

04 MAY 26 09:56

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

000262

In the Matter of a Zone Change from RI Resource Industrial)
to LI Light Industrial for a Parcel Located at 29025 and)
29000 Highway 47, Gaston, Yamhill County, Tax Lots nos.) ORDINANCE 740
2402AD-600, 700, 800, 900, 1000, 1100, 2402DA-100,)
200 and 300, Docket Z-01-04, Applicant Dick Reynolds,)
and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on May 25, 2004, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

IT APPEARING TO THE BOARD that Dick Reynolds applied to the Department of Planning (Planning Docket Z - 01-04) for a a zone change from from RI Resource Industrial to LI Light Industrial.

IT APPEARING TO THE BOARD that the Matter was heard by the Yamhill County Planning Commission on April 1, 2004, at a duly noticed public hearing . The Commission heard testimony and considered the evidence presented by the applicant (there being no opponents), deliberated and voted 6-0 to approve the application. This approval was not appealed to the Board of Commissioners. 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 25th day of May, 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

S.O.04-299

FINDINGS FOR ORDINANCE 740

HEARING DATE: April 1, 2004

DOCKET NO.: Z-01-04

REQUEST: Approval of a zone change from RI Resource Industrial to LI Light Industrial.

APPLICANT: Dick Reynolds

TAX LOT: 2402AD-600, 700, 800, 900, 1000, 1100, 2402DA-100, 200 and 300

LOCATION: 29025 and 29000 Highway 47, Gaston

CRITERIA: Sections 701, 702, and 1208 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable.

FINDINGS:

A. Background Facts:

1. Property size: A combined total of 4.5 acres. (Unless otherwise noted, the property will be described and treated as a single parcel throughout this report.)
2. Access: The nine parcels have a single combined access onto State Highway 47.
3. On-site Land Use: The property is level and contains a number of storage buildings. The application noted that eight of the nine properties are developed with structures. Six of the nine tax lots front onto the Southern Pacific Railroad, which runs parallel to Highway 47. The applicant states this rail line has been abandoned. The structures had been used in the past for warehousing and processing onions and maintaining the farm equipment. Since the onions are no longer grown in the area, these buildings are no longer utilized for the storage/processing of farm products.
4. Surrounding Land Use and Zoning: The Southern Pacific Railroad tracks and Highway 47 run parallel with each other and are adjacent to the west. The area is generally zoned EF-80 Exclusive Farm Use. Wapato Creek borders the property to the east. Property across the creek to the east is within Washington County and is zoned for exclusive farm use. Adjacent property to the north and south along Highway 47 is divided up into small lots which contain residences and buildings used in conjunction with onion farming. The larger parcels to the west are zoned for exclusive farm use. About 2,000 feet to the north of the subject parcel is the

*Exhibit "A"
ORD 740*

Gaston City Limits. The City has its urban growth boundary (UGB) located about 600 feet north of the subject property.

5. Soils: Sheet 4 of the Yamhill County Soil Survey shows that the northern four acres of the parcel is composed of McBee (Mb) soil, which is Class II high-value farmland. The southern half acre is Cove (Cn), which is Class IV nonhigh-value farmland.
6. Water: The application lists that four are served by the LA Water Co-Op and one is served by a private well.
7. Sewage Disposal: None.
8. Fire Protection: Gaston Fire District
9. Taxes: Tax Lots 2402AD-600 and 1100 are in farm deferral. The remaining tax lots are at market value.
10. Previous Actions: An ordinance was adopted on June 20, 1979 which took an exception and zoned the subject property for Resource Industrial use.
11. FIRM map 410249 0050 C shows that the property is within the 100-year floodplain.

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. The applicant's materials are hereby incorporated into this Ordinance and Findings by this reference.

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 applicant has addressed the goals and policies in the zone change portion of their application. The Board interprets these goals and policies as aspirational and not independent approval criteria. However, in the alternative, the Board finds that these are goals and policies - if they apply - are satisfied::

The above goal and policy encourage the location of industrial uses within the 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 applicant indicated that they have reviewed the amount of land within the boundary and found that the City of Gaston has approximately 17.3 acres of property zoned for industrial use and only 1.7 acres (10%) is developed. The remaining 15.6 acres is unimproved. While these lands are available for development, the applicant has pointed out that any new use would need to develop these sites inside the city limits in order to locate a new use. Alternatively, the subject property is already developed with buildings that could be used for certain light industrial uses, such as warehousing, without the costly extension of urban services.

In addition, the existing buildings were designed to be used for onion processing and storage. They are not being utilized and are unlikely to be utilized in the near future for Resource Industrial uses due to market conditions in agriculture. 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 would allow a broader range of industrial uses, such as the storage of equipment for environmental clean-up. This would be at a site which is already developed. Being a developed site, it has already had its environmental impact, albeit a small one, on the site. Approving the zone change would take advantage of the fact that it is already developed with storage buildings.

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.

4. Regarding the need for the proposed use, criterion (B), the applicant has responded to this finding in their request. Instead of repeating what they submitted, their response is incorporated here by reference.

In addition to the substantial evidence the applicant submitted, another important consideration regarding the need for the particular uses allowed by the requested zone is the changing state perspective of these industrial lands. The State of Oregon has recently identified a need for large blocks of industrial land that are "shovel ready," in other words, ready for development. Over the years many of the larger industrial blocks of property have been divided up and used for small commercial and industrial purposes. The result is that these smaller uses underutilize the potential of this commercial and industrial property. The problem is significant enough that cities in the Portland-Metro area are considering or have adopted ordinances to maintain larger blocks of industrial lands. The reason this is important is that there will still be a need for

smaller blocks of industrial lands. The application involves nine such smaller blocks of land that are already zoned and developed for certain resource industrial uses. Those resource 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 importance to Oregon.

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

5. Regarding criterion (C), the surrounding area has other small lots near Highway 47 which are zoned RI Resource Industrial and LI Light Industrial use. Although it is fair to say that the uses are different, they are both plan designated Industrial and share many similarities in the scale and scope of allowed uses. The level of use is not expected to need any extension of services. The water would be provided by an on-site well. Sewer would be provided by an on-site sewer system. Electrical power is already provided to the site by PGE.
6. Regarding criteria (D), as previously indicated based on the applicant's information there appears to be 15.6 acres of undeveloped property within Gaston's city limits. However, as discussed in Finding B.4, this property would need improvements to be put to industrial use. In addition to the industrial land inside the city limits, there is one property south of the subject property that was rezoned from EF-80 to LI in the year 2000. This property has been developed with a light industrial use to manufacture parts for aircraft. There are no other industrial uses within the vicinity. The request appears to comply with criterion (D).
7. As noted under Finding A.10, an exception to Goal 3 was previously adopted in 1979. The applicant addressed the issue of an exception to Goal 14 in their application, which is incorporated here by reference. The request appears to comply with criterion (E).

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. 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;*
 - II *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.*
10. Regarding (1) and (2), the property is already zoned for Resource Industrial use. The nine lots are served by a shared access onto Highway 47. Staff agrees with the applicant's position that going from a Resource 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.

CONCLUSION:

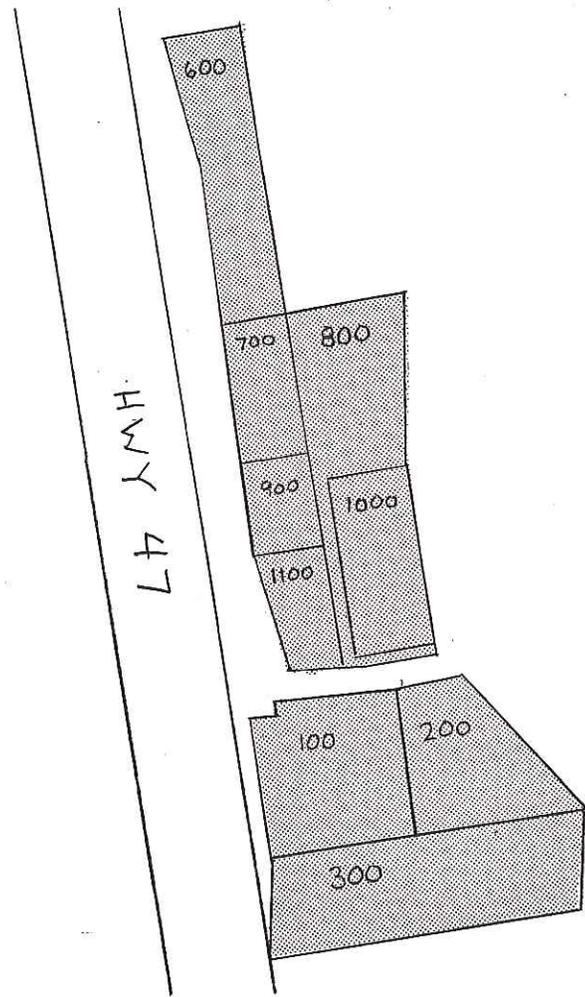
1. The request is for approval of a zone change from RI Resource Industrial to LI Light Industrial.
2. The City of Gaston has submitted a letter in support of the request
3. Approval of the request would allow redevelopment of land that is already built and committed to an industrial use in an area that is identified by the Oregon Economic and Community Development Department as being "economically distressed."
4. The request complies with the approval criteria for a zone change in Section 1208.02 of the YCZO.
5. The request satisfies Goal 12, the Transportation Planning Rule.

DECISION:

For the foregoing reasons, the request by Dick Reynolds for a zone change from RI Resource Industrial to LI Light Industrial on Tax Lots 2402AD-600, 700, 800, 900, 1000, 1100, 2402DA-100, 200 and 300 is approved.

EXHIBIT "B" MAP FOR ORDINANCE NO. 740
ZONE CHANGE
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
May 25, 2004
TO CHANGE THE OFFICIAL ZONING MAP FROM
RI RESOURCE INDUSTRIAL
TO
LI LIGHT INDUSTRIAL

000269



CHANGE APPLIES TO THE SHADED PORTION OF TAX LOT 2402AD-600, 700, 900, 1000, 1100,
2402DA-100, 200 AND 300 AS DESCRIBED ABOVE
APPROXIMATE SCALE - 1 INCH = 200 FEET

Exhibit "B"
Ord 740
B.O. 04-299