

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 Large Holding to )  
Industrial and Amending the Official Zoning )  
Map from Exclusive Farm Use (EF-80) to )  
Light Industrial (LI), an Exception to Statewide )  
Planning Goal 3; and Site Design Review; )  
on a 5.3 Acre Tract Known as Tax Lot )  
5636-2700; Applicant Mark Irick; )  
Planning Docket PAZ-08-98; and Declaring )  
an Emergency. )

**ORDINANCE 656**

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 June 15, 1998, the Department of Planning and Development received an application by Mark Irick ("applicant") on behalf of Leon Hays ("owner"), Planning, PAZ-08-98 to change the Yamhill County Comprehensive Plan Map (1974), as amended, from "Agriculture/Forestry Large Holding" to "Industrial" and to change the Official Zoning Map from "Exclusive Farm Use (EF-80)" to "Light Industrial (LI)", an Exception to Statewide Planning Goal 3, and site design review, on a 5.3 acre tract known as Tax Lot 5636-2700 to allow an auto towing business, mini-storage units and RV and boat storage; and

WHEREAS, on July 16, 1998, the Yamhill County Planning Commission held a duly noticed public hearing to consider the application, and thereafter the Planning Commission voted 5-1 for approval of the application; 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 to "Light Industrial (LI)", an Exception to Statewide Planning Goal 3, and site design review on Tax Lot 5636-2700, and directed staff to prepare an ordinance and findings in support thereof; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and

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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,

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."

Section 3. The application for Site Design Review is approved. A Limited Use Overlay is hereby applied to the subject property as part of the zone change, subject to the following conditions:

1. A Limited Use Overlay shall be applied to limit uses allowed on the to auto towing and storage of impounded vehicles, mini-storage, RV and boat storage, and a caretaker's residence. A new exception must be taken prior to any other use being established.
2. All necessary building, septic, electrical and plumbing permits shall be obtained prior to beginning construction.
3. No buildings or other development shall occur on the northern 100 feet of the parcel until plans for the realignment of Schatz Road and Loganberry Lane have been finalized by the county and ODOT, or until such time as both the County Public Works Director and ODOT sign a written waiver of this condition.
4. The developer shall participate in the construction of improvements necessary to realign the intersections of Schatz Road and Loganberry Lane with Highway 18. Participation shall include either:
  - a. The developer shall provide funding, on a fair-share basis, for the improvements identified in ODOT's conceptual plan; or
  - b. In lieu of contributing to the cost of the improvements, the developer shall dedicate the right-of-way on his property necessary for the realignment of the streets and intersections at no cost to the appropriate government entity (Yamhill County or City of Sheridan).

5. The auto towing business shall be located entirely on Tax Lot 5636-2700 unless site design review approval is obtained to operate the business on Tax Lot 5635-400.
6. The vehicle impound storage yard shall be screened from view of the highway and the residences on Tax Lot 5635-2500. Screening may be in the form of mini-storage units or sight-obscuring fencing.
7. No business shall be permitted to operate out of the mini-storage facility.
8. All lighting shall be hooded and directed on-site.
9. The developer shall submit a detailed landscaping plan and obtain Planning Director's approval prior to issuance of building permits. The landscape plan shall show the size and location of all areas to be landscaped; shall describe the size, spacing, location and type of all vegetation to be planted; and indicate the method and layout of the irrigation system that will be provided to maintain the landscaping. Landscaping shall be provided in an area at least 10 feet in depth along the northern property line. Landscaping shall either be completed prior to issuance of building permits, or the developer shall post a surety bond or provide other financial assurances equal to 200% of the estimated cost of materials and installation, after approval of the estimate by the Planning Director.
10. All buildings shall be constructed so that the lowest floor level is at 183 feet above sea level or higher. The rental contracts for the mini-storage units and RV/boat storage shall contain a statement that the storage facility is within the 100-year floodplain and that Yamhill County shall not be liable for any damages that may occur in the event of flooding.
11. The eastern and southern property lines, the impound lot, and all areas where RVs or boats will be stored shall be fenced. Fencing shall be 6 foot high chain-link or other fencing approved by the Planning Director.
12. Prior to obtaining building permits, the developer shall submit a copy of the site plan to the City of Sheridan for review and approval of building locations relative to the city's proposed sewer line easement.
13. The developer shall sign and record in the deed records of Yamhill County a Waiver or Remonstrance Agreement that the property owner and successors in interest will agree to have the property included in the Urban Growth Boundary and annexed into the city when requested by the City of Sheridan.

Section 4. In adopting the plan amendment specified in Section 1, the County hereby takes an exception to Statewide Planning Goal 3.

Section 5. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 6. 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 STEPHEN  
County Clerk



Ted Lopuszynski  
Chairman TED LOPUSZYNSKI

By: Carol Ann White  
Carol Ann White

Robert Johnstone  
Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:

John C. Pinkstaff  
JOHN C. PINKSTAFF  
Assistant County Counsel

Thomas E.E. Bunn  
Commissioner THOMAS E.E. BUNN

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ORDINANCE 656

Findings for Approval

PLANNING COMMISSION'S APPROVAL: July 16, 1998

BOARD OF COMMISSIONERS' APPROVAL: August 20, 1998

DOCKET: PAZ-08-98, SDR-08-98

REQUEST: Approval of a Comprehensive Plan map amendment from Agriculture Forestry Large Holding to Industrial; a zone change from EF-80 Exclusive Farm Use to LI Light Industrial; an Exception to Statewide Planning Goal 3; and site design review to allow an auto towing business, mini-storage units and RV and boat storage.

APPLICANT: Mark Irick

OWNER: Leon Hays

TAX LOT: 5636-2700

LOCATION: On the east side of Schatz Road, just south of Highway 18, adjacent to the City of Sheridan

REVIEW CRITERIA: Sections 702, 904, 1101 and 1208 of the Yamhill County Zoning Ordinance; OAR 660-04, Exception Process.

FINDINGS:

**A. Background Facts:**

1. Property size: 5.3 acres
2. Access: Schatz Road
3. On-site Land Use: The property is a triangular-shaped level field. There are no buildings or other development.
4. Surrounding Land Use: The Southern Pacific Railroad tracks are adjacent to the southern property line. This is also the Sheridan city limits. The city sewage treatment lagoons are located on the parcel to the south. To the north there is a small parcel owned by ODOT between the subject parcel and Highway 18. On the north side of the highway is a residential

area and a commercial restaurant/lounge. Directly adjacent to the east is a five acre lot containing a residence, followed by large farm parcels. To the west is a collection of businesses on a 1.38 acre parcel, including the applicant's auto towing business and auto sales lot.

5. Surrounding Zoning: LI Light Industrial to the west, the City of Sheridan to the south, and EF-80 Exclusive Farm Use to the north and east. On the north side of the highway the zoning is VLDR-2.5 Very Low Density Residential and RC Recreation Commercial.
6. Water: No current water supply to the parcel. The applicant indicates that the city will allow the water hook-up serving the adjacent lot to be transferred to the subject property.
7. Sewage Disposal: None existing. The applicant indicates that the city will allow the sewer hook-up serving the adjacent lot to be transferred to the subject parcel.
8. Fire Protection: Sheridan Fire District
9. Soils: Sheet 48 of the Yamhill County Soil Survey shows that the parcel is composed of Chehalis (Ch) soil, which is Class I high-value farmland.
10. Taxes: Farm deferral
11. Previous Actions: The parcel received a floodplain permit and approval for a dwelling in 1983, but the approval was allowed to expire with no construction occurring (Docket CFP-27-83, LOR-10-83).
12. Description of Proposal: The property owner owns the adjacent parcel to the west. There is an auto towing business, machine and welding shop, body shop and auto/truck/RV sales lot on the parcel. (However, staff could only find land use approvals for site design review for a sign business, auto sales and mobile home sales.) The applicant indicates that the request is to expand the towing business to include part of the subject parcel in order to increase the size of the impound storage yard, and also to construct an 86-unit mini-storage facility and RV/boat storage business. A caretaker's residence is also proposed.

**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). Comprehensive Plan goals and policies which may be pertinent are:

*Policy I.D.a: All urban growth boundaries in the county will be delineated as shown on the plan map and no extension of urban land uses or city water and sewer services beyond the designated urban growth boundaries will be undertaken without concurrent amendments to both the respective city and county comprehensive plans.*

This policy conforms to Statewide Planning Goal 11, which contains a provision prohibiting counties from allowing new extensions of sewer lines from within urban growth boundaries to land outside those boundaries. The subject parcel is not inside the UGB, but the application indicates that the city water and sewer hook-ups that serve a manufactured house on the adjacent lot to the west will be transferred to the subject parcel. Since this will not involve a new hook-up or the extension of services, the request does not violate this policy.

*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 subject property is not within the UGB, but is in an area that is already served by water, sewer and electricity. The nature of the industrial use does not require any major or trunk utilities. The request complies with the Industrial Development Goal because it is an expansion of an existing industrial use, and will concentrate the towing business and storage yard in one location. The existing business is in a desirable location where there are no conflicts with surrounding land uses, so it is not necessary to encourage its relocation. With conditions regarding the proper handling and disposal of materials from the dismantling of abandoned vehicles, the business will maintain a high standard of environmental quality.

*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 proposal involves the extension of an existing industrially-zoned area. The applicant indicates that development trends relating to growth in the city and the construction of a new apartment complex a short distance away warrant the designation of the property to a zone that will allow the mini-storage facility. City sewer and water services are available to serve the property.

*Policy I.H.1.j: Non-railroad users will be discouraged from locating next to a railroad right-of-way.*

The subject property is adjacent to the Southern Pacific Railroad tracks, but none of the proposed uses would involve receiving or sending goods by rail. The property is approximately 400 feet from where the railroad tracks cross Highway 18. It is possible that this is an insufficient distance to allow trains to slow down and maneuver into a position to load and unload goods at the subject property without impeding traffic on the highway. Therefore, rail service to the site may not be appropriate. In addition, Policy I.H.1.j. is aspirational only, and does not prohibit non-rail users from locating next to railroad tracks.

*Policy II.A.2.a: Yamhill county will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.*

The property has Class I soils. However, the parcel cannot practicably be farmed due to its small size and the surrounding non-farm uses. The highway to the north, city sewage lagoons to the south, and businesses to the west isolate the site. The adjacent 4.5-acre parcel to the east is zoned for farm use, but is currently not being farmed. The applicant has submitted a letter from an area farmer indicating that he would not be interested in leasing the site because he feels it would be impracticable to farm.

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).
- 4.1 Regarding the need for the proposed auto towing expansion, the applicant has submitted evidence in the form of a letter from Sergeant Roger Conley of the Yamhill County Sheriff's Office that there have been changes in state laws that allow the towing of cars that are uninsured or are driven by intoxicated or unlicensed drivers. This will result in an increase in the number of vehicles being towed, and a resulting need for additional space to store the impounded vehicles.
- 4.2 Regarding the need for the proposed mini-storage, the applicant argues that population growth in the city, and especially the construction of an apartment complex a short distance away, has resulted in the need for a storage facility. The applicant did not conduct a study to determine market demand, but there are no other known mini-storage businesses in the vicinity of Sheridan, so there is a potential demand. (The nearest mini-storage facilities are in Willamina and McMinnville). The availability and suitability of other LI 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 1208.02(C).
- 5.1 The proposed zone change is appropriate considering the industrial uses to the west and the sewage treatment facility to the south. To the east, the zoning is EF, although the immediately adjacent parcel does not appear to be in commercial production. It may be appropriate for the towing business to be located near the highway in order to provide rapid response time when vehicles need to be towed. However, because the site is highly visible from Highway 18, the appearance of the business, especially the area where impounded cars will be stored, is of concern. No site design review application was submitted for the towing business on the adjacent lot, and it appears that some standards, such as landscaping requirements, have not been met. Therefore, prior to development of the subject parcel, site review of the adjacent lot will be required.
- 5.2 The proposed zone change in order to allow mini-storage, boat and RV storage is appropriate considering the pattern of development in the area. The storage facility would primarily serve residents of Sheridan. A significant amount of new residential development has occurred in the city in the last year, including a large apartment complex across the highway from the subject property.
- 5.3 There is some concern about traffic having to cross the highway to get from the city to the mini-storage facility. Currently, Sheridan Road on the north side of the highway and Schatz

Road on the south side of the highway and which provides access to the site, are not in direct alignment. Traffic trying to cross the highway at this location could create an unsafe traffic situation, especially if it involved vehicles towing boats or trailers. The county, city and ODOT have had discussions about intersection improvements which would include realigning Sheridan Road to enter the highway at a right angle, combining Schatz Road and Loganberry Lane into a single access point, and adding a left turn lane and possibly right turn refuge. The preliminary plans involve the northern portion of the subject property being used for the realignment of Schatz Road and Loganberry Lane. Staff contacted Don Jordan at ODOT who indicated that there is no definite schedule for the road work, and no funds budgeted by ODOT for the improvements. He stated that the need for the improvements, and the funds to complete the work, would come from development in the area. The developer of the new apartment complex just north of the highway has signed a waiver of remonstrance that they will participate in funding the road realignment. Mr. Jordan indicated that the traffic that will be generated by the proposed mini-storage and towing is not enough to force the improvements, but that probably the next development proposed near the intersection will raise traffic counts to a point where the realignment will be necessary. The next developer would also be responsible for contributing to the costs of realigning the intersection. ODOT and the County Public Works Director have submitted letters regarding the road improvements, which are attached to this report. ODOT has also suggested conditions be added if this zone change is approved. Staff is also somewhat concerned about approving a site plan and allowing the construction of storage buildings when the exact location of the road realignment has not been determined.

- 5.4 One change that has occurred in the vicinity which supports the requested zone change is the construction of the federal prison and sewage treatment plant. This led to a large area to the south of the subject parcel being added to the city limits, isolating the subject parcel between the city limits and highway. There is a five acre parcel with a residence which is adjacent to the east and that is not being farmed. This intervening parcel prevents the subject parcel from being farmed in conjunction with the large agricultural parcels further to the east.
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).
- 6.1 There is no vacant LI-zoned land in the vicinity. There are vacant parcels zoned LI along Highway 99W near Whiteson, Dundee and Newberg. However, the applicant indicates that the towing business provides service to the area between McMinnville and Fort Hill, so none of these other parcels are close enough to provide adequate response time when a tow truck is needed. There is an area on the west side of Willamina, inside the city limits, that is zoned for industrial uses, and a number of parcels adjacent to and including the Sheridan airport that are inside the UGB and are Plan designated for industrial uses. Staff is unaware of whether any of this land is currently available. However, these sites are not as well-suited for the towing business as the subject property because they are not adjacent to the highway, so the response time for a tow truck to respond to a call would be greater. A rapid response when an accident or stalled vehicle is impeding traffic on Highways 18 and 22 is important, especially on weekends, in order to avoid long traffic back-ups. The parcels inside the

Sheridan UGB are not currently zoned for industrial use, so it would be necessary to either annex the property into the city or receive approval for a zone change in order to allow the uses proposed by the applicant.

7. Exception requirements, criterion (E), are addressed in section C of these findings..

**C. Goal Exception Requirements and Analysis**

1. The parcel is currently protected as agricultural land under Statewide Planning Goal 3. An exception to that Goal must be approved in order to rezone the parcel to LI.

2. Oregon Administrative Rule (OAR) 660-04 contains the requirements for taking goal exceptions. OAR 660-04-020 contains four factors that must be addressed when taking an exception to a goal. They are:

- (a) *Reasons justify why the state policy embodied in the applicable goals should not apply.*
- (b) *Areas which do not require a new exception cannot reasonably accommodate the use.*
- (c) *The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.*
- (d) *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

4. The Board finds as follows regarding OAR 660-04-020 (a). Regarding factor (a), OAR 660-04-022 states that the reasons justifying why the state policy embodied in the goal should not apply include, but are not limited to, that there is a demonstrated need for the proposed use, and either: 1) a resource upon which the use is dependent can be reasonably obtained only at the exception site and the use must be located near the resource; or 2) the use has special features or qualities that necessitate its location on or near the proposed exception site. The request does not comply with 1) because auto towing and mini-storage are not related to or dependent upon any resource. However, the Board finds that the request complies with 2) because the proposed use involves the expansion of an existing towing business, and it does not make sense to locate the impound storage yard in a different location than the main towing business. The applicant states that the mini-storage business must be located on the site in order to make the development economically feasible.

5. The Board finds as follows regarding OAR 660-04-020 (b). Factor (b) was discussed previously in Finding B.6, which found that there are no other areas which can reasonably

accommodate the towing business because it needs to be located adjacent to the highway in order to provide a timely response when a tow truck is needed.

6. The Board finds as follows regarding OAR 660-04-020 (c). Regarding factor (c), there are no specific environmental or energy considerations related to locating the businesses at the proposed location. Economic considerations center on the applicant's investment and return from developing the site. There would be minimal economic benefit to citizens or to the county regardless of whether the businesses are located at this site or an alternative location because of the small scale of the businesses. There would be social consequences resulting from whether the use is at the proposed site or an alternative location. The towing impound yard may be unsightly and create some noise from tow trucks unloading vehicles. A location near a residential area could impact the residents. There are few houses in the vicinity of the Sheridan UGB area that is Plan designated Industrial. The area is also already impacted by the Taylor Lumber mill. Noise and unsightliness would not be a problem at the proposed site provided that the site design is appropriate.
7. The Board finds as follows regarding OAR 660-04-020 (d). The consideration of compatibility required by factor (d) was discussed in Finding B.5. The towing and mini-storage facility will be associated with the uses occurring on the lot to the west, and will not have an impact on the sewage plant to the south. There is the potential for impacts to the residence to the east because of increased noise and the visual appearance of the proposed uses, along with increased lighting. These potential impacts will be alleviated through site design review.
8. OAR 660-04-022(3) contains additional factors that must be addressed for taking an exception to allow industrial development on resource land outside an urban growth boundary. The rule states that reasons and facts to justify the exception include, but are not limited to, the following:
  - (a) *The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports; or*
  - (b) *The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or*
  - (c) *The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages which support the decision.*

8. The Board makes the following findings regarding OAR 660-04-022(3)(a)-(c).

The request complies with factor (c) because there is a significant comparative advantage due to the site's location next to an existing industrial site and adjacent to the highway. The approval would result in a loss of 5 acres of farmland made up of Class I soils. The applicant points out that this is a minimal loss of resource productivity since the parcel has not been farmed in a number of years and faces restraints to farming due to surrounding uses. In addition, the City of Sheridan plans to put a sewer trunk line through the parcel to connect to the sewage treatment plant, which would further limit the ability of the parcel to be farmed.

9. The Board finds that the application is also subject to and satisfies Goal 12 and the Transportation Planning Rule. OAR 660-12-060 indicates that a Plan map amendment which would significantly affect Highway 18 shall assure that the allowed land uses are consistent with the function, capacity and level of service of the highway. The map amendment would significantly affect the highway if the proposed use would reduce the level of service of the highway or result in levels of travel or access which are inconsistent with the functional classification of the highway. The applicant indicates that the proposed uses would generate an average of less than 10 trips per day. Staff contacted ODOT, who confirmed that this would not affect the level of service of the highway, and a Traffic Impact Study is not warranted.

**D. Limited Use Overlay Provisions**

1. OAR 660-04-18(3)(a) states that when a reasons exception is taken, plan and zone designations must limit uses to only those that are justified in the exception.
2. Section 904.03 of the YCZO contains provisions for limited use overlays. It states:
  - (A) *When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.*
  - (B) *The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.*
  - (C) *Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance.*
  - (D) *Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.*

3. The specific uses requested are an auto towing business and impound yard, mini-storage units and RV/boat storage, and a caretaker's residence. RV storage and mini-storage are not specifically listed as permitted uses in the LI district, but have been approved previously as Similar Uses. Section 1206.04 of the YCZO states that unlisted uses which the decision-making body has determined to be similar to the permitted uses in the underlying zoning district shall no longer require a similar use permit and shall be considered as permitted uses in the applicable zoning district. A caretaker's residence in conjunction with a permitted use is listed as a permitted use in Section 702.02(L) of the LI district. A previous Planning Director made the determination that the auto towing business was permitted because it is similar to an automobile repair garage and industrial equipment storage, which are permitted pursuant to Section 702.02(B).
4. There is no need to require conditional use approval for any of the proposed uses. The conditions of approval under the Limited Use provisions and other standards of the YCZO will assure compliance with the comprehensive plan and the ordinance..

**E. Site Design Review Criteria and Analysis**

1. Site design review is required for any development in an LI district. Section 1102.02 of the YCZO governs site design review. Review of a site development plan shall be based upon consideration of the following:
  - (1) *Characteristics of adjoining and surrounding uses;*
  - (2) *Economic factors relating to the proposed use;*
  - (3) *Traffic safety, internal circulation and parking;*
  - (4) *Provisions for adequate noise and/or visual buffering from noncompatible uses;*
  - (5) *Retention of existing natural features on site;*
  - (6) *Problems that may arise due to development within potential hazard areas.*
  - (7) *Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.*
2. Regarding criterion (1), the Board finds that in order to prevent conflicts with the residential lot to the east, the industrial site shall be fenced and any on-site lighting aimed away from the residence. Highway 18 is the adjacent land use to the north. Because of the visibility of the site from the highway, the towing impound yard shall be screened from view. The proposed site plan complies because the impound area is behind the mini-storage buildings.

3. Regarding criterion (2), the Board finds no economic factors related to the site design have been identified.
4. Regarding criterion (3), the Board finds that traffic safety issues in regards to the Highway 18 intersection with Schatz Road and Loganberry Lane were outlined in Finding B.6. In order to allow adequate area for the road realignment, all buildings and other development should be located on the rear of the parcel. ODOT owns a 175' wide parcel between the subject lot and the highway. It may be feasible to locate the realigned roads entirely on the ODOT parcel, but since final plans have not been completed, it would be advisable to prohibit development on the northern 100' of the subject lot. This will be made a condition of approval. The site plan as submitted does not contain adequate dimensional information and is not to scale, so it is unclear if the plan complies with this condition. Submittal of a more detailed plan showing distances to property lines of all structures will be required prior to obtaining building permits.
5. Regarding criterion (4), the only adjacent use with which the industrial uses may be incompatible is the residence on the parcel to the east. Fencing of the common property line should be provided, and all lighting should be directed away from the residence. The towing and impound area are proposed to be located on the west side of the subject parcel, which will minimize impacts from noise and unsightliness.
6. Regarding consideration (5), the Board finds that there are no significant natural features on the site.
7. Regarding consideration (6), the Board finds that the entire parcel is within the 100 year floodplain. FIRM map 410249 panel 0434C shows that the base flood elevation ranges from 181.5 feet above sea level in the southeast corner of the parcel to slightly more than 183 feet at the northwest corner. The application includes information from a registered surveyor that the ground elevation of the site is 182.4 feet. A condition of approval will require that the lowest floor of all buildings be constructed to at least 183 feet, and that a disclaimer be included in all rental contracts notifying renters that the area may be subject to flooding.
8. Regarding criterion (7) above, the Board finds that no comments have been received from surrounding property owners.
9. The landscaping shown on the site plan submitted with the application does not comply with the requirements of Section 1010 of the YCZO. A detailed plan, showing type and location of all vegetation to be planted and method of irrigation must be approved by the Planning Director prior to any site development.

#### **CONCLUSIONS FOR APPROVAL:**

1. The request is for a Plan amendment from AFLH Agriculture Forestry Large Holding to I Industrial and a zone change from EF-80 to LI Light Industrial, including taking a "reasons"

exception, and site design review to allow an auto towing business, mini-storage and RV storage, and a caretaker's residence.

2. The request complies with the approval criteria for a zone change in Section 1208.02 of the YCZO because there is a need for a towing business and mini-storage facility near Sheridan, and the proposed industrial area is compatible with the surrounding land use pattern.
3. Reasons justify why a goal exception should be taken. The environmental, economic, social and energy consequences of locating the uses at the proposed site are not more adverse than if the businesses were located elsewhere, and the proposed businesses can be made compatible with surrounding uses. The goal exception will result in a minimal loss of resource land because the parcel cannot reasonably be farmed.
4. A Limited Use overlay is required to limit uses to those justified by the goal exception.
5. The site plan and building drawings as submitted comply with standards for site design review, but a landscaping plan will need to be submitted and approved by the Planning Director prior to any site development.

#### **DECISION:**

Based on the above findings, analysis and conclusions, the request by Leon Hays for a plan amendment, zone change, goal exception and site design review to allow a towing business, 86-unit mini-storage, RV and boat storage and caretaker's residence on Tax Lot 5636-2700, is approved, subject to the following conditions:

1. A Limited Use Overlay shall be applied to limit uses allowed on the to auto towing and storage of impounded vehicles, mini-storage, RV and boat storage, and a caretaker's residence. A new exception must be taken prior to any other use being established.
2. All necessary building, septic, electrical and plumbing permits shall be obtained prior to beginning construction.
3. No buildings or other development shall occur on the northern 100 feet of the parcel until plans for the realignment of Schatz Road and Loganberry Lane have been finalized by the county and ODOT, or until such time as both the County Public Works Director and ODOT sign a written waiver of this condition.
4. The developer shall participate in the construction of improvements necessary to realign the intersections of Schatz Road and Loganberry Lane with Highway 18. Participation shall include either:
  - a. The developer shall provide funding, on a fair-share basis, for the improvements identified in ODOT's conceptual plan; or

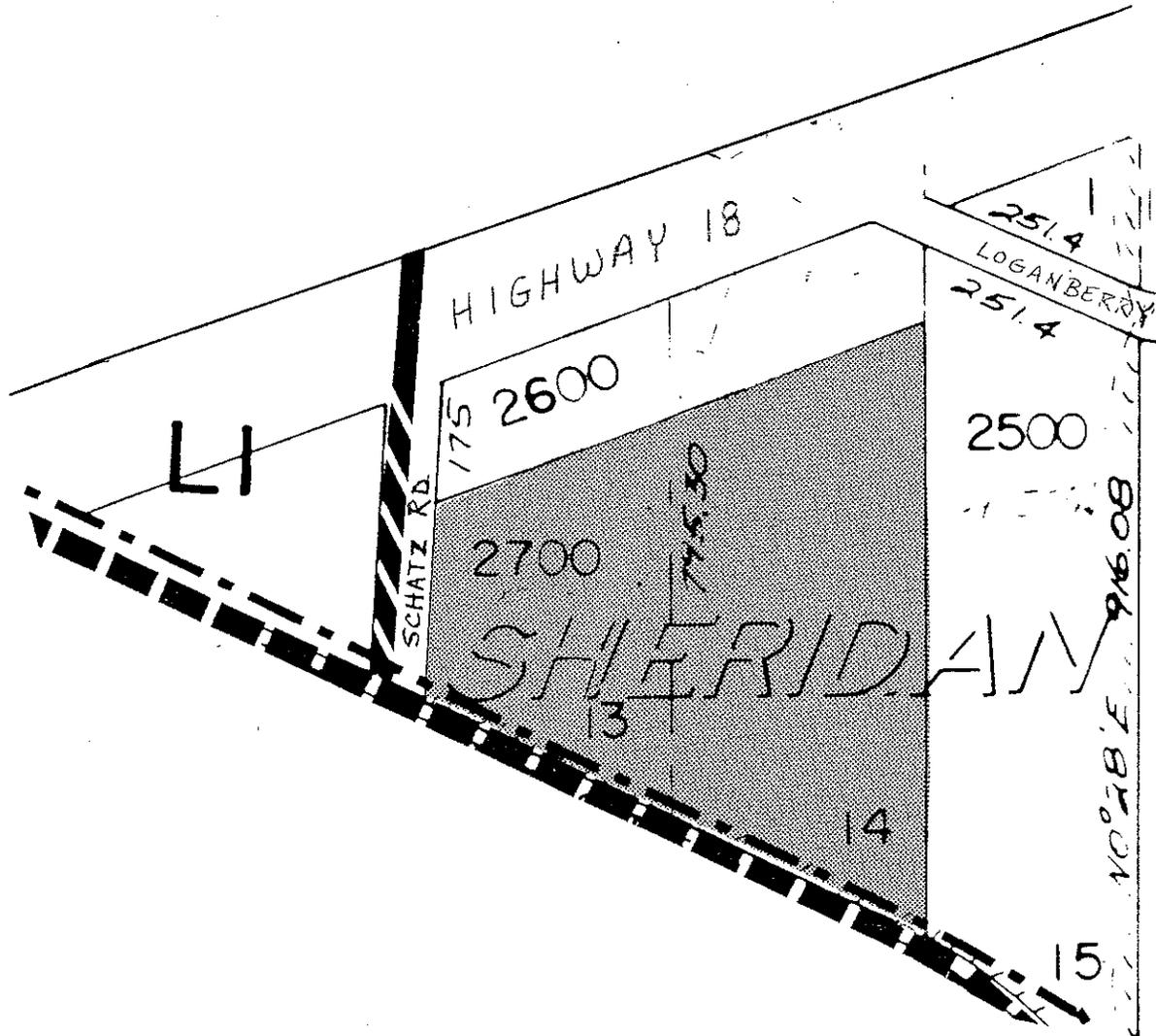
- b. In lieu of contributing to the cost of the improvements, the developer shall dedicate the right-of-way on his property necessary for the realignment of the streets and intersections at no cost to the appropriate government entity (Yamhill County or City of Sheridan).
- 5. The auto towing business shall be located entirely on Tax Lot 5636-2700 unless site design review approval is obtained to operate the business on Tax Lot 5635-400.
- 6. The vehicle impound storage yard shall be screened from view of the highway and the residences on Tax Lot 5635-2500. Screening may be in the form of mini-storage units or sight-obscuring fencing.
- 7. No business shall be permitted to operate out of the mini-storage facility.
- 8. All lighting shall be hooded and directed on-site.
- 9. The developer shall submit a detailed landscaping plan and obtain Planning Director's approval prior to issuance of building permits. The landscape plan shall show the size and location of all areas to be landscaped; shall describe the size, spacing, location and type of all vegetation to be planted; and indicate the method and layout of the irrigation system that will be provided to maintain the landscaping. Landscaping shall be provided in an area at least 10 feet in depth along the northern property line. Landscaping shall either be completed prior to issuance of building permits, or the developer shall post a surety bond or provide other financial assurances equal to 200% of the estimated cost of materials and installation, after approval of the estimate by the Planning Director.
- 10. All buildings shall be constructed so that the lowest floor level is at 183 feet above sea level or higher. The rental contracts for the mini-storage units and RV/boat storage shall contain a statement that the storage facility is within the 100-year floodplain and that Yamhill County shall not be liable for any damages that may occur in the event of flooding.
- 11. The eastern and southern property lines, the impound lot, and all areas where RVs or boats will be stored shall be fenced. Fencing shall be 6 foot high chain-link or other fencing approved by the Planning Director.
- 12. Prior to obtaining building permits, the developer shall submit a copy of the site plan to the City of Sheridan for review and approval of building locations relative to the city's proposed sewer line easement.
- 13. The developer shall sign and record in the deed records of Yamhill County a Waiver of Remonstrance Agreement that the property owner and successors in interest will agree to

have the property included in the Urban Growth Boundary and annexed into the city when requested by the City of Sheridan.

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# EXHIBIT "B" FOR ORDINANCE No. 656

COMPREHENSIVE PLAN MAP AMENDMENT FROM  
AGRICULTURE/FORESTRY LARGE HOLDING TO INDUSTRIAL;  
and ZONING MAP AMENDMENT FROM  
EXCLUSIVE FARM USE DISTRICT (EF-80)  
TO LIGHT INDUSTRIAL DISTRICT, LIMITED USE OVERLAY (LI/LU)



AREA SUBJECT TO AMENDMENT:  
Tax Lot 5636-2700

Prepared by Yamhill County Department of Planning and Development

ORDINANCE 656  
Exhibit "B"