

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 a Comprehensive Plan amendment from)
 Very Low Density Residential to Industrial;)
 a zone change from VLDR 2.5 to LI Light Industrial,) ORDINANCE 764
 Tax Lot 4411-905, located at 3200 NE Lone Oak Road,)
 applicants Duane and Diane Sharer, Docket No. PAZ-04-03,)
 Supplementing Ordinance 733, Adopted January 15, 2004)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 23, 2005, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

IT APPEARING TO THE BOARD that Duane and Diane Sharer applied to the Department of Planning for a Comprehensive Plan amendment from Very Low Density Residential to Industrial; a zone change from VLDR 2.5 to LI Light Industrial in order to allow expansion of an existing mini-storage business. A public hearing was before the Planning Commission which voted unanimously to forward the application for consideration by the Board without a recommendation for approval or denial. The Board held duly noticed public hearings in December 2003, and the Board voted 2-1 to approve the application (Commissioner Stern in the minority), and adopted Ordinance 733 on January 15, 2004. The decision was timely appealed and the Land Use Board of Appeals remanded the decision back to the County for further findings in case no. LUBA 2004-014. Additional hearings were held in February, 2005, and the Board again voted 2-1 to approve the application with the additional findings contained in Exhibit "A"; NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD that the application is approved as detailed in Ordinance 733 and the Findings for Approval, by this reference incorporated, as well as the supplemental findings attached as Exhibit "A" and by this reference incorporated.

DONE this 9th day of March, 2004, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
 County Clerk



Mary P. Stern
 Chair

MARY P. STERN

By: *Anne Britt*
 Deputy Anne Britt

Leslie Lewis
 Commissioner

LESLIE LEWIS

APPROVED AS TO FORM:

Kathy George
 Commissioner

KATHY GEORGE

Rick Sanai
 Rick Sanai, Assistant County Counsel

Ordinance 764

GOAL 14

The Board finds that the applicant's requested Comprehensive Plan amendment and zoning amendment (to allow expansion of their existing mini-storage facility) is consistent with Goal 14. Evidence of Goal 14 compliance includes:

- the subject property is located on rural land outside of the McMinnville urban growth boundary and is not located within a designated unincorporated community;
- a maximum building size limitation of 39,000 square feet is requested by the applicant;
- the proposed use is a small-scale low impact industrial use consistent with OAR 660-22-0030(11), which defines such uses as those industrial uses taking place within a building or buildings that do not exceed 60,000 square feet of floor area within urban unincorporated communities and that do not exceed 40,000 square feet of floor area for industrial uses within all other unincorporated communities;
- the use has demonstrated compatibility with adjacent urban uses;
- the proposed use does not require the extension of urban services;
- the proposed use has no significant traffic impacts;
- it is not necessary for the use to be located with associated "urban" industry;

The Board finds that (1) the maximum building size requested by the applicant is not greater than 39,000 square feet; (2) the existing mini-storage facility has, for the past eight years, demonstrated compatibility with adjacent urban uses, has not required an extension of urban services, has not created significant traffic impacts, and has not required co-location with "urban" uses. See Record at 147 – 150.

Approval is conditioned upon imposition of a limited use overlay zone which (1) limits the maximum building size to 39,000 square feet, (2) prohibits extension of new or additional urban services to the site, and (3) restricts allowed uses to mini-storage (including personal property and recreational vehicles) – with no other industrial uses allowed. In addition, subsequent action to amend or remove this limited use overlay zone will constitute a post-acknowledgement plan amendment and will be subject to the requirements of ORS 197.610 to ORS 197.615, and will also require compliance with statewide planning goals.

NEED FOR ADDITIONAL INDUSTRIAL ZONING

The Board of Commissioners finds that those rural industrial uses which are consistent with Goal 14 (including a mini-storage facility as proposed herein), are appropriate for industrial areas adjacent to the Urban Growth Boundary (UGB). This finding is based on our interpretation of YCZO 1208.02(B) and (D) and YCRGP Policy I.H.1.b. The Board finds that while it is desirable to locate industrial areas within the UGB, industrial areas can (and in some cases must) be located outside the UGB, provided that the use is warranted by a demonstrated need, and the infrastructure necessary to support the use is either already in place, not needed at all, or available should service of same become necessary.

As noted previously, the Board finds that the existing mini-storage facility has, for the past eight years, demonstrated compatibility with adjacent urban uses, has not required an extension of urban services, has not created significant traffic impacts, and has not required co-location with "urban" uses. See Record at 147 – 150.

Exhibit "A" Supplemental Findings for Approval - Docket PAZ-04-03 (Sharer)

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In ascertaining whether adequate industrial zoning exists or if additional industrial zoning is needed, the Board interprets YCZO 1208.02(B) and (D) and YCRGP Policy I.H.1.b to restrict the county's review and consideration to only lands located outside of the UGB. There are several reasons for the county to limit its analysis to only lands located outside of the UGB. First, the Board finds that the county does not have jurisdiction within the identified limits of municipal corporations (cities), and has only shared jurisdiction within identified UGB boundaries. Secondly, the Board finds that the need for industrial land within the adjacent UGB for McMinnville and Lafayette is oriented towards attracting business-related uses which require additional public facilities and services. Because of this, the municipal jurisdictions have a desire to maintain shovel-ready industrial property that can be readily and economically developed for uses that require urban facilities and services. In the case of the current application, the requested use requires no or minimal improvements to the property. As such, the light industrial lands in the cities are not comparable (or relevant) with regard to the county's inventory of light industrial land.

The Board finds (see Record at 150 – 153) that the existing industrial land outside of UGB boundaries is not adequate to accommodate the proposed use; that there is an existing and demonstrable need for additional industrially-zoned land outside of municipal boundaries and UGB boundaries to satisfy demand for mini-storage facilities; and that approval of the application (with conditions) will satisfy that demonstrated need.

End