

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 733
Tax Lot 4411-905, located at 3200 NE Lone Oak Road,)
applicants Duane and Diane Sharer, Docket No. PAZ-04-03)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on January 15, 2004, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis 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 a duly noticed public hearing on December 11, 2003, continued until December 23, 2003, and the Board voted 2-1 to approve the application (Commissioner Stern in the minority), and directed staff to prepare the necessary findings; 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. A map is attached as Exhibit "B".

DONE this 15th day of January, 2004, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

Kathy George
Chair KATHY GEORGE

By Carol White
Deputy Carol White

Mary P. Stern
Commissioner MARY P. STERN

APPROVED AS TO FORM:

Leslie Lewis
Commissioner LESLIE LEWIS

Rick Sanai
Rick Sanai
Assistant County Counsel

Ordinance 733

DOCKET NO.: PAZ-04-03

REQUEST: Approval of 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 a mini-storage business.

APPLICANT: Duane and Diane Sharer

TAX LOT: 4411-905

LOCATION: 3200 NE Lone Oak Road

CRITERIA: Sections 702, and 1208.02 of the Yamhill County Zoning Ordinance.

FINDINGS:

A. Background Facts:

1. Lot Size: Approximately 3.85 acres
2. Access: Lone Oak Road
3. On-Site Land Use: The adjacent tax lot contains a residence. The subject tax lot contains outbuildings associated with the storage business. A site map showing the configuration of the lot and storage buildings is attached with the application.
4. Surrounding Land Use and Zoning: Adjacent properties are zoned VLDR 2.5. The area is characterized by rural residential uses. Across the State Highway to the west is an area zoned Neighborhood Commercial that contains commercial uses. Across the State Highway to the southeast is an area of property zoned LI Light Industrial.
5. Water: Provided by an on-site well.
6. Sewage Disposal: An on-site septic system.
7. Fire Protection: McMinnville Rural Fire District
8. Taxes: Farm Deferral

9. Previous Related Actions: The applicant received approval of a conditional use for a home occupation to allow storage of recreational vehicles inside of an accessory building. That request was approved in 1994 under Docket C-17-94. In 1998 the Planning Commission reviewed Docket C-07-98/V-10-99, a request to modify a previous home occupation approval to allow up to 46,000 square feet of additional storage and to vary from the 10% parcel coverage standard. The Planning Commission denied this request.
10. The request is simply to approve a plan amendment from Very Low Density Residential to Industrial and a zone change from VLDR 2.5 to LI Light Industrial. The purpose of the request is to allow expansion of a mini-storage business. The request does not include a site design review with specifics of the mini-storage expansion.
11. Exception: This property was part of code area 4.5 (St. Joe's) which was adopted in Exceptions Statement II on April 23, 1980.

B. Zone Change and Plan Amendment Provisions and Analysis

1. The Plan Amendment portion of the request is not subject to local review criteria, but is subject to ORS and OAR criteria.
2. The zone change portion of the request complies 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.*

3. Regarding criterion (A) above, since an exception to Statewide Planning Goals 3 and 4 has already been taken for the subject parcel, Comprehensive Plan goals and policies related to agricultural and forest lands are not applicable. (Regardless of whether or not a “reasons” exception is approved, as explained further in section C of this report, the parcel still has an acknowledged “committed” exception to Goals 3 and 4 so it is not subject to requirements for protection of farm and forest land.) Other Plan goals and policies which may be pertinent are:

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 this use has co-existed with surrounding agricultural uses for the past eight years with no adverse impacts. Our staff does not know of any complaints from farm operators regarding the use of this storage facility.

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 above policy was adequately addressed by the applicant on Page 10 of the application.

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 adequately addressed by the applicant on Page 11 of the application, which is hereby incorporated into the Findings in its entirety by this reference.

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.

Notice of this request was sent to the City of McMinnville. The City staff had the opportunity to voice objection if rezoning this area will conflict with their goal and the county's goal of keeping industrial areas within the UGB but voiced no opposition.

This industrial use does not need the extension of utility lines in order to serve the 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.

This type of industrial use 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 is the visual impact of the storage facility on adjacent property. Some of this could be addressed by appropriate landscaping during the site design review process.

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. One area of concern is the parcel coverage standard of the LI Light Industrial Zone is 30 percent. In Docket C-07-98/V-10-98, the applicant requested to add 46,000 sq. ft. of building area, which raised their parcel coverage to more than 40%.

Near the bottom of page 1 of the request the applicant states that after approval of this request and the “. . . subsequent site design review application would allow the applicant’s to construct three (3) additional storage buildings on the property. This would effectively double the size of the existing business.” The concern is that the size of building the applicant desires to construct will also require a variance to the design standards. That matter is not under review in this application.

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.

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 applicant has addressed these policies on page 12 of the application, which is hereby incorporated into the Findings in its entirety by this reference.

4. Regarding the need for the proposed use, criterion (B), the applicant’s representative Mark Fancy testified he logged phone calls received from April 10, 2003 to July 30, 2003. The calls illustrate the types of requests the applicant receives and this illustrates there is a need for this type of storage facility in the area. As for the availability and suitability of other LI zoned lands, this will be discussed in Finding B.6.
5. Regarding criterion (C), the surrounding land uses are a combination of small scale farm uses and rural residences. With regard to utility needs, the proposed use would not have any significant needs to expand the utility services. The existing facility, as proposed, would not require any additional utilities and services than already exist in the area or that could be provided by a private well and septic system.
6. Regarding criteria (D), the applicant submitted an analysis of other lands that are plan designed and zoned LI Light Industrial. The applicant evaluated Light Industrial properties within the County. The applicant focused on those that has less than \$5,000 assessed value of improvements. The study then looked at each of those sites within the County to determine which ones might be suitable for development of a storage facility. Those findings are found on pages 6-9 of the application. Our Department believes the survey was a reasonable approach and the findings on the specific sites were adequate to eliminate them from consideration.
7. Exception requirements, criterion (E), are addressed in section C of this report.

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C. Goal Exception Provisions and Analysis

In the past Yamhill County has made the following arguments regarding “committed” exceptions:

Oregon Administrative Rule (OAR) 660-04 contains requirements for taking goal exceptions. This area was approved for a “committed” exception in 1980, based on the number of small contiguous parcels and the existing rural residential development pattern. The area was zoned AF-10 allowing for rural residential development. The Board of Commissioners has previously found that a new exception is not required because a “committed exception” to Goals 3 and 4, adopted prior to 1986, did not limit the future use of the exception area. This is because the “committed exception” was taken before the effective date of the rule (3/20/86). Therefore, no additional goal exception is required.

DLCD has previously argued that even if a committed exception is taken that additional exceptions are still necessary to approve a plan amendment/zone change. DLCD has submitted a letter stating that an exception to Goal 14 is necessary or the use would need to be limited to less than that which is allowed in an unincorporated community. Land within an unincorporated community is limited to buildings less than 40,000 square in area in order to be considered an appropriate use for the community. There is no guidance given as to what limit of square footage would prevent rural property from being viewed as an urban scale of use. If the applicant later requests to expand the use beyond what is allowed in an unincorporated community, then a Goal 14 exception would be appropriate at that time.

D. Limited Use Overlay Provisions

The purpose of the Limited Use Overlay District is to limit permitted use(s) and activities in a specific location to only those uses and activities which are justified and approved through Comprehensive Plan Amendments and/or zone changes. The approval of this application is based on the use being a storage facility. The limited use overlay zone limits the use to mini-storage/recreational vehicle storage.

E. 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. This shall be accomplished by either:

- (a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;*
- (b) Amending the TSP [Transportation System Plan] to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,*
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

(2) A plan or land use regulation amendment significantly affects a transportation facility if it:

- (a) Changes the functional classification of an existing or planned transportation facility;*
- (b) Changes standards implementing a functional classification system;*
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.*

2. Regarding (1) and (2), the request is to allow a plan/amendment zone change. Page 3 of the application explains what the applicant believes the anticipated trip generation would be from this type of facility. The figures are based on the standard trip generation manual from the Institute of Transportation Engineers. The applicant submitted portions of this manual with the application. The trips from similar uses varied from 17 to 194 vehicle trips per day. Even taking the high of 194 vehicle trips per day, it appears the use would be consistent with the level of service of the transportation facility. Therefore, the request complies with the Transportation Planning Rule.

CONCLUSIONS:

1. The request for a Plan amendment from VLDR Very Low Density Residential to I Industrial and a zone change from VLDR 2.5 to LI Light Industrial is hereby approved.
2. The proposed zone change is consistent with Comprehensive Plan goals and policies. There are no other lands that would be available to site a storage facility. With conditions, the storage facility would be compatible with surrounding agricultural and residential uses.

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3. Since this area was a committed exception, no other exception is needed. In addition, since this request did not include site design review for expansion, no Goal 14 exception is needed. If the applicant requests to expand the use beyond what is allowed in an unincorporated community, then a Goal 14 exception would be appropriate at that time.
4. The applicant has demonstrated that there is a need for the use which other lands in the unincorporated area would not be able to satisfy.
5. The applicant has demonstrated that the level of anticipated traffic will not overburden the local roads.

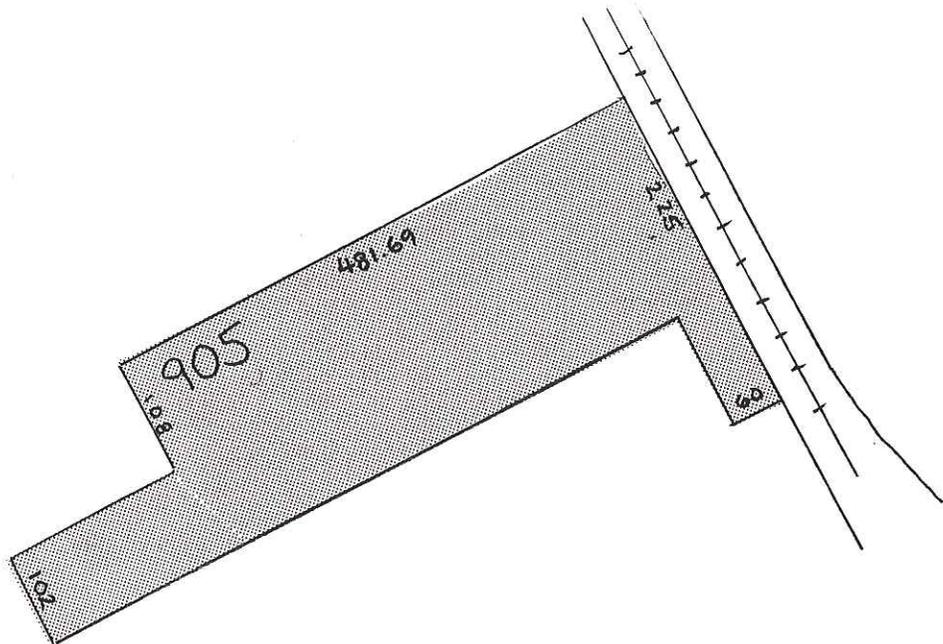
DECISION:

The request by Diane and Duane Sharer, for a plan amendment and zone change from VLDR 2.5 Very Low Density Residential to LI Light Industrial on Tax Lot 4411-905 is hereby approved, subject to a limited use overlay zone with the following restrictions:

1. Uses shall be limited to mini-storage and the storage of personal property and vehicles, including boats and recreational vehicles.
2. Any expansion of the use must be shown to be consistent with Goal 14 or have an exception taken to Goal 14.

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EXHIBIT "B" MAP FOR ORDINANCE NO. 733
PLAN AMENDMENT AND ZONE CHANGE
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
JANUARY 15, 2004
FOR A COMPREHENSIVE PLAN AMENDMENT FROM
VERY LOW DENSITY RESIDENTIAL TO INDUSTRIAL AND
TO CHANGE OFFICIAL ZONING MAP FROM
VERY LOW DENSITY RESIDENTIAL VLDR 2.5
TO
LI LIGHT INDUSTRIAL



CHANGE APPLIES TO THE SHADED PORTION OF TAX LOT 4411-905 DESCRIBED ABOVE
APPROXIMATE SCALE - 1 INCH = 200 FEET

B.O. 04-41
ORDINANCE 733