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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 an Ordinance Amending the)
 Yamhill County Comprehensive Plan Map)
 from Agriculture Forestry/ Small Holding to)
 Industrial and Amending the Official Zoning)
 Map from Agriculture/Forestry Small Holding)
 (AF-10) to Light Industrial (LI) on a 3.73)
 Acre Tract Known as Tax Lot 3335-201;)
 Applicant Frank Walker and Associates;)
 Planning Docket PAZ-06-98; and Declaring)
 an Emergency.)

ORDINANCE 655

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on August 20, 1998, Commissioners Ted Lopuszynski, Robert Johnstone, and Thomas E.E. Bunn being present.

WHEREAS, on May 22, 1998, the Department of Planning and Development received an application by Frank Walker and Associates ("applicant"), Planning, PAZ-06-98 to change the Yamhill County Comprehensive Plan Map (1974), as amended, from "Agriculture/Forestry Small Holding" to "Industrial" and to change the Official Zoning Map from "Agriculture/Forestry Small Holding (AF-10)" to "Heavy Industrial (HI)" on a 3.73 acre tract known as Tax Lot 3335-201 to allow an equipment maintenance facility and office and possible future aggregate storage associated with the rock crushing operation occurring on the adjacent parcel to the west; and

WHEREAS, on July 16, 1998, the Yamhill County Planning Commission held a duly noticed public hearing to consider the application. Applicant amended its application to change the zoning designation to "Light Industrial (LI)", and thereafter the Planning Commission voted unanimously for approval of the application as amended; and

WHEREAS, on August 6, 1998, the Board held a duly noticed public hearing to consider the matter, and the Board deliberated and voted 2-0 (Commissioner Bunn excused) in favor of tentative approval of the application for the comprehensive plan amendment to "Industrial" and the zone change from "Agriculture/Forestry Small Holding (AF-10)" to "Light Industrial (LI)" on Tax Lot 3335-201, and directed staff to prepare an ordinance and findings in support thereof; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and incorporated herein by this reference provide justification for approval of the application for the amendment to the Yamhill County Comprehensive Plan and the Official Zoning Map, and that approval thereof is in the best interests of the citizens of Yamhill County; Now Therefore,

8098-662
ORDINANCE 655

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The Yamhill County Comprehensive Plan (1974), as amended, is hereby amended as specified in the attached Exhibit "B" to reflect a plan designation of "Industrial."

Section 2. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B" to reflect a zoning designation of "Light Industrial", subject to the following conditions:

1. An application for site design review shall be submitted and approved by the county prior to any new development, site work or storage of equipment on the parcel.
2. All fuel, grease, oil, anti-freeze and other fluids shall be collected and disposed off-site at authorized disposal locations. Such materials shall be contained at all times and not allowed to have ground contact.

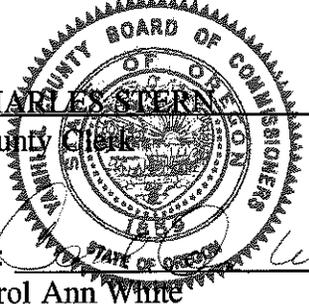
Section 3. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 4. 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 at McMinnville, Oregon, this 20th day of August, 1998.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS



 CHARLES STERN

 County Clerk

 By: *Carol Ann White*

 Carol Ann White



 Chairman TED LOPUSZYNSKI



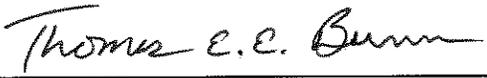
 Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:



 JOHN C. PINKSTAFF

 Assistant County Counsel



 Commissioner THOMAS E.E. BUNN

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EXHIBIT "A"

ORDINANCE 655

Findings for Approval

PLANNING COMMISSION'S APPROVAL: July 16, 1998

BOARD OF COMMISSIONERS' APPROVAL: August 20, 1998

DOCKET: PAZ-06-98

REQUEST: Approval of a Comprehensive Plan amendment from Agriculture Forestry Small Holding to Industrial, and a zone change from AF-10 to LI Light Industrial to allow an equipment maintenance facility and office and possible future aggregate storage associated with the rock crushing operation occurring on the adjacent parcel to the west.

APPLICANT: Frank Walker and Associates.

OWNER: The Saunders Company, Inc.

TAX LOT: 3335-201.

LOCATION: 20775 NE Niederberger Road, just west of the Dundee city limits.

REVIEW CRITERIA: Sections 702, 703 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: 3.73 acres.
2. Access: Niederberger Road.
3. On-site Land Use: The property contains a filbert orchard and manufactured home.
4. Surrounding Land Use and Zoning: The lot to the west is zoned HI and is used as a rock crushing operation and for stockpiling rock from the Crabtree quarry. The lot to the east is zoned LI and contains a door manufacturing business. Zoning to the north and south is AF-10, and uses include rural residences and filbert orchards. The parcel is less than 1/2 mile west of the Dundee city limits and Highway 99W.

5. Water: The applicant indicates that there is city water to the site.
6. Sewage Disposal: Existing on-site septic system.
7. Fire Protection: Dundee Rural Fire District.
8. Previous Actions: None.
9. Description of Proposal: The applicant requests approval for a zone change for an equipment repair and storage facility and office, which will be part of the rock crushing operation occurring on the adjacent parcel to the west. Rock that is processed at the site comes from the Crabtree Quarry, which is about 1.5 miles to the west. Equipment that may be stored and repaired on the site includes backhoes, bulldozers, loaders, excavators, dump trucks, and other similar heavy equipment used in both the crusher operation and the Crabtree Quarry. The applicant indicates that a building will be constructed so that equipment repair will occur indoors, but that there may be some additional outside storage of machinery. The applicant also indicated in a telephone conversation with staff that part of the property may be used for storage of aggregate material.
10. Change from HI to LI: The application as submitted requested that the zoning designation be changed to HI, Heavy Industrial. The notice of the Planning Commission hearing stated that HI was requested. After further review, staff determined that the proposed use of industrial equipment or materials storage, repair or service is listed as a permitted use in Section 702.02(B) of the LI district, but is not specifically permitted in the HI district. Staff also had concerns about the compatibility of uses allowed in an HI district on the surrounding residential and farm uses. The applicant agreed to amend the application to request an LI designation. The notice of the Board of Commissioner's hearing reflected this change.

B. Zone Change and Plan Amendment Provisions and Analysis

1. The Plan Amendment portion of the request is not subject to local review criteria.
2. 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.*

3. The Board finds that the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan, as required by YCZO 1208.02 (A). The property is in an exception area, so Comprehensive Plan goals and policies related to agricultural and forest lands are not applicable. Other Plan goals and policies which may be pertinent are:

Policy I.H.1.g. Agricultural, forestry and mineral resource-oriented industry will be accommodated in areas close to the resources utilized, provided that such industrial uses are compatible with any nearby urban development, city water supply and sewerage are not required, and waste discharges constitute no threat to the environment.

The adjacent rock crusher processes rock from the Crabtree Quarry, which is located at the end of Neiderberger Road, about 1.5 miles to the west. The proposed maintenance facility would benefit from being close to the quarry and the crusher in order to minimize the distance that equipment must be moved. The nearest urban development is less than ½ mile away, in the city of Dundee. The maintenance facility would have no greater impact on urban development than existing industrial uses on adjacent lots. City water and sewerage are not required by the proposed facility, although the applicant indicates that city water is available. There is a potential for environmental damage unless all oil, fuels and other materials are contained and properly disposed. This will be made a condition of approval as part of the site design review.

Policy I.H.1.h. Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation and full urban services are extended into the area, if appropriate, and the extension or designation of land use and services is consistent with all other goals and policies of the comprehensive plan.

The crusher site on the adjacent lot was established in 1956. That property is almost entirely covered with stockpiles of aggregate materials and crusher equipment. The proposal is to extend the industrial area to allow space for machinery repair and an office, and possibly for expanded aggregate stockpiling. The expansion is warranted because development trends and

housing growth in the Newberg/Dundee area have resulted in an increased demand for processed aggregate. The request does not require the extension of urban services.

4. The Board finds 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, as required by YCZO 1208.02 (B). There is an existing, demonstrable need for the proposed equipment maintenance facility. The applicant indicates that the rock crushing operation on the adjacent lot has expanded over the years so that there is a shortage of room for equipment maintenance. If these activities cannot be expanded onto the subject parcel, the property owners would have to either limit the amount of rock material that can be stored and processed at that site, or move the equipment or stockpiled material to an alternative location. Either alternative would increase operating costs, which could increase the price to consumers of processed aggregate. The availability and suitability of other Industrial-zoned lands will be discussed in Finding B.6.

5. The Board finds 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, as required by YCZO 1208 (C). The proposed change is appropriate considering the existing heavy and light industrial uses on the adjacent parcels to the east and west of the subject parcel.

The surrounding area is otherwise developed primarily with rural residences and farm uses on four to ten acre lots. A change that has occurred in the vicinity which supports findings that the proposed industrial use will be compatible with surrounding land uses is that a number of dwellings have been established in the vicinity in the last five years. The rock crusher has been operating on the adjacent lot since 1956.

New dwellings would not have been established in the area if there were serious conflicts or impacts from the rock crushing operation. The proposed equipment maintenance facility will have a lesser impact to surrounding farm and residential uses than the crusher, and will not affect the pattern of development in the area. No additional utilities or services would be needed.

6. The Board finds that 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, as required by YCZO 1208.02(D). There are several parcels on Highway 99W within two miles of the subject parcel that are zoned LI and are either undeveloped or could be redeveloped for the repair facility (Tax Lots 3219CB-500 and 801, between Newberg and Dundee, and Tax Lot 3335-4400, approximately 3/4 miles south of Dundee). There may be additional properties inside the city limits that would allow the use. It is unknown whether any of these parcels are currently available for sale. However, none of these alternative sites are as well-suited for the proposed use because they would require transporting equipment and machinery from the crusher and quarry sites via Highway 99W. Heavy equipment and trucks trying to enter the highway from

Neiderberger Road would create traffic hazards and exacerbate traffic congestion. The proposed site, being next to the crusher and on the same road as the quarry, would minimize traffic problems and impacts to road surfaces.

7. The Board finds that the amendment is consistent with the current Oregon Administrative Rules for exceptions. The Board finds that an exception is not required because the area is part of exception Code Area 1.17, which was the subject of a committed exception on April 23, 1980 as part of Yamhill County Ordinance No. 234. OAR 660-04-018(4) indicates that the rule for taking an exception applies only to plan and zoning designations adopted after March 20, 1986, the effective date of the rule. The Board finds that where a previous committed exception was taken before March 20, 1986, then the new uses are not limited to existing types of uses or certain other rural uses, and a new exception is not required. No other Goals apply to the request.

C. Other Ordinance Considerations

1. Site design review is required for any development in a LI district. The applicant has indicated that they will apply for site design review at a later date. This will be made a condition of approval.

CONCLUSIONS FOR APPROVAL:

1. The request is for a Plan amendment from AFSH Agriculture Forestry Small Holding to I Industrial and a zone change from AF-10 to LI Light Industrial.
2. The proposed zone change is consistent with Comprehensive Plan goals and policies related to industrial development.
3. The proposed uses for equipment maintenance and material stockpiling are compatible with uses in the surrounding area and will have less impact than the existing rock crushing operation.
4. Other Industrial-zoned lands in the county are not as well-suited for the proposed use because they would require heavy equipment to enter and leave Highway 99W, creating a hazardous traffic situation.

DECISION:

Based on the above findings, analysis and conclusions, the request by Frank Walker, representing The Saunders Company, Inc. for a plan amendment from Agriculture Forestry Small Holding to Industrial and a zone change from AF-10 to LI on Tax Lot 3335-201 is approved, subject to the following conditions:

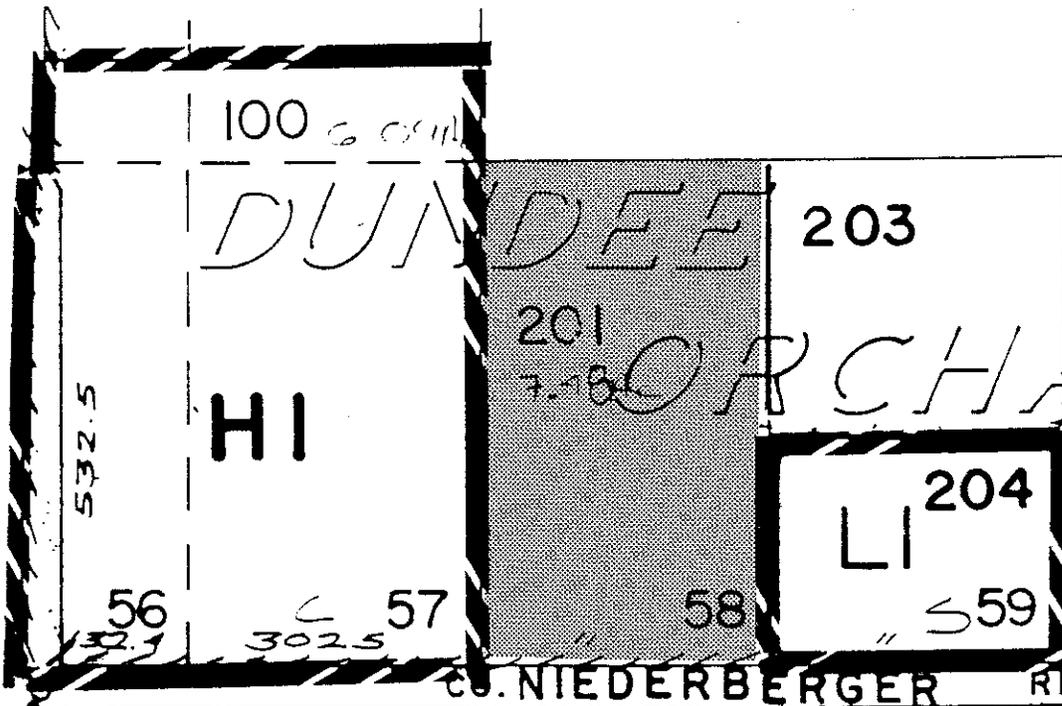
1. An application for site design review shall be submitted and approved by the county prior to any new development, site work or storage of equipment on the parcel.

2. All fuel, grease, oil, anti-freeze and other fluids shall be collected and disposed off-site at authorized disposal locations. Such materials shall be contained at all times and not allowed to have ground contact.

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EXHIBIT "B" FOR ORDINANCE No. 655

COMPREHENSIVE PLAN MAP AMENDMENT FROM
AGRICULTURE/FORESTRY SMALL HOLDING TO INDUSTRIAL;
and ZONING MAP AMENDMENT FROM
AGRICULTURE/FORESTRY SMALL HOLDING DISTRICT (AF-10)
TO LIGHT INDUSTRIAL DISTRICT (LI)



AREA SUBJECT TO AMENDMENT:
Tax Lot 3335-201

Prepared by Yamhill County Department of Planning and Development

ORDINANCE 655
Exhibit "B"