

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 Zone Change from Heavy Industrial)
to Light Industrial for a 1.9 Acre Parcel, Tax Lot 3403-1800,) Ordinance 808
Docket no. Z-02-07, Applicant Gene Belt, & Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on May 23, 2007, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

IT APPEARING TO THE BOARD that Gener Belt applied to the Yamhill County Department of Planning (Planning Docket Z-02-07) for a Zone change from HI, Heavy Industrial to LI, Light Industrial, and

IT APPEARING TO THE BOARD that the matter was heard by the Yamhill County Planning Commission at a duly noticed public hearing on May 3, 2007, after which the Commission voted 8-0 to recommend approving the application, and no-one has appealed that approval. 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.

DONE this 23rd day of May, 2007, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLTMAN
County Board of Commissioners



APPROVED AS TO FORM:

Rick Sanai
Rick Sanai, Assistant County Counsel

Kathy George
Chair KATHY GEORGE

Mary P. Stern
Commissioner MARY P. STERN

Leslie Lewis
Commissioner LESLIE LEWIS

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DOCKET NO.: Z-02-07

REQUEST: Zone change from HI, Heavy Industrial to LI, Light Industrial.

APPLICANT: Gene Belt

TAX LOT: 3403-1800

LOCATION: Approximately 1,200 feet southeast of the intersection of Stillers Mill Road and Highway 240, Yamhill

CRITERIA: Sections 702, 703 and 1208.02 of the Yamhill County Zoning Ordinance; Section 904, Limited Use Overlay may also be applied; the Yamhill County Comprehensive Plan Goals and Policies; OAR 660-012-0060 Transportation Planning Rule.

A. Background Facts:

1. Property size: Approximately 1.9 acres.
2. Access: Highway 240.
3. On-site Land Use: The property fronts onto the Union Pacific Railroad, which runs perpendicular to Highway 240. This rail line has been abandoned and the tracks have been removed for some time now. The property contains a large storage building that was used in the past to store grain and a warehouse that is being rented for equipment storage.
4. Surrounding Land Use and Zoning: The area is generally zoned EF-80, Exclusive Farm Use and contains larger parcels in farm use. One parcel to the north is zoned RI, Resource Industrial and is a fruit processing plant. The rest of the railroad right-of-way will remain HI and is currently being used as an auto wrecking yard. The Yamhill River borders the subject parcel to the south.
5. Soils: The Yamhill County Soil Survey shows the entire parcel is composed of Woodburn (WuB and WuC), Class II prime farmland.
6. Water: The applicant has indicated the parcel is served by city water.
7. Sewage Disposal: None.
8. Fire Protection: Yamhill Fire District.
9. Taxes: Market value.

10. Previous Actions: On March 9, 2007 a temporary storage permit was approved to allow a manufactured home to be stored on the parcel for six months.
11. Request: The applicant applied for the zone change in order to construct ten 10 x 30 storage units for RV, camp trailers, boats and trucks.

B. Zone Change and Plan Amendment Provisions and Analysis

1. 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.*
 - (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.*
2. Regarding criterion (A) above, 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 power substations and

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

The above goal and policy encourages the location of industrial uses within existing urban areas and urban growth boundaries. Traditionally, Yamhill County has encouraged applicants to look to industrial property inside the boundary prior to making application for rezoning property outside of the Urban Growth Boundary. The property is approximately 1,000 feet east of the city limits of Yamhill. The applicant indicated he is not aware of any other land designated as LI, Light Industrial in the immediate area. The subject property is already developed with buildings and city water which could be utilized for the proposed use without the costly extension of urban services. Approving the zone change would take advantage of the fact that the site is already developed.

In addition, the existing grain storage building is not being used for what it was designed for and the railroad has been abandoned. It is unlikely to be utilized in the near future for Heavy Industrial uses. Part of the above goal is to attract new industries to achieve a broader, more stable tax base while maintaining a high standard of environmental quality. Changing the zone will still allow the property to be used for industrial uses. Being a developed site, it has already had its environmental impact, albeit a small one, on the site. The proposed use would not increase the environmental impact from what already exists at the site.

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 proposed use is not anticipated to require major utility lines, or major sewer or water lines. The need is only anticipated to be basic power and water services. At this point, no sewer services are needed.

4. Regarding the need for the proposed use, criterion (B), the applicant stated that there are new homes being constructed in the Yamhill area and the occupants of these new homes may need RV, trailer, etc. storage. The application involves approximately 1.9 acres which is already zoned and developed for certain heavy industrial uses. Those heavy industrial uses no longer appear to be economically feasible. What the applicant is proposing is to allow the reuse of industrial land at a time when these uses are growing in need. The availability and suitability of other LI zoned lands will be discussed in Finding B.6.
5. Regarding criterion (C), as noted above in Finding A.4, the surrounding area is mainly large blocks of land zoned EF, Exclusive Farm with one parcel to the north zoned RI, Resource Industrial and is currently a fruit processing plant. Across Highway 240, the rest of the railroad right-of-way will remain HI and is currently being used as an auto wrecking yard. Although the industrial uses are different, they are both plan designated Industrial and share many similarities in the scale and scope of allowed uses. It appears this zone change is appropriate considering the surrounding land uses. The level of use is not expected to need any extension

of services. The water is provided by the city and electrical power is already provided to the site.

6. Regarding criteria (D), there is a very limited amount of land zoned LI in the county. Surrounding the City of Yamhill and nearby Carlton there are no properties that are zoned LI or properties zoned that allow the uses provided for in the LI zone. The request appears to comply with criterion (D).
7. Regarding criterion (E), no exception is required.

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. The property is already zoned for Heavy Industrial use. The property is served by Highway 240. Going from a Heavy Industrial to a Light Industrial zone would not change or amend the functional plan because the Comprehensive Plan designation of the property remains Industrial. 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 ODOT permitting process.

E. Limited Use Overlay Provisions

1. The Section 904.02 of the Yamhill County Zoning Ordinance states that *The limited use overlay may be applied by the Board of Commissioners or the Planning Commission to Plan Amendments and/or zone changes.*
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.*

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(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.*

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 RV storage operation and accessory uses. In addition, because the request is surrounded by farm land, the applicant shall be required to:
 - A. Sign and record the statements in 402.08 (F) of the Yamhill County Zoning Ordinance.
 - B. Construct appropriate traffic mitigation measures per recommendation from ODOT and the Public Works Department.
 - C. Construct a 6ft. tall sight-obscuring fence or hedge to obscure views of the interior of the site from neighboring properties.
 - D. Submit a site design review application for the proposed use.

CONCLUSIONS:

1. The request is for approval of a zone change from HI, Heavy Industrial to LI Light Industrial in order to construct storage units for RV's, camp trailers, boats and trucks.
2. The request complies with the Comprehensive Plan Goals and Policies.
3. Approval of the request would allow use of land that is already built and committed to an industrial use.
4. The requested zone change is appropriate for the area considering the level of services needed and available, and considering surrounding development.
5. The request will comply with the Transportation Planning Rule if all permits from Oregon Department of Transportation are obtained. As noted above, approval of the request would restrict the use of the property to light industrial uses, which does not involve movement of heavy machinery and large commercial truck traffic. Therefore, the proposed uses are not as traffic intensive as heavy industrial uses. The proposal will be subject to ODOT permitting process.

DECISION:

The request by Gene Belt for a zone change from HI, Heavy Industrial to LI, Light Industrial on Tax Lot 3403-1800, with a limited use overlay zone which limits the use to a storage yard for RV's, camp trailers, boats, trucks and similar items, is hereby approved.