

FILED
YAMHILL COUNTY, OREGON
1987 MAY 27 PM 4:32
CHARLES STERN
COUNTY CLERK
DEPUTY

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

INDEXED 87-270

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
to Change the Zone Designation)
on a Four Acre Portion of a)
Parcel Identified as Tax Lot)
5405-1200 from EF-40 to LI,) ORDINANCE 445
by Authorizing an Amendment)
to the Official Zoning Map of)
Yamhill County, Requested by)
Michael A. Lambert, and Declar-)
ing an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 27th day of May, 1987, sat for the transaction of county business in special session, Commissioners David E. Bishop, Ted Lopuszynski, and Donald D. Porter being present.

WHEREAS, Michael A. Lambert has applied to the Yamhill County Department of Planning and Development to change the official zoning designation from EF-40 to LI on a four acre portion of the parcel identified as Tax Lot 5405-1200, more particularly identified on the attached Exhibit "B"; and

WHEREAS, Tax Lot 5405-1200 is currently designated "Light Industrial" on the Comprehensive Plan Map; and

WHEREAS, ORS 215.110 and the Yamhill County Zoning Ordinance, No. 310, 1982, Section 1301.01(C) provides that the Planning Commission's determination to approve a zone change is final unless it is appealed to the Board, or unless the Board elects to review the decision on its own motion; and

WHEREAS, on May 7, 1987, the Yamhill County Planning Commission held a public hearing in Room 32 of the Yamhill County Courthouse to consider said application and voted 5 to 2 to allow the application; and

WHEREAS, a public hearing was held in Room 32 of the Yamhill County Courthouse on May 27, 1987, to consider an ordinance to implement the decision of the Planning Commission to allow said application; and

WHEREAS, the findings of fact and conclusionary findings for approval are sufficient to justify the approval of said application; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The official zoning map of Yamhill County shall be and hereby is amended to change the zoning designation from "EF-40" to "LI" on the four acre portion of Tax Lot 5405-1200 as more particularly identified on the attached Exhibit "B".

Section 2. The findings of fact and conclusionary findings for approval set forth in the staff memorandum of May 7, 1987, are hereby adopted in support of this action and are attached hereto as Exhibit "A".

Section 3. Any development of the four acre portion of Tax Lot 5405-1200 shall be subject to Section 1101 of the Yamhill County Zoning Ordinance, No. 310, 1982, relating to site design review process and standards.

Section 4. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage hereof.

DONE at McMinnville, Oregon this 27th day of May, 1987.

ATTEST:

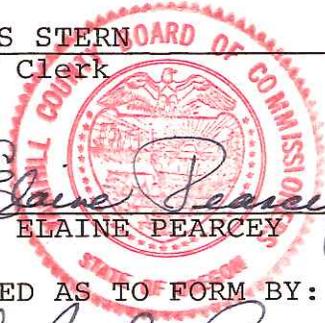
YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

By: Elaine Pearcey
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:

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



David E. Bishop
Chairman DAVID E. BISHOP

Date: May 27, 1987

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

Date: May 27, 1987

Donald D. Porter
Commissioner DONALD D. PORTER

Date: May 27, 1987

Docket: Z-2-87
Request: A zone change from EF-40 to LI for automobile sales & repair on a four (4) acre portion of a parcel that is classified as Light Industrial on the Comprehensive Plan Map.
Location: Approximately three (3) miles South of the City of McMinnville, on the East side of Hwy 99W at the intersection with Old Station Road, Tax Lot No. 5405-1200.
Applicant: Michael A., Lambert

FINDINGS OF FACT

1. The applicant has requested a zone change from EF-40 to LI on a 4 acre portion of an 18.43 acre parcel. The subject property is presently plan designated Light Industrial.
2. The subject property is undeveloped, has historically been in agricultural production and is presently planted to grain. The site is flat and is bordered by Highway 99W on the southwest and by Old Station Road on the east and north.
3. The applicant proposes to establish an automobile sales and repair business on the property (see application). Two buildings of approximately 2,000 square feet each are proposed to be established on the site (see attached plot plan).
4. The applicant previously sold vehicles at a site located approximately 1/4 mile north of the subject property, on the west side of the highway. Additionally, the applicant operated an auto repair and parts salvage business located approximately 1200 feet west of the highway. The business was authorized as a nonconforming use, however, the sale of vehicles at the intersection of Trestleview Lane and Highway 99W was determined to be a violation of County land use regulations. At the direction of the Planning Commission, the applicant was informed of the violation in November, 1986, and the applicant immediately removed the vehicles from the edge of the highway. Since that time, the applicant has been in contact with the County to verify the zoning necessary to accommodate the proposed auto sales-repair business and as a result the subject property was selected as a potential business site.
5. The subject property was excepted from applicable Statewide Goals as part of plan acknowledgement in 1979.
6. A zone change from EF-40 to LI on 15 acres of the subject property was applied for in 1978 (Z-156-78). The Planning Commission denied the request in May of 1979, primarily on the basis that no public need was shown and that no willing buyer was available to specify a proposed use. In June, 1979 the Board of Commissioners approved the zone change. Subsequently, a neighboring property owner appealed the approval of the request to the LCDC; where the Commission reversed the decision of the County. Later, the LCDC action was appealed to the Court of Appeals, and the LCDC action was affirmed. Ultimately the Supreme Court denied the petition for review and the County repealed its previous approval in 1981.
7. The subject property is in immediate proximity to PGE electric and GTE telephone service. Water and sewer are to be provided by an on-site well and septic system.

8. Zoning on surrounding properties includes EF-40/AF-20 to the north and east and LI to the south and west. Surrounding land uses include farming, rural residential, an automobile wrecking yard, an agricultural chemical operation, a steel fabrication business, an iron works operation, and a ditch digging business.
9. A review of the LI zoned sites in the County indicated that there are 2 undeveloped LI sites presently existing. However, it is not known whether these sites are for sale or available for development.
10. At this writing, no public agency comments have been received.
11. The McMinnville PAC met to consider the application on April 29, 1987; however, no quorum was present and, therefore, no recommendation could be made.

CONCLUSIONARY FINDINGS

APPROVAL

1. In that the property is plan designated Light Industrial and the proposal is to amend the zoning to LI in conformance with the existing plan designation, the request is consistent with the Comprehensive Plan. Further, the property was excepted during the process for acknowledgement of the County Comprehensive Plan; and, therefore, the requested amendment is consistent with applicable Statewide Goals.
2. The applicant has demonstrated a need for the proposed auto repair-sales business in that the business use has been ongoing and apparently operating successfully at a location 1/4 mile north of the subject property for approximately 3 years. Approval of the zone amendment would allow the applicant to relocate the existing business to an area where such a use is permitted by zoning and would remedy a previous zoning violation.
3. The proposed amendment is timely considering that the zone change to LI has been requested to accommodate the relocation of an existing business and considering the existing development in the area. Lands to the south and west are devoted to industrial type uses and approval of the requested amendment would change the zoning on the subject property to LI, consistent with other area properties. Further, the proposed use will be accommodated by existing telephone and electric services and will only require a rural level of service for water and sewer, i.e. well and septic system.
4. The subject property was selected by the applicant because of its close proximity to the existing auto repair sales business, the location on Highway 99W, the presence of other businesses in the area and the Light Industrial plan designation present on the property, and the determination by the Board of Commissioners that auto sales and repair are a permitted use in the LI District (See attached memorandum).

SITE DESIGN REVIEW

If the application is approved, development of the site must be subject to site design review.

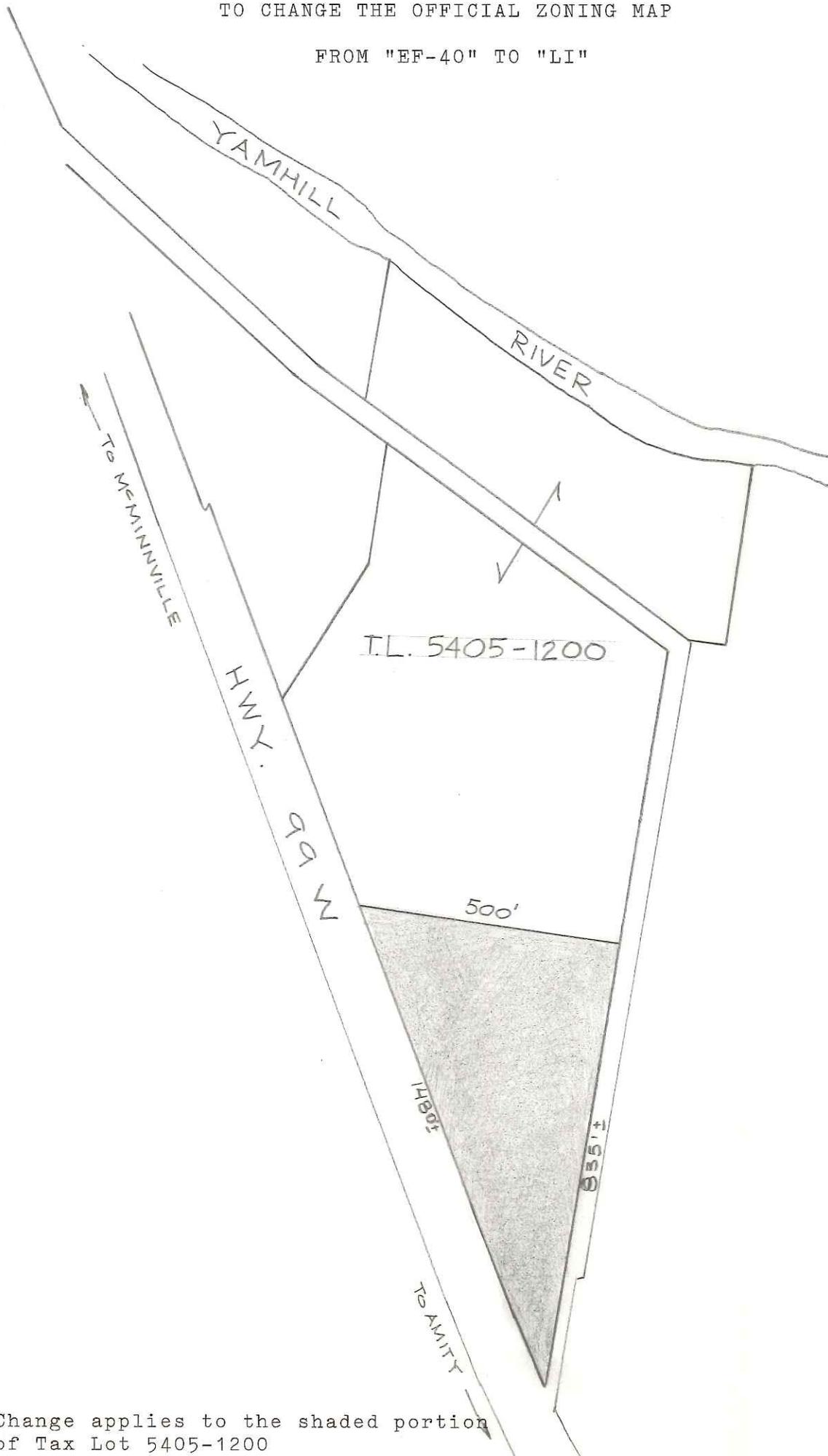
SKETCH MAP FOR OFFICIAL ZONING MAP AMENDMENT

EXHIBIT "B" FOR ORDINANCE NO.445

ZONE CHANGE ADOPTED BY THE
YAMHILL COUNTY BOARD OF COMMISSIONERS

MAY 27, 1987

TO CHANGE THE OFFICIAL ZONING MAP
FROM "EF-40" TO "LI"



Change applies to the shaded portion
of Tax Lot 5405-1200

Sketch prepared by Yamhill County Department of Planning & Development.
Exhibit "B"