facility and a residence.
4. Surrounding Land Use and Zoning: The surrounding area is largely zoned VLDR-2.5 and EF-80. There are a few parcels with residences and open flat parcels in farm use including orchards and hay. There are a few parcels to the south of the subject property which are zoned NC, Neighborhood Commercial and contain the Grand Island Store. A small parcel, adjacent to the subject property is zoned PWS, Public Works Safety and contains a power substation. To the north is an area zoned PALF, Public Airport/Landing Field.
5. Soils: The Yamhill County Soil Survey indicates the parcels are composed primarily of Woodburn (WuB) and Amity (Am), Class II, prime farmland.

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6. Water: An existing on-site well.
7. Sewage Disposal: On-site septic system.
8. Fire Protection: Dayton Fire District
9. Taxes: All three lots are taxed at market value.
10. Previous Actions: In 1980, Tax Lot 2401 was created through a partition, Docket P-1155-80. Tax Lot 3000, a conditional use application was approved for a home occupation and truss manufacturing business in 1981 (Docket C-470-81) and then again in 1983 (Docket C-495-83). In 1984 an application for a plan amendment and zone change from VLDR-2.5 to LI through Docket PA-144-84/Z-264-84 was approved. No previous actions on Tax Lot 2900.
11. Description of Proposal: This application has several parts in order to achieve the final end result of one tract of land useable by Oregon Truss for expansion of its manufacturing business. The first step is for an amendment to the Comprehensive Plan to change the VLDR designation that is on 4.85 acres of the subject property (3.5 acres on Tax Lot 3000, 0.46 acres on Tax Lot 2401 and 0.89 acres on Tax Lot 2900) to Industrial. In addition, a one acre portion of Tax Lot 2900 that is plan designated AFLH, Agriculture/Forestry Large Holding, will also need to be amended to Industrial. Because of this change, an exception to Goal 3, Agriculture Goal, is required. Also, the application involves changing the zone on the said properties from VLDR-2.5 and EF-80 to LI. The last part of the application is for site design review for Oregon Truss to expand operations to occupy and use the entire 9.5 acre tract.

B. Zone Change and Plan Amendment Provisions and Analysis

Note: The applicant's representative has done a thorough job of addressing most of the criteria. Where the criteria has adequately been addressed by the applicant, staff will simply point to that in the staff report instead of repeating the applicant's justification.

1. The Plan Amendment portion of the request is not subject to local review criteria but shall be consistent with the local Comprehensive Plan per Section 1208.02 (A) of the YCZO.
2. The zone change portion of the request must 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.*

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- (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.*
 - (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.*
 - (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.*
 - (E) *The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*
3. Regarding criterion (A) above, the applicant has addressed the goals and policies starting at the bottom of page 6 of the application, the entirety of which is incorporated into these findings by this reference. Within the application the housing and economic goals have been addressed due to the application involving converting residential land to industrial. The Board finds that the loss of rural residential housing is, at most, two sites. These two sites are currently non-conforming in regards to the lot sizes and both are situated between commercially and industrially zoned properties which is less than ideal for rural residential housing.

Industrial development Comprehensive Plan goals and policies which may be pertinent are:

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

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power substations and transmission lines, trunk sewer lines, trunk water lines, and where appropriate, trunk gas lines.

The above goal and policy both encourage the location of industrial uses within the urban growth boundaries. The Board finds that the truss business is well suited in its current location with no problems of compatibility with neighboring properties and the subject property has historically been identified and used as a commercial/industrial property for decades. The use appears to be well suited for the location and has integrated well with other uses in the 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 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. In this case the light industrial use is not anticipated to require major utility lines, or trunk sewer or water lines. The need is only anticipated to be basic power, water and sewer services.

Policy II.A.2.a: 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 property has Class II soils, so the request would need to be weighed against other plan policies to determine if the use complies with the intent of the Comprehensive Plan. It should be noted that only one acre of the subject property is currently zoned for farm use, EF-80, and protected by Goal 3, Agricultural Goal. Conversion of the additional one acre of agricultural land on Tax Lot 2900 is addressed in Section C of these findings. The remainder of the property is zoned for rural residential use.

4. Regarding the need for the proposed use, criterion (B), the applicant has addressed this criterion on pages 9 through 11 of the application. Based on the evidence provided the Board finds there is an existing demonstrable need for the business in the area.

The availability and suitability of other LI zoned lands will be discussed in Finding B.6.

5. Regarding criterion (C), as indicated above, the subject parcels are within an area that has historically been used for commercial and industrial operations. There are about a dozen rural residential lots in the area, a store, a landing field for small planes, a small nursery, a gas station, a utility facility and large farm parcels. The truss plant has been operating at the current location since the 1980's and, according to the applicant, has never caused any problems to neighboring properties. The business has been well maintained and the facility

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is landscaped so you can hardly see it when driving along Wallace Road. No additional utilities and services are likely to be needed by the proposed expansion. The proposed expansion is minor in size and scope and there is no reason to believe this expansion will change the compatible nature of the operation.

6. Regarding criteria (D), the applicant has indicated the requirements for suitability of other available lands would need to be approximately 10 acres in size, flat, near suppliers and markets and with good truck transportation routes. The applicant indicated they found no other lands in the county that were properly zoned and suitable for the proposed use due to the unique nature of the expansion. The request appears to comply with criterion (D).
7. Exception requirements, criterion (E), are addressed in section C of this report.

C. Goal Exception Requirements and Analysis

1. A one acre portion of Tax Lot 2900 is currently protected as agricultural land under Statewide Planning Goal 3. The applicant believes that perhaps an error was made in mapping the EF-80 on to Tax Lot 2900 due to the fact that the site has never been farmed, it is not in farm deferral, it historically has been used as a rural residential parcel and is bordered on three sides by VLDR-2.5 zone. If this were the case the applicant would not need to apply for an exception to Goal 3. After staff review, it appears the parcel has been split zoned since 1976 when the county was initially zoned. An exception to Goal 3 must be approved in order to rezone the area to LI.
2. Oregon Administrative Rule (OAR) 660-04 contains the requirements for taking goal exceptions. The applicant has chosen to use the exception requirements for land irrevocably committed to other uses found in OAR 660-04-028, which contains four factors that must be addressed when taking an exception to a goal. They are:
 - (a) *The characteristics of the exception area;*
 - (b) *The characteristics of the adjacent lands;*
 - (c) *The relationship between the exception area and the lands adjacent to it; and*
 - (d) *The other relevant factors set forth in OAR 660-004-0028(6).*
3. Regarding the above factors, the applicant has stated the site has never been farmed, is not in farm deferral, historically has been used as a rural residential tract and is bordered on the other three sides by VLDR-2.5 zoning. The shape and size of the property would make it unsuitable for farming as well as its proximity to residential dwellings. It appears that because of the size of the area to be rezoned and the non-resource zoning and the uses on

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the surrounding properties this small parcel is committed to non-resource use. Regarding relevant factors from OAR 660-004-0028(6), the expansion does not require additional public facilities other than what is already existing in the area. The applicant has thoroughly addressed this in the application starting on page 15 and his response is incorporated herein in its entirety. The Board finds the one acre area proposed for the zone change is justified as a committed exception area.

C. Goal 12 (Transportation Rule) Provisions and Analysis

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) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.

1. A portion of the subject tract is already zoned LI and is currently being used for a truss manufacturing business. The proposed expansion should not change or amend the functional plan of Wallace Road or Fairview Road. Therefore, it appears that the proposed use is consistent with the identified function, capacity, and level of service of the local roads. The proposal will be subject to the ODOT permitting process.

D. Limited Use Overlay Provisions

1. OAR 660-04-18(3)(a) states that when a reasons exception is taken, plan and zone designations must limit uses to only those that are justified in the exception.
2. 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.*

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3. Since the LI Light Industrial use zone allows other industrial uses which have not been evaluated to determine whether they are appropriate to the area, it is appropriate to apply a Limited Use Overlay to limit uses on the rezoned area to a truss manufacturing facility and other similar uses and includes a caretakers dwelling.

E. Site Design Review Criteria and Analysis

1. Site design review is required for any development in a LI district. The applicant is proposing to add three new pole type buildings to the western portions of Tax Lots 3000 and 2900 as well as a driveway to connect a new entrance on Fairview Road to the existing entrance on Wallace Road. Section 1102.02 of the YCZO governs site design review. Review of a site development plan shall be based upon consideration of the following:

- (1) *Characteristics of adjoining and surrounding uses;*
- (2) *Economic factors relating to the proposed use;*
- (3) *Traffic safety, internal circulation and parking;*
- (4) *Provisions for adequate noise and/or visual buffering from noncompatible uses;*
- (5) *Retention of existing natural features on site;*
- (6) *Problems that may arise due to development within potential hazard areas.*
- (7) *Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.*

2. Regarding criterion (1), this has been more thoroughly addressed in Section B.5 below. It appears the proposed use is compatible with surrounding uses.
3. Regarding criterion (2) above, there have been no identified economic issues that would prevent the applicant from completing the proposed development.
4. Regarding criterion (3), the applicant has provided a site plan indicating the development has adequate room for parking and internal circulation. The proposed expansion will provide more area for parking. The property has existing access onto Wallace Road. The Oregon Department of Transportation (ODOT) did not respond to the referral. The applicant has a proposed access onto Fairview Road. This would allow improved internal circulation of trucks allowing ingress and egress from both Wallace Road and Fairview Road. The Public Works Director has stated this industrial development is subject to Ordinance 787 and traffic information should be required.

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5. Regarding criterion (4), the applicant has proposed additional landscaping along the western and southern new boundaries. In addition to landscaping a security fence will be constructed around the perimeter of the property. As noted above, the business has not proven to be incompatible with the surrounding area and the expansion should not create any additional noise beyond what is already existing.
6. Regarding consideration (5), there are no significant natural features on the site.
7. Regarding consideration (6), no potential hazard areas have been identified.
8. Regarding criterion (7) above, no written comments have been received from surrounding property owners. The applicant has indicated they spoke with several neighbors regarding the proposed expansion and they have received no adverse comments, in fact, most neighbors are in favor of the proposal.

CONCLUSIONS. The Board finds:

1. The request is for approval of a Comprehensive Plan map amendment from Agriculture Forestry Large Holding and Very Low Density Residential to Industrial; a zone change from EF-80 and VLDR-2.5 to LI Light Industrial; an Exception to Goal 3; and Site Design Review to allow expansion of the existing truss manufacturing facility.
2. The request complies with the approval criteria for a zone change in Section 1208.02 of the YCZO.
3. Exception requirements for land irrevocably committed to the use are justified. The area proposed for the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other factors make uses allowed by the applicable goal impracticable. The goal exception will result in minimal loss of resource land.
4. A Limited Use overlay is required to limit uses to those justified by the goal exception.
5. The proposed use complies with standards for site design review in section 1101.02.

DECISION:

The request by Oregon Truss for a plan amendment, zone change, goal exception and site design review to allow a truss manufacturing business on Tax Lots 5316-2401, 2900 and 3000 is hereby approved with the following conditions:

1. A Limited Use Overlay shall be applied to limit the allowed uses to a truss manufacturing facility and other similar uses and includes a caretakers dwelling.

Findings

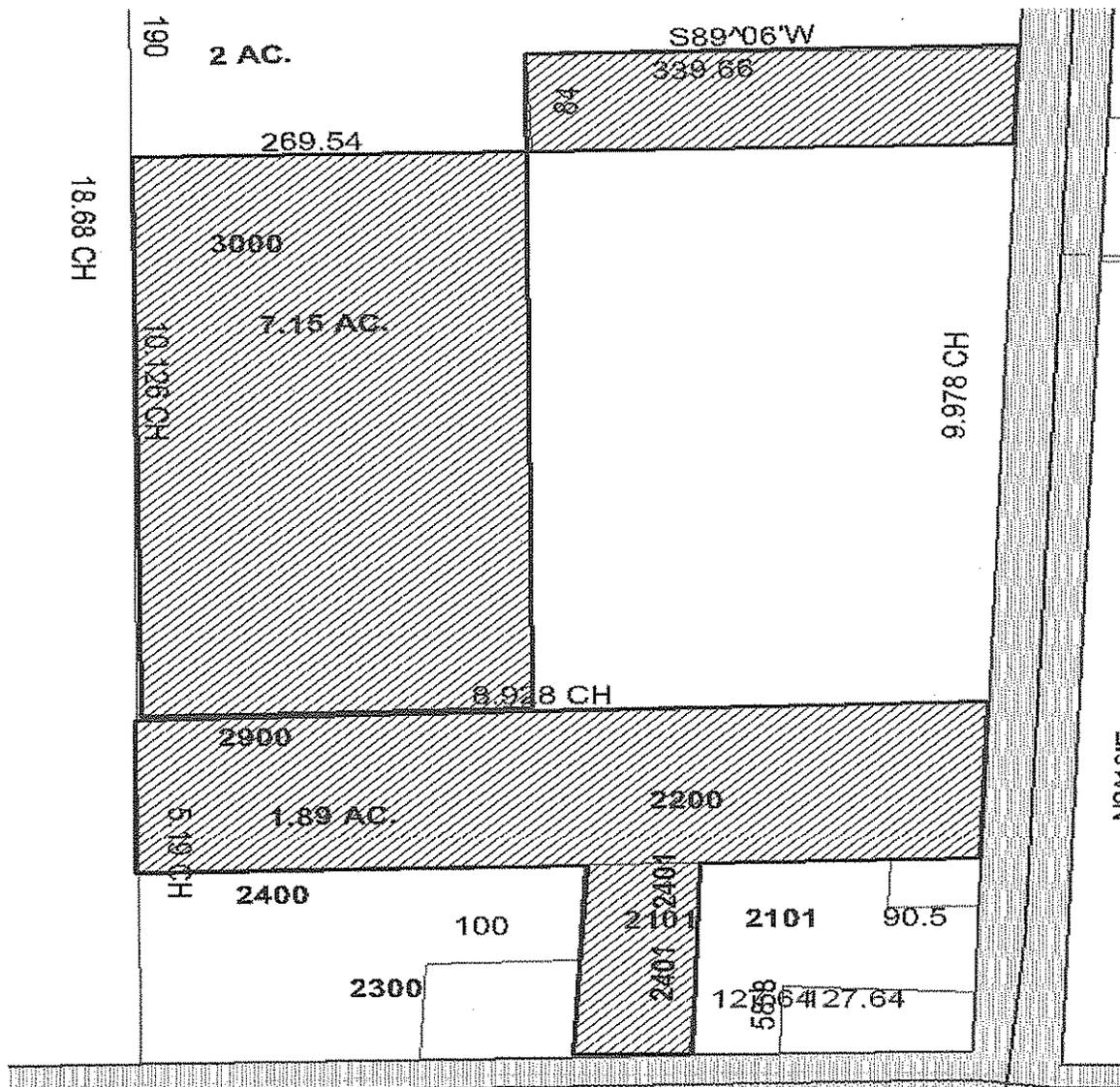
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2. All necessary building, septic, electrical and plumbing permits shall be obtained prior to beginning construction.
3. The development shall substantially conform to the proposed site map submitted with the application. (See enclosed) The applicant shall provide a landscape plan along the western and southern new boundaries, which shall be reviewed and approved by the Planning Director. The landscaping shall be installed prior to the proposed expansion.
4. The applicant shall make any improvements required by ODOT to upgrade the access.
5. Any sign for the business shall comply with Section 1006.04 of the Yamhill County Zoning Ordinance.
6. This development is subject to the road improvement requirements of Ordinance 787. Contact the Public Works department for specific requirements.

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EXHIBIT MAP FOR ORDINANCE NO. 816
PLAN AMENDMENT AND ZONE CHANGE
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
September 5, 2007

FOR A COMPREHENSIVE PLAN AMENDMENT FROM
AGRICULTURE/FORESTRY LARGE HOLDING AND VERY LOW DENSITY
RESIDENTIAL TO INDUSTRIAL AND
TO CHANGE OFFICIAL ZONING MAP FROM
*EF-80 EXCLUSIVE FARM USE AND VLDR-2.5 VERY LOW DENSITY
RESIDENTIAL*
TO
LI LIGHT INDUSTRIAL



CHANGE APPLIES TO TAX LOTS 5316-2401, 2900 AND 3000 DESCRIBED AND HIGHLIGHTED ABOVE

APPROXIMATE SCALE - 1 INCH = 150 FEET

B.O. 07-884