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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

Approval of a Comprehensive Plan amendment from HI – )  
 Heavy Industrial to Agriculture/Forestry Small Holding; )  
 a zone change from HI - Heavy Industrial to AF-10 – ) Ordinance 791  
 Agriculture/Forestry Small Holding (12.5 acres); Docket PAZ-04-06, )  
 Applicant Julie Dean, Tax Lots 5633-1100 and -1200, )  
 and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business September 6, 2006, Commissioners Leslie Lewis, Kathy George and Mary P. Stern being present.

IT APPEARING TO THE BOARD that Julie Dean applied to the Yamhill County Department of Planning (Planning Docket PAZ-04-06) for a Comprehensive Plan amendment and zone change, and

IT APPEARING TO THE BOARD that the matter was heard by the Yamhill County Planning Commission at a duly noticed public hearing on July 6, 2006, after which the Commission voted to recommend approving the application; the Board held a duly noticed public hearing August 23, 2006. After due consideration of the Application (there being no opponents or objections), the Board tentatively voted 3-0 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 of the area is appended as Exhibit "B". It is further ordained by the Board that the 3.36 acre parcel (Tax Lot 5632-1200) currently zoned HI Heavy Industrial be remanded to the Planning Commission for consideration of changing the zoning to Commercial.

DONE this 6th day of September, 2006, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN  
County Clerk

Leslie A. Lewis  
Chair LESLIE LEWIS

Anne Britt  
Deputy Anne Britt

Kathy George  
Commissioner KATHY GEORGE

APPROVED AS TO FORM:

Mary P. Stern  
Commissioner MARY P. STERN

Rick Sanai  
Rick Sanai, Assistant County Counsel



B.O. 06-628

## Findings for Approval

**DOCKET NO.:** PAZ-04-06

**REQUEST:** For a Comprehensive Plan amendment from HI - Heavy Industrial to Agriculture/Forestry Small Holding and a zone change from HI - Heavy Industrial to AF-10 - Agriculture/Forestry Small Holding on a parcel of 12.5 acres.

**APPLICANT:** Julie Dean

**TAX LOT:** 5633-1100 and -1200

**LOCATION:** 32020 SW West Valley Highway, Sheridan, Oregon

**CRITERIA:** Sections 501, 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 660-012-0060 Transportation Planning Rule

**COMMENTS:** *Public Works:* We have reviewed the file and find no conflicts with our interests.  
*Sheridan Fire District:* We have reviewed the file and find no conflicts with our interests.

## FINDINGS:

### A. Background Facts

1. *Lot Size:* 21.88 acres.
2. *Access:* West Valley Highway.
3. *On-Site Land Use:* The subject parcel is a site of an old lumber mill that was abandoned in 1970s. The parcel is situated between Southern Pacific Railroad to the north and West Valley Highway to the south. The site is overgrown with brush, grass and trees which are mostly along the railroad right-of-way. There are two structures on the property that were left over from the lumber mill. One is an old shop building and the other served as an office building. A trucking company used the site from 1999 until 2002.
4. *Surrounding Land Use:* Land in the surrounding area contains rural residential, heavy industrial uses (i.e. lumber mills) and farm uses which include grass and livestock grazing.
5. *Surrounding Zoning:* The parcels to the east and the west are zoned AF-10, Agriculture/Forestry Small Holding. Parcels to the north, across the railroad line, and to the south across West Valley Highway are zoned EF-80 Exclusive Farm Use.
6. *Soils:* The *Yamhill County Soil Survey* indicates that approximately 64% of the soil on subject tract is Class III, Chehalem (CeC) high value farm land. Approximately 30% of the soil is Class I, Chehalis (Ch)), prime farmland and approximately 6% of the soil is Class VI, Willakenzie (WeF) non-high value soil.
7. *Taxes:* The tract is taxed as an industrial undeveloped property.

8. *Water:* Existing well.
9. *Sewage Disposal:* There is an existing septic system on Tax Lot 5633-1200.
10. *Previous Actions:* The property was physically developed in and irrevocably committed to non-farm uses and, therefore, it was excepted from application of Statewide Agricultural Lands Goals by Board Order No. 78-135 and Ordinance No. 202 - June, 1979.
11. *Request:* This request is to change the zoning from HI to AF-10 zone to place two dwellings and to construct a horse boarding facility. The proposed uses are not listed as permitted or conditional uses in the HI Heavy Industrial zone. Therefore the applicant is requesting to change the zone to AF-10, Agriculture/Forestry Small Holding.

## **B. Ordinance Provisions and Analysis**

1. The request must comply with the standards and criteria in the *Yamhill County Zoning Ordinance* (YCZO) Section 1208.02. These provisions are:
  - (A) *That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*
  - (B) *That 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) *That 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) *That other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
  - (E) *That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

These criteria are addressed, respectively, in Findings B.2 through B.6 below.

2. As noted above, in 1979 the Yamhill County Board of Commissioners adopted Ordinance 202 which took an exception to goal 3 and designated the property as HI Heavy Industrial use because it was physically developed in and irrevocably committed to non-farm uses. As noted above the subject parcel was a site of a (now defunct) lumber mill. The lumber mill was closed down in 1970s. Now the site is just a vacant lot. For a time between 1999 and 2002 the site was used for a trucking operation. None of the uses proposed by the applicant are listed as permitted or conditional uses in the HI Heavy Industrial zoning district. Therefore, the applicant is requesting to change the zone to LI Light Industrial use and AF-10 Agriculture/Forestry Small Holding. As noted in finding A.4 the surrounding area is in rural residential use, industrial use and farm use.

Yamhill County Revised Goals and Policies - Policy I.F.1.b. Yamhill County will encourage economic development projects which do not conflict with the predominant timber and agricultural character of the county.

The applicant stated that the proposed use (horse boarding) is both appropriate and needed in the west valley area. The proposed use would be an asset to the surrounding agricultural area as well as the rural residential area. The proposed use is a type of business generally used by residents of agricultural and residential areas.

Yamhill County Revised Goals and Policies - Policy I.B.1.c. All proposed rural area development and facilities:

- 1) Shall be appropriately, if not uniquely, suited to the area or site proposed for development;
- 2) Shall not be located in any natural hazard area, such as a floodplain or area of geologic hazard, steep slope, severe drainage problems or soil limitations for building or sub-surface sewage disposal, if relevant;
- 3) Shall be furnished with adequate access and an adequate individual or community water supply, if required; and shall not be justified solely or even primarily on the argument that the land is less costly than alternative better sites or that federal or state aid is available in the form of subsidized water supply or sewerage extensions from nearby urban centers.

The proposed use of the subject tract is appropriate for the proposed area. It is situated between City of Sheridan and the City of Willamina. It is also situated in an area bound by railroad tracks on the north side and a State highway to the south. It is located in an area that is mix of agricultural, industrial and rural residential use. The subject tract is not in a floodplain or any other hazard area. The subject tract has a direct access onto the State Highway. All utilities are present and so is the infrastructure.

Yamhill County Revised Goals and Policies - Policy I.B.1.d. No proposed rural area development shall require or substantially influence the extension of costly services and facilities normally associated with urban centers, such as municipal water supply and sanitary sewerage or power, gas and telephone services, nor shall it impose inordinate additional net costs on mobile, centralized public services, such as police and fire protection, school busing or refuse collection.

The above policy was addressed in the paragraph above..

Yamhill County Revised Goals and Policies - 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 subject tract is already plan designated for industrial use.

Yamhill County Revised Goals and Policies - Policy I.H.1.c. Industrial uses which are incompatible with surrounding residential or commercial development and cannot bear the cost of abating their

*incompatible characteristics, whether related to performance or appearance, will be encouraged to locate or relocate only within urban centers, where contact with residential development is, or will be at a minimum, and where all required services are immediately available.*

The proposed use (equine accessories sales and service operation) is very low impact. It does not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district. The only significant impact might be the traffic. The applicant will have to contact ODOT for all appropriate permits.

*Yamhill County Revised Goals and Policies - Policy I.H.1.f. The county will develop appropriate performance, design and specification standards and requirements for all existing and possible future industrial uses to guide their location or relocation in the county and within existing industrial areas of the county.*

The County has developed design standards which would be applied at the time the applicant applies for the Site Design Review.

*Yamhill County Revised Goals and Policies - Policy I.H.1.i. Industrial development will utilize the transportation system in an efficient and safe manner and reduce energy consumption by identifying for industrial development areas with alternative transportation opportunities, and by locating employment opportunities close to public transportation and, where appropriate, in community areas.*

The proposed use is located next to the State Highway half way between City of Sheridan and the City of Willamina. The applicant indicated that the proposed use should generate 5 to 10 new employment opportunities for the local area.

*Yamhill County Revised Goals and Policies - Policy I.H.1.n The county will recognize and encourage small scale industries as viable alternatives to larger, conventional enterprises.*

The proposed use is small scale when comparing it to the other industrial uses in the area..

3. Regarding the need for the proposed use, criterion (B), the applicant did not submit a full market study. However, the applicant did indicate that all facilities in the eastern portion of the county do not have any available space. As for the availability and suitability of other LI zoned lands, this will be discussed in Finding B.6.
4. Regarding criterion 1208.02 (C), as noted in *Finding A.4*, the surrounding property consists of small scale farm uses and rural residential areas. Approval of this zone change would allow establishment of a very similar and compatible use to farm and rural residential uses in the surrounding area. The surrounding properties are zoned EF-80 Exclusive Farm, AF-10 and HI. This conversion would be consistent with the surrounding property zoning. Regarding the need for utilities and services, the property already has a well and septic system for a single family residence. Water is provided by an on-site well. Access is by State Highway.
5. Regarding criterion 1208.02 (D), there is very limited amount of land zoned LI in the County. And none is available in the western portion of the county. The AF-10 is more prevalent; however, the combination of LI and AF-10 that the applicant desires is nonexistent.
6. Regarding criterion 1208.02 (E), no exception is required.

**C. Goal 12 (Transportation Rule) Provisions and Analysis**

1. 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.*
2. As noted above, approval of the request would restrict the use of the property to light industrial and rural residential 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.

**CONCLUSION:**

1. The request is for a Comprehensive Plan map amendment and zone change from HI Heavy Industrial use to AF-10 Agriculture/Forestry Small Holding.
2. The request complies with the Comprehensive Plan Goals and Policies.
3. The requested use is appropriate for the area considering the level of services needed and available, and considering surrounding development.
4. 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 commercial and rural residential uses, which does not involve movement of heavy machinery and large commercial truck traffic. Therefore, the proposed uses are not as traffic intensive than heavy industrial uses. The proposal will be subject to the ODOT permitting process.
5. The original application included a request to rezone the adjacent 3.36 acre parcel (Tax Lot 5632-1200) from HI Heavy Industrial to LI Light Industrial. However, given the Applicant's desired use of the property, it is more appropriate to rezone that parcel to Commercial. Thus the Board remands that request to the Planning Commission for consideration of changing the zoning on Tax Lot 5632-1200 to Commercial.

EXHIBIT "B" FOR ORDINANCE No. 791

COMPREHENSIVE PLAN AMENDMENT FROM  
INDUSTRIAL TO AGRICULTURE/FORESTRY SMALL HOLDING

ZONE CHANGE FROM "HI", HEAVY INDUSTRIAL  
TO "AF-10", AGRICULTURE/FORESTRY SMALL HOLDING



Legend

 PAZ-04-06



ORDINANCE No.: 791  
EXHIBIT "B"

*B.O. 06-628*