

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED  
YAMHILL COUNTY, OREGON  
96 MAY 23 AM 11:58  
CHARLES STERN  
COUNTY CLERK  
DEPUTY

In the Matter of an Ordinance Amending the )  
Yamhill County Comprehensive Plan (1974) to )  
Change the Designation from VLDR (Very Low )  
Density Residential) to Public Facility and )  
Amending the Official Zoning Map from ) ORDINANCE 609  
VLDR 2.5 (Very Low Density Residential) to PWS )  
(Public Works/Safety); Applicant Newberg Garbage )  
Service; Planning Docket PAZ-7-95; and )  
Declaring an Emergency. )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on May 22, 1996 Commissioners Robert Johnstone, Thomas E. E. Bunn, and Dennis L. Goecks, being present.

WHEREAS, on December 18, 1995 the Department of Planning and Development received an application by Newberg Garbage Service ("applicant"), Planning Docket PAZ-7-95, to change the comprehensive plan designation from Very Low Density Residential to Public Facility, and to amend the Official Zoning Map from VLDR 2.5 (Very Low Density Residential) to PWS (Public Works/Safety) on a 13.4 acre parcel known as Tax Lot 3228-1200; and

WHEREAS, on February 22, 1996 the Yamhill County Planning Commission held a public hearing to consider the application and thereafter unanimously approved the zone change and recommended to the Board of Commissioners approval of the comprehensive plan and zoning amendments; and

WHEREAS, on April 10, 1996, the Board held a public hearing on the application at which testimony and evidence was received, and that following the close of the hearing and the record, the Board deliberated and voted unanimously to tentatively approve the application for the comprehensive plan amendment and zone change and directed staff to prepare an ordinance and findings in support of approval; 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, Plan Map, and Official Zoning Map of Yamhill County and the taking of an exception to Statewide Land Use Planning Goals 3, 4 and 10 to the extent an exception to the Statewide Planning Goals is required, 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:

INDEXED

B.O. 96-331

Section 1. The Yamhill County Comprehensive Plan and Plan Map (1974) are hereby amended as specified in the attached Exhibit "B", made part of this ordinance by reference, to reflect a plan designation of "Public Facility" described and shown in Exhibit "B".

Section 2. In adopting the plan amendment specified in this ordinance, to the extent that an exception to Statewide Planning Goals 3, 4, and 10 are required, the County hereby takes an exception to Statewide Planning Goals 3, 4, and 10.

Section 3. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B" to reflect a zoning designation of "PWS Public Works/Safety District".

Section 4. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 5. 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 22nd day of May, 1996.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

Robert Johnstone  
Chairman ROBERT JOHNSTONE

By: Carol Ann White  
Deputy CAROL ANN WHITE  
Thomas E. E. Bunn  
Commissioner THOMAS E. E. BUNN

FORM APPROVED BY:

John C. Pinkstaff  
JOHN C. PINKSTAFF  
Assistant County Counsel

Dennis L. Goecks  
Commissioner DENNIS L. GOECKS

**PLANNING COMMISSION REFERRAL: March 7, 1996**

**PRELIMINARY APPROVAL BY BOARD OF COMMISSIONERS: May 1, 1996**

**ADOPTION OF ORDINANCE BY BOARD OF COMMISSIONERS: May 22, 1996**

**DOCKET:** PAZ-7-95

**REQUEST:** Comprehensive Plan amendment from Very Low Density Residential to Public Facility and a zone change from VLDR 2.5 Very Low Density Residential to PWS Public Works/Safety District

**APPLICANT:** Newberg Garbage Service

**TAX LOT:** 3228-1200

**LOCATION:** Southwest of the intersection of Wyooski Road and the St. Paul Highway

**REVIEW CRITERIA:** Sections 502, 802, and 1208 of the Yamhill County Zoning Ordinance and Oregon Administrative Rules sections 660-04 and 660-12

**FINDINGS:**

**A. Background Facts:**

1. Property size: 13.4 acres
2. Access: Wyooski Road
3. On-site Land Use: There is an existing single family dwelling located near the southeast corner of the property. The north end of the property has been leveled and prepared for expansion of the transfer station. The southern end of the property slopes off steeply into a ravine.
4. Surrounding Land Use: Property to the north of the subject property is inside the Newberg city limits. Property further to the north contains rural residential uses. Land to the south and east contains rural residential and small farm uses. The adjacent parcel to the west contains the Newberg Transfer Station. Property further to the east contains a mixture of rural residential and heavy industrial uses.

5. Surrounding Zoning: Land north of the subject property is inside the Newberg city limits and is zoned M-2 Light Industrial District. Lands to the south and east are zoned AF-20 Agriculture/Forestry. Property to the west is zoned PWS Public Works\Safety. Lands further to the west are a mixture of VLDR 2.5 Very Low Density Residential 2.5 and HI Heavy Industrial.
6. Soils: Sheet 22 of the Yamhill County Soil Survey indicates the area of the proposed zone change and conditional use is composed of the following soils:

<u>Soil Type (Symbol)</u>	<u>% Slope</u>	<u>% of Property</u>	<u>Ag Class</u>
Woodburn (WuB) Terrace	0-7	35	II
Escarpments (Te)	---	35	VI
Aloha (Ah)	0-3	25	II
Amity (Am)	0-2	5	II

7. Fire Protection: Newberg Rural Fire District
8. Taxes: Tract Land.
9. Previous Actions: Docket L-33-94 allowed a lot line adjustment between the subject property and the adjacent transfer and recycling station. The neighboring property, tax lot 3228-1700, contains the existing transfer and recycling station. The following are the docket items that have been approved on this parcel. Docket PA-127-83/Z-239-83 approved a Plan amendment and zone change from VLDR 2.5 to PWS. Docket SDR-3-83 approved a site design review for the Newberg Garbage Service's existing facility. Docket SDR-10-95 approved a site design review for the addition of a 60x100' maintenance building on Newberg Garbage Service's existing facility.
10. Other Factors: FIRM map 410249 0187 shows none of the property is within the 100-year floodplain. July 19, 1995 this property was designated as part of Newberg's Urban Reserve Area (URA).

**B . Transportation Planning Rule**

1. OAR 660, Division 12, is the "Transportation Planning Rule." Certain land-use actions are subject to provisions of the rule. OAR 660-12-060 states:
  - (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 planned function, capacity and level of service of the transportation facility;

- (b) Amending the TSP 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.
- (3) Determinations under subsection (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local or state governments.
2. The applicant has provided a study prepared by Kittelson and Associates regarding a traffic impact analysis. The study was prepared to discuss the impact of the Newberg Fuel Company facility on Wyooski Road. The study examines the level of service on Wyooski Road, Sandoz Road and Highway 219. This study was sent to the Oregon Department of Transportation and the Yamhill County Public Works Department for referral and both agencies indicated they found no conflicts.
3. The Board finds that the application satisfies OAR 660, Division 12, the "Transportation Planning Rule," particularly the provisions of OAR 660-12-060.

**C. Zone Change and Plan Amendment Provisions and Analysis**

- 1. This request is for a zone change from VLDR 2.5 Very Low Density Residential to PWS Public Works/Safety and Plan amendment to Public Facilities for 13.42 acres, in order to allow expansion of the Newberg Transfer Station.
- 2. The zone change portion of the request must comply with the standards and criteria in YCZO Section 1208.02, which provides as follows:
  - "A. *That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.*

- "B. *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.*
- "C. *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.*
- "D. *That other lands in the county already designated for the proposed use are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors.*
- "E. *That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

The findings regarding these criteria are provided in subsections C.3 through C.7 below.

- 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 1208.03 A as follows.
  - 3.1 Regarding applicable Comprehensive Plan goals and policies, criteria (a) above, there are several references in the *Yamhill County Comprehensive Plan* to solid waste and recycling facilities. Section IV.A. Public Facilities and Services notes in the summary that, "Recycling of solid waste materials conserves natural resources and energy. Goal Statement 1 of this section directs the county:
    - "To develop a timely, orderly and efficient arrangement of public services and facilities to serve as a framework for urban and rural development, including public lands and buildings, parks and recreation areas and facilities, schools, police and fire protection, domestic water supply, sanitary and storm sewerage and other drainage facilities, and power, gas and telephone services."
  - 3.2 Policy statement 1 of this goal states:
    - "Yamhill County will encourage and cooperate with regional solid waste management programs in scale with the county's needs and subject to equitable cost sharing arrangements for each of the services and facilities developed on a regional basis."
  - 3.3 Section V A. Air, Water and land Resource Quality, Policy e of Goal 1 is:

"In order to maintain and improve the quality of the county's air, water and land resources, Yamhill County will seek to minimize irreversible and other long-term impacts in its development of energy resource; support efforts, where feasible, for the appropriate and efficient recovery of energy as a means to reduce waste problems; and encourage a program to recover and recycle used motor oil."

3.4 Section VI Energy Conservation Policy k states:

"Yamhill county will encourage programs for resource recovery and recycling of solid wastes."

3.5 The Goals and Policies cited above direct the county to encourage the type of use proposed by the applicant. In accomplishing these goals, the county must also be sensitive to the concerns of Newberg. Section V Goal Statement 2 directs the county to:

"To preserve and enhance the charm and amenity values of the county, while accommodating change, through ensuring harmony between urban development and the natural environment, at the same time cultivating more attractive urban environments in which to live, work and play."

3.6 To assure that the development satisfies this Goal, a Site Design Review Process would be required.

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 use, criteria (b), the applicant stated:

"The expansion that is occurring at Newberg Garbage is justified and necessary from several standpoints. First, it is needed to meet the DEQ's requirements for growth of recycling in Yamhill County. "

"In an effort to meet the mandated DEQ recycling percentages and expand recycling opportunities for area residents, the company plans to relocate the existing depots to company property as part of the proposed use of the expansion site. The site will provide the needed land area to add scrap paper and bottle neck plastics to the present recycling efforts. The new depot will continue to recycle newsprint, cardboard, food cans, milk jugs, magazines, glass bottles, aluminum and motor oil."

"...Second, this change is needed to meet the logical growth of recycling and garbage services for the City of Newberg and east Yamhill County. The City of Newberg's population has grown approximately 34 percent since the transfer and recycling facilities were placed at the current location in 1985. During that same period of time the population in Yamhill County has grown approximately 30 percent. This growth

creates a logical and reasonable need for expansion of the facility. Combined with the DEQ request for recycle increases and the need for staff monitored recycling it is clear that the expansion to this site of the type proposed is not only logical but is in fact necessary and the least cost alternative."

- 4.2 The Department of Environmental Quality regulations the applicant is referring to were contained in Senate Bill 1089. The bill allows the Yamhill watershed to avoid penalties if it achieves a 30 percent recovery rate during 1996. ORS 459A.010(1) requires that by January 1, 2000, the amount of recovery from the general solid waste stream shall be at least 50 percent.
- 4.3 Regarding the availability and location of other lands so zoned and their suitability for the uses allowed by the zone the applicant attached a list of other similarly zoned property. Many of these parcels have existing uses located on them. The applicant states there is no property available that would be suitable for expansion or relocation of the facility in either the city or the county, but did not give specific reasons for each parcel.
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 applicant discusses in various sections of their application the appropriateness of the request. Regarding the surrounding land uses, the applicant states on page 16, "The property is near other industrial and public facility sites, such as Smurfit Newsprint and the City of Newberg wastewater treatment facility..." They then list interactions the company has with other industrial uses in the area. They then state on page 17, "This interaction makes the current location of Newberg Garbage Services and its expansion there of particular importance in cost saving and traffic reduction in the Newberg area." These statements are true. Much of the property north and west of this site, both in the county and city, is zoned for light and heavy industrial uses. As indicated in Finding A.5 the property immediately north of the subject parcel is in the city limits and zoned M-2 Light Industrial District.
- 5.2 The Newberg City Council passed a resolution November 6, 1995 that is included as Exhibit I, and which states that the city opposes rezoning or other land use request that would allow for more intense use of the property east of the existing transfer station. In this resolution the City advised that the development may adversely impact the City's 1) roadway and transportation system; 2) adjacent land uses; 3) future extension of water and sewer services; and 4) the aesthetic desirability. However, the City subsequently appeared before the Board and informed the Board that the City had reached an agreement with the applicant regarding the city's concerns and that the City was withdrawing their objections based on applicant's agreement to make certain street and other site improvements. Therefore, the Board finds that the issues raised by the City have been withdrawn and are no longer required to be considered.

- 5.3 On the other hand, the Board finds that even if the issues previously raised by the City were required to be considered, the Board is persuaded that the evidence previously submitted by the city did not undermine the substantial evidence in the record 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. Regarding the first concern, the Board agrees with the applicant evidence that the road providing access to the site has been constructed to accommodate a load of 3,100 vehicles per day and is therefore adequate for the proposed use. The applicants have also submitted a traffic report that discusses the intersections and traffic flow in this area. The second concern is discussed in the paragraph 5.1 of this finding. Regarding the third concern, the applicant indicates that the existing water line would not be moved or modified. The sewer line for the area has not been installed. Their fourth concern, aesthetic desirability, is adequately addressed by the site design review process. When construction of the transfer station will require approval of a site design review. The site design review will likely result in requirements for certain site improvements, including landscaping or screening of adjacent uses, and these requirements will assure compliance with this approval criteria.
6. The Board finds that other lands in the county already designated for the proposed use 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. The availability of other lands in the county which would allow the proposed uses was discussed in Finding C.4 above.
7. The Board finds that the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable. The OAR requirements for an exception are addressed in Section D of this report.

**D. Oregon Administrative Rules - Exceptions**

1. An exception from the statewide agricultural goal was finally approved by Yamhill County in 1982 that plan designated and zoned the property for rural residential use. Therefore, the Board finds that an exception to the agricultural goal is not necessary.
2. The Board finds that even if an exception to the agricultural goal were required, that the proposed use justifies a "reasons" exception under ORS 197.732(1)(c) and OAR 660-04-020 and 022.
- 2.1 The applicant has satisfied the requirements of OAR 660-04-022, namely that there is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19. the subject site is in rural residential zoning and has one home on the corner of the property. The site was part of an area earlier excepted from resource use, agriculture and forest, through the county wide exception process, for rural residential use. The proposed use for a waste transfer recycling and storage. The site is in an area that has been in transition form rural residential to industrial and public works use since 1984. In the early 1980's the county approved plan and zoning designations on adjacent and adjoining land to allow heavy industrial and

public works type uses. An Application by Publishers Paper (Smurfit Newsprint) to rezone Tax Lot 3229-600, from Rural Residential VLDR 2-1/2 to Public Facilities, Public Works Safety, was approved for the operation of the Newberg Garbage Service and Newberg Transfer and Recycling Center franchised solid waste collection, disposal and recycling operations immediately adjacent to this site. A conditional use approval authorized the siting and construction of the Newberg Wastewater Treatment Plant (WWTP) in the mid-1980's. By the end of the decade lands adjoining the WWTP were included within the Newberg UGB and designated for industrial uses. Tax lots 3228-1500 and 3229-200 were later zoned M-2 for light industrial use by the property owners.

- 2.2 Early in 1990 Yamhill County realigned and reconstructed Wynooski road to accommodate heavy industrial traffic to the Smurfit pulp and paper mill, the Newberg Transfer and Recycling Center and other potential heavy industrial uses anticipated in the area. The improvements were partially financed with Federal Assistance Secondary (FAS) funds for roadway improvements. Wynooski Road is considered to be a primary heavy industrial access into the city, with the exception of the primary and secondary state arterials, state highways 99W and 219, serving the Newberg community. The area, and site have direct access to highway 219 and 99W. The highway network provides the site with access to the south, east and west in order to maximize the ease of its transfer operations and the access for recycling.
- 2.3 The Newberg Comprehensive Plan deems properties in proximity to the Smurfit Mill as suitable for heavy industrial development which would also deem this type of use appropriate.
- 2.4 There is one residence with exceptions code area 1.10 that is directly affected or potentially impacted, namely tax lot 3228-1220, which is the property which Newberg Garbage wishes to expand onto. The house will not be adversely affected by the zone change, and residents indicated on Tax lot 3229-400, 500, and 600 were owned by Smurfit and were razed over the past six years. Residents in the area have recognized that the emergence and growth of industrial activity in the vicinity is not conducive to rural or urban residential occupancies. Private ownerships are being marketed as potential industrial property. The City of Newberg has included the land with its Urban Area Reserve (URA), which means it will be included in the UGB sometime in the future.
- 2.5 The Department of Environmental Quality (DEQ) Solid Waste Management Program has favors the concept of waste reduction as a top statewide solid waste management priority. The activity proposed will enhance waste reduction through the recycling. The proposal is consistent with the Statewide Solid Waste Management Plan, which embraces the waste reduction policies in the Yamhill county solid waste Management Plan waste reduction policies. No areas exist within the existing UGB that allow this activity as an outright use. Because the franchise agreement is site specific, Newberg Transfer and Recycling Center, Inc. will request the county for an amendment to its franchise agreement.

- 2.6 The current DEQ permit, issued to the year 2005, requires annual reporting to DEQ. This reporting will continue. The DEQ transfer site permit also requires that a location be provided for source separated recycling. The expanded depot which is proposed will continue to meet this requirement. DEQ also requires that a separate report be made to the county with regard to recyclable, and this will continue to be done.
- 2.7. The Board finds that areas within the existing UGB that are designated for Industrial use have been evaluated and found to be inappropriate for the proposed use due to size limitation, industrial access limitations, proximity to residential or other incompatible land uses, existing industrial occupancy or regulatory limitations upon use.
- 2.8 The Board agrees with the applicants analysis of the long term economic, social, environmental and energy consequences that could result as stated at pages 28-31 of applicant's supporting materials. (Ex 1.)
3. Goal 10 (Housing), and the 1995 edition of Oregon's Statewide Planning Goals and Guidelines lists Goal 10 as, "To provide for the housing needs of citizens of the state." The goal directs that buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. The definition of buildable lands refers to lands in urban and urbanizable areas that are suitable, available and necessary for residential use. Urbanizable land is defined as those lands within the urban growth boundary and satisfy certain guidelines. The Statewide Planning Goals and Guidelines do not mention the Urban Reserve Area. Since the property is not within Newberg's Urban Growth Boundary, an exception to Goal 10 may not be needed. If it is required, the applicant has provided justification on pages 22 through 33 of the application, and based thereon, the Board finds that applicants have satisfied the requirements for obtaining an exception to Goal 10,

#### **E. Newberg Urban Reserve Rule - Criteria and Analysis**

The City of Newberg raised a concern as to whether this application should be sent for recommendation to the Newberg Urban Area Management Commission (NUAMC). As noted in Finding A.10, this property was included as part of the area designated in Newberg's Urban Reserve Area. The interim agreement signed by Yamhill County and the City of Newberg states, "Any development within the URA requires review by the City of Newberg in accordance with the policies in this plan and a joint agreement adopted by the City of Newberg and Yamhill County called the *Newberg Urban Area Growth Management Agreement*." The agreement outlines the processing of Comprehensive Plan amendments and Zone change applications. Outside of Newberg's UGB but within their "Area of Influence" amendments shall be processed by Yamhill County and shall be referred to the City of Newberg for a recommendation.

Melvin Lucas, from The Department of Land Conservation and Development submitted a letter regarding this issue dated March 19, 1996. In the letter he states, "Although Yamhill County and Newberg have not mutually adopted an (final) agreement to

implement the program for the established Urban Reserve Area, the intent of OAR 660-21-040(3) states that once the Urban Reserve Area has been mutually adopted there are to be no rezonings within the area that allow more intensive uses." The agreement that Mr. Lucas is talking about is the final agreement to be mutually adopted by the city and county. The final agreement will outline how the city and county will coordinate their planning efforts in the Urban Reserve Area (URA). This final agreement is required to have language that complies with the administrative rule that Mr. Lucas has cited. However, since that final agreement has not been adopted, the interim agreement is what is used to guide decisions in the URA. As discussed above, the interim agreement states land use decisions outside of Newberg's UGB shall be processed by the county and referred to the city for a recommendation.

However, as stated in C.5 above, the City has withdrawn its objection to this application, based upon a settlement agreement with the applicant under which applicant will complete certain improvements, and therefore, the URA area issue has been resolved.

F. Limited Use Overlay District

Section 904.03 of the *Yamhill County Zoning Ordinance* allows the placement of a limited use overlay to be placed on plan amendments. Section 904.03 states:

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.

Since the request and evaluation of this application deals with the expansion of a transfer station, other uses allowed by the PWS Public Works/Safety District may not be appropriate. Therefore as part of this approval a limited use overlay will be required to limit the use of the property to a transfer station. Any other use allowed by the PWS zone will require amendment to the overlay zone and taking of an exception pursuant to OAR 660-04.

**CONCLUSIONS FOR APPROVAL:**

1. The request is for a Comprehensive Plan amendment from Very Low Density Residential to Public Facility and a zone change from VLDR 2.5 Very Low Density Residential to PWS Public Works/Safety District.
2. The subject parcel is adjacent to the existing transfer station which the applicant wishes to expand.
3. The request is appropriate with the goals and policies of the *Yamhill County Comprehensive Plan*.
4. The request is consistent with the zone change criteria of Section 1208 of the *Yamhill County Zoning Ordinance*.

5. With an approved Site Design Review, the request can be made compatible with existing urban and rural uses, including but not limited to an additional condition that the site design review include adequate screening in order to buffer the site from residential areas.
6. Since the request and evaluation of this application deals with the expansion of a transfer station, other uses allowed by the PWS Public Works/Safety District may not be appropriate, and therefore as part of this approval a limited use overlay will be required to limit the use of the property to a transfer station. Any other use allowed by the PWS zone will require amendment to the overlay zone and taking of an exception pursuant to OAR 660-04.

**DECISION:**

Based on the findings and conclusions, the request by Newberg Garbage Service for a Comprehensive Plan amendment from Very Low Density Residential to Public Facility and a zone change from VLDR 2.5 Very Low Density Residential to PWS Public Works/Safety District on tax lot 3228-1200 is hereby approved, subject to a limited use overlay zone limiting the use of the property to a transfer station, subject to the following conditions:

1. Prior to any development of the property, the applicant shall receive site design approval, including adequate screening to buffer the site from residential areas, pursuant to Section 1101 of the Yamhill County Zoning Ordinance.

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