

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

85-43

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
1985 JAN 31 AM 10:54

CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
to Implement Planning Commis-)
sion Resolution 85-01 and)
Authorizing an Amendment to)
the Yamhill County Comprehen-)
sive Plan Map, Ordinance No.)
62, 1974, to change the Plan)
Map Designation on Tax Lot)
5316-3000 From Very Low Den-)
sity Residential to Light)
Industrial on a Four Acre Por-)
tion of Said Tax Lot, as Re-)
quested by Adam Villanueva)

ORDINANCE NO. 399

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 30th day of January, 1985, sat for the transaction of County business in special session, Commissioners Ted Lopuszynski, Donald D. Porter, and David E. Bishop being present.

WHEREAS, Adam Villanueva has applied to Yamhill County Department of Planning and Development for amendment to the Yamhill County Comprehensive Plan Map, 1974, to change the plan map designation on a four acre portion of Tax Lot 5316-3000 from Very Low Density Residential to Light Industrial; and

WHEREAS, on the third day of January, 1985, the Yamhill County Planning Commission in Resolution 85-01 voted unanimously to recommend said amendment to the Board for the reasons set forth in said Resolution and the attached findings of fact and conclusionary findings for approval; and

WHEREAS, on the 23rd day of January, 1985, the Board held public hearing on said request and voted unanimously to amend the Yamhill County Comprehensive Plan Map, Ordinance No. 62, 1974, to change the Plan Map designation on a four acre portion of Tax Lot 5316-3000 from Very Low Density Residential to Light Industrial for the reasons set forth in the attached Exhibit "A" incorporated herein by this reference, constituting the findings of fact and conclusionary findings for approval, including the taking of an exception to the Yamhill County Resource Goal and Statewide Planning Goal 3 for the reasons set forth therein;

NOW THEREFORE, based upon and for the reasons set forth in the attached Resolution and Exhibits and the attached findings, IT IS HEREBY ORDAINED by the Yamhill County Board of Commissioners as follows:

Section 1. The Yamhill County Comprehensive Plan Map, Ordinance No. 62, 1974, be and hereby is amended to change the Plan Map designation on a four acre portion of Tax Lot 5316-3000 as more particularly described in the attached Exhibit "B" from Very Low Density Residential to Light Industrial for the reasons set forth in the attached Exhibit "A", constituting the findings of fact and conclusionary findings for approval.

Section 2. An exception to the Yamhill County Resource Goal and Statewide Planning Goal 3 is hereby taken for the reasons set forth in the attached conclusionary findings for approval incorporated herein by this reference.

Section 3. 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 immediately upon passage hereof.

Done at McMinnville, Oregon this 30th day of January, 1985.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

Ted Lopuszynski
Chairman TED LOPUSZYNSKI

By: *Elaine Pearcy*
Deputy ELAINE PEARCEY

Donald D. Porter
Commissioner DONALD D. PORTER

APPROVED AS TO FORM:
Daryl S. Garrettson
DARYL S. GARRETTSON
County Counsel

David E. Bishop
Commissioner DAVID E. BISHOP

Findings of Fact

1. The applicant has requested a plan amendment/zone change from VLDR/VLDR-2 1/2 to Light Industrial/LI on a 4 acre portion of a 7.15 acre parcel (see attached map). The remaining 3+ acres would remain VLDR and would be used for the existing dwelling and potentially 1 additional dwelling.
2. At the present time there is a dwelling and outbuildings located on the subject property. Two of the accessory buildings are used in conjunction with a truss manufacturing business that has been in operation on the property since early 1982.
3. The truss manufacturing business was authorized as a home occupation in February, 1982 (C-470-81). Under Zoning Ordinance requirements, the permit for the home occupation was granted for a 1 year period and specified that only family members residing on the premises could be engaged in the home occupation.

After 1 year of operating the truss business as a home occupation, the applicant received approval to continue to run the business through a conditional use/small business permit (C-495-83). A conditional use/small business permit, as provided for in the revised Zoning Ordinance, entitles a person operating a small business to employ no more than 2 persons who do not reside on the premises. Additionally, the small business is authorized

for a 2 year period and may be renewed at the end of that time.

4. Prior to use for the truss manufacturing business, the property was used as a gravel stockpile area for Burch Concrete. Prior to that it was utilized by Grand Island Sand and Gravel and accessory uses included an office building and a truck repair shop.
5. The applicant has indicated that presently less than 1 acre of the property is being utilized for the truss business. Future plans include construction of additional buildings for truss manufacturing and overall expansion of the business to occupy 2 to 2.5 acres. The additional 1.5 to 2 acres of proposed industrial land would be developed at an undetermined future date into a small warehouse-type development.
6. Operation of the truss manufacturing business under the conditional use/small business permit rather than under the standards of the LI District places certain restrictions on continued growth and expansion of the business. The applicant has indicated that, contrary to the small business provisions of the Zoning Ordinance, the business is in a position to employ 2 additional persons at this time and probably 8 to 10 persons full-time in the future. Additionally, the business is currently in need of newer equipment and other physical improvements, and, according to the applicant, lending institutions will not make a business loan with the uncertainty of zoning on the property.
7. The property is part of Exceptions Code Area 5.6. That area was found to be committed to rural residential development and was excepted.
8. The subject property fronts on the west side of the State Highway 221 (Salem-Dayton Highway).
9. Surrounding lands are predominantly characterized by rural residential uses and agricultural operations. Other uses in the area include 3 commercial businesses, a rural fire station and a private landing strip.

10. At the present time, the County does not have a complete inventory of LI zoned and/or plan-designated lands within the County and outside of urban growth boundaries. However, a preliminary review of such lands indicates that there may be as many as 3 vacant LI zoned sites and another 3 vacant LI plan-designated sites. Although the preliminary review has not taken into consideration whether any of the "vacant" LI sites are available for sale, the applicant has indicated that the only potentially available light industrial zoned property in the County is either in parcels too large for the applicant's use requirements or the property is only available on a lease or rental basis.
11. The following public agency comments have been received:
 - a) Dayton Fire Chief - No conflicts with the rural district's interests.
 - b) County Sanitarian - Due to the adversity of the soils, the LI zone would be a more practical designation, especially with the incorporation of holding tank potential.
 - c) Director of Public Works - No conflicts with the Department's interests. A change in the access use may require a change in the access off the State Highway.
12. The Dayton PAC reviewed the request at its meeting of December 13, 1984 and voted unanimously to recommend approval of the request.

Conclusionary Findings

Approval

The following conclusionary findings can be made for approval of the application:

1. The proposal is consistent with the Comprehensive Plan as follows:
 - a. The County economic development goal provides for maintaining a rate and pattern of economic growth sufficient to prevent high levels of unemployment and underemployment and to strengthen local economic bases. Approval of the request will allow an existing business to expand and continue to provide employment and economic benefits to the area.
 - b. County policies encourage small-scale industries as viable alternatives to larger, conventional enterprises. Approval of the request will allow a relatively small-scale manufacturing business to expand and to continue in business.
 - c. In that the truss manufacturing operation is an on-going use, the proposed rezone to LI to accommodate the use will not require the extension of urban services to the site.
2. In that the request pertains to property with an on-going industrial use and because approval of the request will allow the landowner to expand the operation and will enhance the landowner's ability to obtain financing to make needed improvements to the business, there is an existing demonstrable need for the proposed amendment.

3. The requested amendment is timely considering that the application pertains to property that is currently utilized for small-scale, light industrial purposes. Further, in that the applicant has made 2 previous land use applications on the property since 1982 and because these permits have placed limitations on the operation and potential expansion of the manufacturing business, the requested amendment is needed at this time.
4. The applicant has indicated that existing vacant LI zoned lands have been considered; however, they are either unavailable for sale or are not suitable for the applicant's proposed uses due to the large size of the properties. Further, because the request pertains to a property with an existing industrial use, the subject property is the only practical site for the proposed amendment.

STAFF MEMORANDUM
YAMHILL COUNTY PLANNING DIRECTOR
January 21, 1985
Yamhill County Courthouse

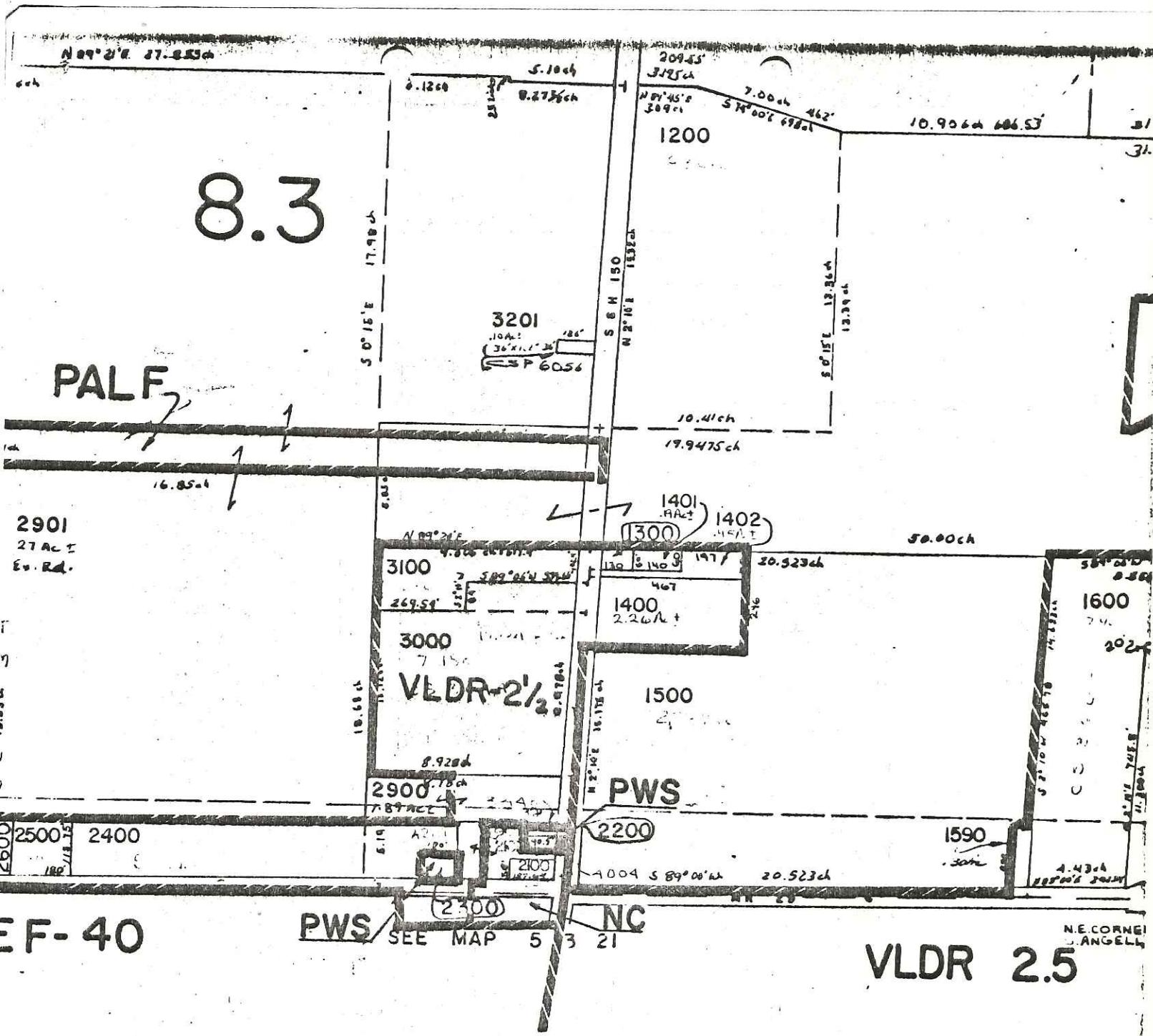
Docket: PA-144-84/Z-264-84

Conclusionary Findings - Revised Exception

The following findings are made to take a revised exception to applicable resource goals:

- A. The County resource goals should not apply to the subject property in that the site is located within Code Area 5.6 and was previously found to be committed to rural residential development and, therefore, was excepted. Further, amending the property to LI will have no greater impact on surrounding lands zoned for exclusive farm use in that the request pertains to an existing light manufacturing business that has operated for nearly 3 years on the site without apparent detriment to neighboring properties.
- B. There are no areas in the County that can reasonably accommodate the use and that do not require a new exception, in that the request pertains to property with an on-going manufacturing operation and it is specifically the existence of this operation that has prompted the requested amendment.
- C. The long-term environmental, economic, social and energy consequences, resulting from the use of the proposed site are not significantly more adverse than would typically result from this same proposal being located in other areas requiring an exception in that the subject site is already being used for light industrial purposes and will continue to be so used with or without a change in the land use designation.
- D. The proposed use will be compatible with other adjacent land uses in that the request is merely to continue operation of the existing light manufacturing business on the site rather than to introduce new uses into the area. Further, the LI zone provisions require site design review prior to any new construction on the site and appropriate screening provisions, etc. be imposed through that process.

MB:jr



DOCKET No. PA-1441-84/Z-264-84

APPLICANT: ADAM VILLANUEVA

TAX LOT No: 536 - 3000