

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

94-809

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 and)
 Zoning Map to Change, on a 4.5)
 acre parcel known as Tax Lot)
 4318-801, the Plan Map)
 Designation From Agriculture/)
 Forestry Small Holding to Heavy)
 Industrial and the Zone Map)
 Designation from AF-10 to HI Heavy)
 Industrial; Approving Site Design)
 Review on Tax Lots 4318-801 and)
 4318-900; Planning Dockets)
 PAZ-6-94 and SDR-11-94; Applicant)
 Dayton Meat Co.; Declaring)
 an Emergency.)

ORDINANCE 584

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board"), sat for the transaction of county business in regular session on December 7, 1994 commissioners Dennis L. Goecks, Ted Lopuszynski and Debi Owens being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Dayton Meat Company ("Applicant") has applied to the Department of Planning and Development for a Comprehensive Plan Map amendment from Agriculture/Forestry Small Holding to Heavy Industrial and a zone map amendment from AF-10 to HI Heavy Industrial on a 4.5 acre parcel known as Tax Lot 4318-801. Tax Lot 4318-801 is adjacent to property owned by the applicant that is zoned HI Heavy Industrial and known as Tax Lot 4318-900. The application seeks site design review on both tax lots.

B. On November 3, 1994 the Yamhill County Planning Commission held a public hearing to consider the application and thereafter voted unanimously to recommend approval of the application.

C. On November 30, 1994 the Board held a public hearing on the application and voted unanimously to approve the application.

D. The findings and conclusions attached hereto as Exhibit "A" and by this reference incorporated herein provide a justification for the Board's action of November 30, 1994 including the taking of an exception to Statewide Land Use Planning Goal 14.

E. The attached Exhibit "A" demonstrates that the proposed amendment to the Yamhill County Comprehensive Plan Map and the

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Official Zoning Map of Yamhill County are 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 Map is hereby amended as specified in the attached Exhibit "B", made a part of this ordinance by reference, to reflect a plan map designation of "Heavy Industrial" for the 4.5 acre parcel known as Tax Lot 4318-801 and identified on Exhibit "B".

Section 2. In adopting the Plan amendment specified in Section 1, the county hereby takes an exception to Statewide Planning Goal 14.

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 HI Heavy Industrial on the 4.5 acre parcel known as Tax Lot 4318-801 and identified on Exhibit "B".

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

Section 5. The site design review application as submitted is approved for Tax Lots 4318-801 and 4318-900 subject to the conditions stated on page 5 of Exhibit "A" to 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 7th day of December, 1994.

ATTEST

CHARLES STERN
County Clerk

YAMHILL COUNTY BOARD OF COMMISSIONERS

Dennis L. Goecks

Chairman DENNIS L. GOECKS

By: *Jaynie Mitchell*
Deputy JAYNIE MITCHELL

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Debi Owens
Commissioner DEBI OWENS

EXHIBIT "A"
Ordinance 584
Findings for Approval

PLANNING COMMISSION HEARING: November 3, 1994

BOARD HEARING: November 30, 1994

FINAL ORDINANCE ADOPTION: December 7, 1994

DOCKET NOS.: PAZ-6-94 and SDR-11-94

REQUEST: For a comprehensive plan amendment and zone change from Agriculture/Forestry Small Holding plan designation and AF-10, Agriculture/Forestry zone, to a Heavy Industrial plan and HI Heavy Industrial zone designation. The request also includes a Site Design Review to allow expansion of the existing meat processing plant.

APPLICANT: Dayton Meat Co.

TAX LOTS: 4318-801 and 900

LOCATION: 13245 SE Fletcher Rd, Dayton, OR 97114

REVIEW CRITERIA: Sections 1208.02 and 1101 of the Yamhill County Zoning Ordinance; Yamhill County Comprehensive Plan; Oregon Administrative Rules.

FINDINGS FOR APPROVAL:

A. Background Facts

1. **Property size:** Total of 13.7 acres, of which 9.2 acres (Tax Lot 4318-900) is currently zoned HI and 4.5 acres (Tax Lot 4318-801) is proposed for the plan amendment and zone change. The Site Design Review applies to both tax lots.
2. **Access:** Fletcher Road, a county roadway
3. **On-site Land Use:** The subject parcel (Tax Lot 4318-801) contains no building at this time. The adjacent parcel (Tax Lot 4318-900) contains an existing slaughter house and accessory buildings with paved parking and loading areas. The applicant has indicated that he has purchased the slaughter house in 1978, however the site has been utilized as a slaughter house since the 1940's. The applicant has further indicated, that he purchased the 4.5-acre parcel (Tax Lot 4318-803) in 1984 with the intention to expand his business on to the parcel. The present business activity of the company dictates an expansion of the existing buildings.
4. **Surrounding Land Use:** The surrounding area is characterized by large agricultural activities and rural residential uses on the outskirts of City of Dayton. Directly east is another parcel owned by Dayton Meat Company. This parcel is zoned AF-10 and contains a rental manufactured home. Directly west of the subject property is a parcel also zoned AF-10 and contains a residential dwelling. To the north is a steep embankment down to the floodplain of Yamhill River. There is a large agricultural field zoned EF-40 further to the north, across the river. To the south is a large orchard with an accompanying agriculturally related dwelling.

5. Surrounding Zoning: The adjacent zoning to the east and west is AF-10 Agriculture/Forestry Small Holding. The area to the south and north is all zoned EF-40 Exclusive Farm Use.
6. Soils: Sheet 27 of the Yamhill County Soil Survey indicates the property is composed predominantly of Woodburn silt loam (WuB), which is Class II agricultural soil with small inclusion of Terrace Escarpments on the downhill slope toward Yamhill River.
7. Fire Protection: Dayton Rural Fire Protection District
8. Taxes: Tax Lot 4318-900 is taxed as a commercial establishment and Tax Lot 4318-801 is in farm deferral status.
9. Previous Action: The subject parcel has been excepted as part of the 1980 Yamhill County Exception process and the Comprehensive Plan designation of Agricultural/Forestry Small Holding has been established.

B . Oregon Administrative Rule Provisions and Analysis

1. Oregon Administrative Rule (OAR) Chapter 660, Division 4, explains the requirements for taking exceptions to statewide goals. The subject property has been through the exception to the state wide goals process already in 1980 (see Finding A.9). The property is not on the county inventory of farm or forest lands, so Goals 3 and 4 do not apply.
2. The only goal issue in this application, is statewide Goal 9, dealing with Economic Development. This goal states the county is, "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and property of Oregon's citizens." This is addressed in the application in Exhibit C (page C-3). The applicant has indicated that the expansion of his business will allow him to hire 2 to 3 additional employees from the local area.

C. Ordinance Provisions and Analysis

1. Section 1204 of the Yamhill County Zoning Ordinance (YCZO) states that exceptions to statewide goals are subject only to the requirements of the Oregon Administrative Rules discussed in Section B of this report. The Plan Amendment portion of this request is not subject to local review criteria.
2. The zone change portion of the subject request must comply with the standards and criteria in YCZO Section 1208.02. These provisions are:
 - (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 3 through 7 below.

- 3. Regarding Comprehensive Plan goals and policies, the policies under Goal I.H.1 of the Plan text state that:
 - a. Heavy industrial uses with seasonal or high nuisance characteristics will be encouraged to locate or relocate only in or immediately adjacent to urban areas where all required services are available, well removed and shielded from existing or projected residential development; and conversely, that prime heavy industrial sites will be identified and protected from encroachment of other urban uses pending acquisition and development.

Although the subject property is not in an urban center, it is located next to industrially zoned parcel that has been developed for this type of industrial use since the 1940's and possibly earlier. The parcel was purchased in 1984 as an expansion area for the existing meat processing plant. An approval of the requested amendment on the subject property would concentrate industries of similar types and performance characteristics within a designated industrial area.

- 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 proposed use of the property is an expansion of the existing use on an adjacent parcel. All services are available to the existing heavy industrial operation and can be provided to the expanded site for operation of a slaughter house and an animal stock yard area. Further, since the use of the subject property as proposed is essentially an expansion of a use that has been in operation since the 1940's, and surrounding lands are planned and zoned for agricultural use, the proposed use would not be incompatible with land uses on surrounding properties.

- c. Industrial uses which are incompatible with surrounding residential or commercial development and cannot bear the cost of abating their incompatible characteristics, whether related to performance or appearance, will be encouraged to locate or relocate only within urban centers, where contact with residential development is, or will be at a minimum, and where all required services are immediately available.

Since the subject property is owned by the industrial user on adjacent land and because the proposed site is required for continued operation of the adjacent meat processing plant, approval of the requested amendment would help to ensure that a heavy industrial site is identified as such on the Comprehensive Plan and Zoning Map and, thereby, retained for industrial use.

- d. Industrial uses which are compatible with surrounding residential development and are willing to bear the cost of maintaining high performance characteristics and attractive site and building layout and design, will be encouraged to locate or relocate in designated industrial parks and that such parks and their staged development will be subject to planned unit development agreements.

Approval of the request would allow an existing industry to continue to provide and add employment and economic benefits to the Dayton area.

4. Regarding the need for the proposed change as stated in criterion (b), there is an existing, demonstrable need for the proposed change considering that the proposed land use is a required expansion for an existing industry. The applicant has indicated that the abutting slaughter house site to the west is running out of space and that, with the additional area, the slaughter house will be able to support two to three additional employees. Approval of the request would provide the company with the area needed for expansion to the existing facility.
5. Regarding criterion (c), the requested change is appropriate in that the requested amendment will allow the meat processing plant to expand their operating area to the subject property abutting the slaughter house site. The applicant has indicated that this change will increase the efficiency of their manufacturing process. There is no evident change to the neighboring area due to the fact that the business has been in existence for a very long time.
6. Regarding criterion (d), since the request is a relatively minor expansion of the facility, having a site adjacent to the existing meat processing plant is very desirable. Although there are other HI-zoned sites in the County, these sites are devoted to existing uses and, therefore, are not available for further development. Finding C.4 applies to this criterion as well.
7. Regarding criterion (e), the OAR requirements are addressed in Section B. of this report.

D. Site Design Review Criteria and Analysis

1. YCZO Section 1101.02 lists several considerations to be employed in the review of site development plans. These considerations are:
 - (a) Characteristics of adjoining and surrounding uses;
 - (b) Economic factors related to the proposed use;
 - (c) Traffic safety, internal circulation, and parking;
 - (d) Provision for adequate noise and/or visual buffering from noncompatible uses;
 - (e) Retention of existing natural features on the site;
 - (f) Problems that may arise due to development within potential hazard areas; and
 - (g) Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.
2. See Findings A.4 and A.5 of this report that describe surrounding land uses. Regarding subsection (a) above, most of the surrounding area is typical of a heavy industrial area and a farming area with some rural residential uses on larger parcels. Foster Road, a county roadway which is lightly travelled by mostly local motorist going between city of Dayton and Lafayette Road, is adjacent to the meat processing facility.

In consideration of surrounding uses, the potential effects of the proposed facility should be addressed. The primary detrimental effects identified by staff that could potentially be created are noise, smell, visibility from the road and any waste produced as part of the operation.

Regarding all these detrimental effects, the plant has been operating responsibly and with care for many years with out any harmful effects on the neighboring parcels. The expansion of the facility should not significantly increase the detrimental effects in the area.

3. No economic factors relating to the request have been identified that would lead to any modifications in the site development plan.
4. Regarding traffic safety, the proposal will have no impact as long as the existing conditions prevail.
5. Regarding (d) above, most of the detrimental effects are agricultural in nature located in an area that is predominantly agricultural in its character.
6. The only natural feature that could be potentially disturbed is the 100-year floodplain of Yamhill River. Any development in the 100-year floodplain will require a floodplain development permit. There have been no other natural features identified on the subject site that would be potentially disturbed by the project.
7. No comments of the surrounding property owners were received by this office at the time of this report.

CONCLUSIONS:

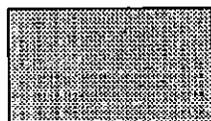
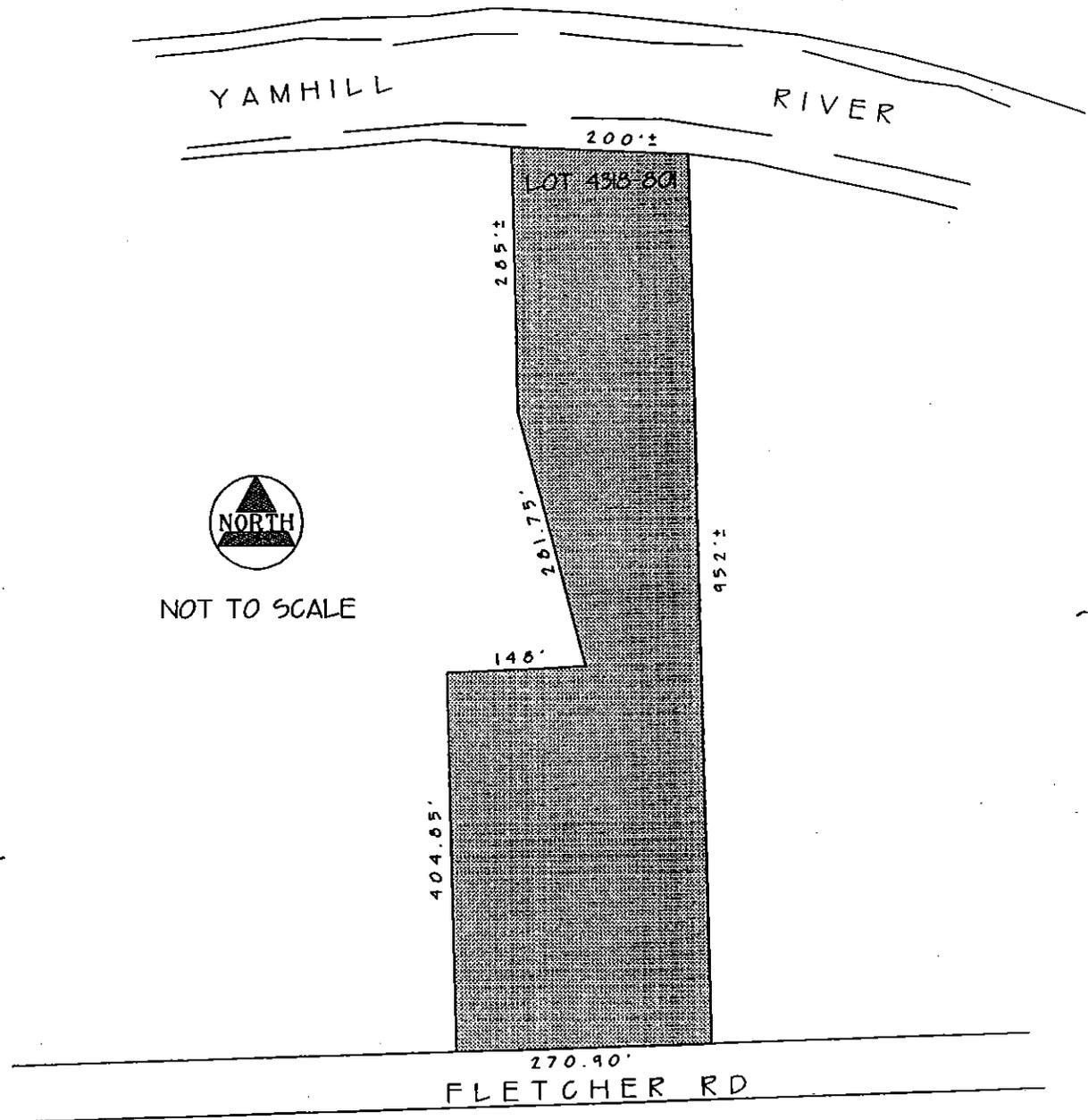
1. The request is for a comprehensive plan amendment and zone change on a 4.5-acre parcel (Tax Lot 4318-801) from Agriculture/Forestry Small Holding plan designation and AF-10, Agriculture/Forestry zone, to a Heavy Industrial plan designation HI zone and a Site Design Review to allow expansion of the existing meat processing plant.
2. This the parcel has been excepted from Goal 3 as a part of the 1980 exception process.
3. Areas that do not require a new exception cannot reasonably accommodate the use.
4. The uses allowed by the proposed change are or can be made compatible with other uses in the vicinity.
5. The request is consistent with the goals and policies of the Yamhill County Comprehensive Plan.
6. The proposed use is already in existence on the neighboring parcel.
7. With conditions, the request complies with the site design review standards in Section 1101.02 of the *Yamhill County Zoning Ordinance*.

DECISION:

As provided in the enabling ordinance, the application is approved. Site design review is subject to the following conditions:

1. The applicant shall obtain all state and local permits required for any construction on the subject parcel.
2. The development shall substantially conform to the preliminary site plan submitted with the application.
3. All industrial activities shall be confined to areas outside the flood plain, as shown on the Yamhill County zoning map.
4. Any expansion or new use on the site shall require a new site design review approval.

EXHIBIT "B" FOR ORDINANCE No. 584
COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT
TO CHANGE THE COMPREHENSIVE PLAN MAP
DESIGNATION FROM
"AGRICULTURE/FORESTRY SMALL HOLDING"
TO "HEAVY INDUSTRIAL" AND
THE ZONE FROM "AF-10" AGRICULTURE/FORESTRY SMALL HOLDING
TO "HI" HEAVY INDUSTRIAL



AREA SUBJECT TO COMPREHENSIVE
PLAN AND ZONE MAP AMENDMENT