

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FILED
YAMHILL COUNTY, OREGON

JUL 12 10 35 AM '83

83-242 FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
to Implement Planning Commission)
Resolution 83-6 and Authorizing)
an Amendment to the Yamhill)
County Comprehensive Plan Map,)
Ordinance No. 62, 1974, requested)
by Leon Hays and Henry Smid)

ORDINANCE NO. 344

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), on the 8th day of June, 1983, sat for the transaction of County business, in special session, Commissioners Robin J. Hamblet, Dave Bishop, and Ted Lopuszynski being present.

WHEREAS, §6(4) of Ordinance No. 62, 1974, provides that an application for an amendment to the Yamhill County Comprehensive Plan Map shall first be referred to the Yamhill County Planning Commission, and that the Planning Commission shall recommend approval or denial of such applications to the Board of Commissioners, and

WHEREAS, the Yamhill County Planning Commission has adopted a Resolution approving an amendment to the Comprehensive Plan Map upon the application of the above named person(s), a copy of said Resolution being attached hereto and by this Reference incorporated herein as if fully set forth herein, and

WHEREAS, the Board has considered the recommendation of the Planning Commission made in the attached Resolution together with the Findings set forth therein; NOW, THEREFORE, based upon and for the reasons set forth in the attached Resolution,

IT IS HEREBY ORDAINED THAT the Comprehensive Plan Map of Yamhill County be and hereby is amended, consistent with and as set forth in the attached Resolution of the Yamhill County Planning Commission.

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 this 8th day of June, 1983, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Robin J. Hamblet
Chairman ROBIN J. HAMBLET

By: *Elaine Pearcey*
Deputy ELAINE PEARCEY

Dave Bishop
Commissioner DAVE BISHOP

APPROVED AS TO FORM:

John M. Gray, Jr.
JOHN M. GRAY, JR.
ASSISTANT COUNTY COUNSEL

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

ORDINANCE NO. 344

In the Matter of an Amendment to the)
Yamhill County Zoning Ordinance,)
Ordinance No. 310, 1982 as requested)
by Leon Hays and Henry Smid)

RESOLUTION NO. 83-6

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 2nd of June, 1983, sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Treadway, Bunn, Miller, Stockhoff, Grimm, Weidemann, Bennette, and Sadler were present.

WHEREAS, the Yamhill County Board of Commissioners adopted the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 on the 1st day of December, 1982, being the Yamhill County Zoning Ordinance text and Official Zoning Map; and

WHEREAS, ORS 215.020 provides that a governing body may create a county planning commission and, pursuant to ORS 215.406, may designate the planning commission to serve as a hearings officer with all the power and duties of a hearing officer as prescribed by ORS 215.010 and 215.402 to 215.422; and

WHEREAS, the Yamhill County Board of Commissioners created the Yamhill County Planning Commission by adoption of an unnumbered Board Order on the 6th day of November, 1957 and designated that planning commission as the hearings body for petitions for amendments to the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 by adoption of Ordinance No. 138 on the 1st day of June, 1977; and

WHEREAS, it appears to the Planning Commission that a petition submitted on behalf of Leon Hays and Henry Smid has been filed with the Yamhill County Department of Planning and Development, pursuant to Section 1207 of Ordinance No. 310 to amend said Ordinance, and change the Official Zoning Map designation from Public Facility to Light Industrial for a parcel described as being one point thirty-eight (1.38) acre tract; and

WHEREAS, the Planning Commission, on the 2nd of June held a public hearing as required by ORS 215.223 and 215.416 on the proposed amendment and voted to approve the request based on the findings and conclusions attached hereto as Exhibit "A" and by this reference made a part hereof;

NOW THEREFORE, IT IS HEREBY RESOLVED that the Official Zoning Map be and hereby is amended to show the Zoning Designation on a 1.38 acre portion of Yamhill County Tax Lot 5635-400 as Light Industrial as shown on the sketch plan attached hereto as Exhibit B and by this reference made a part hereof.

This resolution shall be in force and effect from and after the date the change is properly recorded on the Official Zoning Map. The Yamhill County Planning Director be and hereby is directed and authorized to amend said Official Zoning Map in conformance with this Ordinance.

DONE this 2nd day of June, 1983.

AYES: Treadway, Bunn, Miller, Stockhoff, Grimm, Weidemann, Bennette,
Sadler

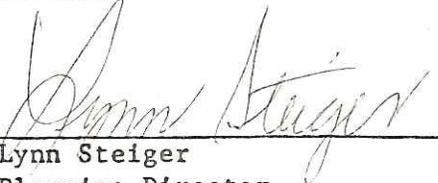
NAYES: _____

ABSTENTIONS: _____

Approved by the Chairman on this 2nd day of June, 1983.

ATTEST:

YAMHILL COUNTY PLANNING COMMISSION


Lynn Steiger
Planning Director


Dick Sadler, Chairman

4.

Docket:
Request:

PA-120-83A/Z-236-83

An amendment to the Yamhill County Plan, 1974 to change the Plan Map designation from "Public Facility" to "Light Industrial" on a 1.38 acre parcel. An amendment to the Yamhill County Zoning Ordinance No. 310, 1982 to change the Official Zoning Map from "Utility" to "Light Industrial" on a 1.38 acre parcel. Adjacent to the south side of Highway 18 and the west side of County Road 478 (Evans Street), in the SE 1/4 of Section 35, T5S-R6W, Tax Lot 5635-400.

Exhibit

A

Location:

Applicant:

Leon Hays and Henry Smid.

Please review your May 9th staff memo for a thorough review of findings of fact. Findings pertinent to this application are summarized below:

Findings of fact

1. The subject parcel was plan designated "Public Facility" in 1974 and subsequently zoned "Utility" in 1976 to recognize the telephone utility building. During the Exceptions process in 1979, the property was retained in its present plan and zone designations and was excepted from Statewide Planning Goals #3 and #4 (Ordinance No. 202).
2. Oregon Washington Telephone Inc. has abandoned their use of the utility building and parcel.
3. With the adoption of the new Zoning Ordinance in December of 1982, the Utility District was combined with the Public Works Safety (PWS) District. Permitted uses in the PWS District are limited primarily to public works and safety facilities (i.e., fire stations, public works yards, sanitary landfill, municipal water supply treatment, storage, transmission and distribution facility, municipal sewage collection, treatment and disposal system) and utility facilities (i.e., substation, transformer, pumping to lift station, transmitter facilities).
4. The subject 1.38 acre parcel is triangular in shape and bounded on all sides by major physical facilities: State Highway 18 to the northwest, Southern Pacific Railroad right-of-way to the southwest and County Road 478 (Evans Road) to the east.
5. The subject property lies within the 100 year floodplain of the Yamhill River. New construction on the parcel would be subject to the requirements of the County's floodplain overlay district.
6. Land uses to the north of Highway 18 in the immediate vicinity of the subject property include Musgrave's Deer Park (RC zone), Liberty Homes mobile home manufacturing and a veterinary clinic.
7. To the south of Highway 18, all parcels abutting the subject property are designated AFLH on the Comprehensive Plan Map and zoned EF-40. The City of Sheridan's sewage lagoons, zoned PWS, are located a short distance to the west of the subject property.
8. Public water from the City of Sheridan has been provided in the past to the abandoned utility building on the subject property. A 3/4" to 1" waterline runs from the utility building to a water meter at the intersection of Evans Road with Sheridan Road.
9. Access to the subject site is via Evans Road (County Road 478). Evans Road is a gravel road with an improved width of between sixteen (16) and twenty (20) feet. The intersection of Evans Road with State Highway 18 has adequate site distance. According to a letter from the State Highway Division, development of this site would not create a significant impact on traffic on State Highway 18.

10. The parcel has not been evaluated for septic suitability. In the event that an appropriate drainfield area cannot be located, small-scale light industrial facilities may be served by a holding tank on the basis of a maximum waste flow of 200 gallons per day. The County Sanitarian has indicated that a light industrial use which does not generate industrial waste could accommodate approximately 13 employees using a holding tank. If there were 3 to 4 employees, the holding tank would have to be pumped once or twice every two months.
11. The applicants have indicated that their proposed sign manufacturing business needs a highway frontage location for proper exposure. Further, the applicants state that their proposed use will bring new products and services into the area and will aid the diversification of Sheridan's economic and employment base.

Conclusionary Findings

Approval

The following conclusionary findings can be made in support of the request to amend the Comprehensive Plan Map designation for the subject parcel from "Public Facility" to "Light Industrial" and to amend the Official Zoning Map from "Utility/PWS" to "Light Industrial":

1. The plan amendment/zone change request is consistent with the Comprehensive Plan in that the parcel is already committed to development and renewed use of the abandoned utility building would provide for the efficient utilization of already developed land near the City of Sheridan. Further, renewed use of the parcel would not require the costly extension of urban facilities or services.
2. The proposed amendment would not adversely affect agricultural lands in that the subject parcel is physically separated from adjacent lands by State Highway 18, Evans Road and the railroad tracks. Further, the telephone company used the parcel in the past without interference with adjacent agricultural operations. The applicants have proposed a low intensity industrial use which should not introduce problems of land use incompatibility.
3. Approval of the request would be consistent with County plan policies which encourage economic diversification and the development of small scale industries.
4. Approval of the request would be consistent with County Plan policies regarding the efficient utilization of transportation facilities and energy conservation, in that the proposed industry would utilize existing transportation facilities.
5. The proposed amendment is timely given that the telephone utility has abandoned their use of the parcel and the applicants propose to return the existing structure to productive use. Further, uses permitted under the existing "Utility/PWS" zoning are quite limited and could constrain options for use of the parcel.
6. Although other LI zoned lands exist in the County, the subject parcel is also suitable for a light industrial designation considering the efficient use of an already developed parcel, the relatively minor impact the change would have on adjacent lands and the opportunities the parcel offers for development of a small-scale light industrial use.

Findings of Fact

May 9, Staff memo

1. The applicants have requested an amendment to the Yamhill County Comprehensive Plan, 1974 and the City of Sheridan Comprehensive Land Use Plan to include a one point thirty-eight (1.38) acre parcel within the Sheridan Urban Growth Boundary (UGB) and to change the Plan Map designation from Yamhill County "Public Facility" to City of Sheridan "Commercial" on approximately one point eighteen (1.18) acres and "Industrial" on approximately point twenty (.20) acres. The applicants intend to file applications to annex the site to the City of Sheridan and to rezone the property to "Commercial" and "Light Industrial" if the current application is approved.

2. The applicants have submitted a site plan which depicts their proposed development concept for the parcel. The existing telephone utility building (25' x 45') is proposed to be converted to a shop for the fabrication of commercial signs. Plans for future expanded development of the site are also shown. Additional light industrial and commercial floorspace is depicted along the southwestern property line, bordering the Southern Pacific Railroad right-of-way. The remainder of the site is proposed to be developed as an automobile sales lot.
3. The applicants have indicated that there is a need for a combination light industrial/commercial property. They state that the proposed businesses need highway exposure and that there are no other properties available with comparable highway exposure.
4. A letter from George Robertson, President of the Three Cities Development, has been submitted in favor of including the applicants property in the City limits of Sheridan and rezoning it to light industrial. Mr. Robertson states that many businesses need to locate on a major highway to survive in today's economy and plan for the future.
5. The subject parcel was plan designated "Public Facility" in 1974 and subsequently zoned "Utility" in 1976 to recognize the telephone utility building. During the Exceptions Process in 1979, the property was retained in its present plan and zone designations and was excepted from Statewide Planning Goals #3 and #4 (Ordinance No. 202). The Board of Commissioners found that it was impossible to apply Goals #3 and #4 to this property since it was physically developed and irrevocably committed to a nonfarm, nonforest use.
6. The subject property is triangular in shape and bounded on all sides by major physical facilities: State Highway 18 to the northwest, Southern Pacific Railroad right-of-way to the southwest and County Road 478 (Evans Road) to the east.
7. Soils on the subject property include agricultural Class I Chehalis silt loam and Class III Wapato silty clay loam. Chehalis soils are well-drained and suitable for vegetable crops, berries, orchard fruit and small grains. Chehalis soils are also found to the east of the subject property. Wapato soils are subject to overflow and ponding and drainage is needed to lower the water table in the spring.
8. The subject property lies within the 100 year floodplain of the Yamhill River. Development of the site would be subject to the requirements of the City's floodplain ordinance.
9. Sheridan's UGB does not presently include any land to the south of State Highway 18. Adjacent parcels to the north of Highway 18 are designated and zoned for commercial and light industrial uses on the Sheridan Comprehensive Plan Map and Zoning Map. Land uses to the north of the highway in the immediate vicinity of the subject property include Musgrave's Deer Park (RC zone), Liberty Homes mobile home manufacturing and a veterinary clinic.
10. To the south of Highway 18, all parcels abutting the subject property are designated AFLH on the County Comprehensive Plan Map and zoned EF-40. Sheridan's sewage lagoons, zoned PWS, are located a short distance to the west of the subject property. Parcel sizes in the immediate vicinity of the subject property range from less than two (2) acres to more than ninety (90) acres. Agricultural land uses predominate to the south of Highway 18. Yamhill County recently approved a lot of record/floodplain permit for a new dwelling on a five (5) acre parcel abutting the subject property to the east.
11. Public water from the City of Sheridan has been provided in the past to the abandoned utility building on the subject property. A three-quarter inch (3/4") to one inch (1") waterline runs from the utility building, approximately five hundred (500) to six hundred (600) feet north along Evans Road, under Highway 18 to a water meter at the intersection of Evans Road with Sheridan Road. The water meter connects to a six (6) inch water main at this location. Their service is disconnected and the City public works staff has indicated that there is a leak in the waterline. To provide water to the development proposed in the concept plan, the water main would have to be extended to the site from its present location.

12. The subject site is located adjacent to the City of Sheridan sewage lagoons. A force main in Evans Road pumps sewage past the site to the sewage lagoons. Treated effluent from the lagoons is discharged to the Yamhill River through a sewer line also located in Evans Road. Connection of the subject site to the City's sewage system could potentially be accomplished by one of three means:
- Pumping into the existing force main;
 - Constructing a gravity flow sewer line to an existing manhole in Sheridan Road; or
 - Constructing a new force main and pumping to the sewage lagoon.

13. Much of the existing sewage collection system in the City of Sheridan is currently experiencing problems of infiltration and inflow of water into the sewer lines. This has led to capacity problems in both the sewage collection system and the sewage lagoon during winter months.

A program is currently underway to repair the collection system on the north side of the Yamhill River. It is anticipated that these improvements will allow the City to meet existing sewage treatment needs; including the needs of West Main area residents whose homes will be connected to the system this summer. Exactly how much capacity will exist beyond these needs is not known.

Future collection system improvements in the area of the City south of the Yamhill River will provide additional sewage treatment capacity. These improvements will not begin for at least one year and are dependent upon the City's budgetary resources.

14. Access to the subject site is via Evans Road (County Road 478). Evans Road is a gravel road with an improved width of between sixteen (16) and twenty (20) feet. The intersection of Evans Road with State Highway 18 has adequate sight distance. According to a letter from the State Highway Division dated November 29, 1982 and addressed to Mr. Dave Bishop (then Planning Consultant to the City of Sheridan), development of this site would not create a significant impact on traffic on State Highway 18.
15. The following public agencies have reviewed the proposal and indicated that the UGB amendment does not present conflicts with their interests: Sheridan Police Department, County Engineer, United Telephone, PGE, Sheridan School District 48J and the County Surveyor.
16. The County Sanitarian has indicated that the feasibility of establishing an on-site sewage disposal system or alternative system to serve the proposed uses is not favorable. However, this conclusion was based solely on the layout submitted by the applicants and was not based on a technical field report.
17. DEQ's Assistant Regional Manager has reviewed the applicants' plans and indicated that the property could not be developed, as proposed, with a septic tank system because driveways, parking spaces and buildings would essentially cover the entire parcel. DEQ feels that connection to the City's sewerage facilities would be preferable to use of self-contained holding tanks for sewage disposal. However, if the request is not feasible due to land use or comprehensive plan limitations, the applicants have the option to scaling down their development plans to make them compatible with an on-site sewage disposal system.
18. The Sheridan PAC reviewed this application on April 4, 1983 and recommended approval of the UGB/plan amendment by a six (6) to one (1) vote.
19. Sheridan's UGB was last amended in December of 1982 when approximately three hundred and sixty (360) acres in the West Main Area were included in the UGB. Approximately one hundred fifty-four (154) acres have been annexed to the City of Sheridan in response to a State Health Division mandatory annexation order. An additional two hundred and six (206) acres were included in the UGB along with the health hazard area to provide parcels of adequate size (ten (10) to twenty (20) acres), located outside of the floodplain and on less productive agricultural soils, for future industrial development and diversification. The Background Report on the West Main UGB amendment identified commercial and industrial land needs for Sheridan to the year 2000 of 13 acres and 305 acres, respectively. The current UGB contains 22 acres available for commercial development and 318 acres available for industrial development.

EXHIBIT MAP



Docket No.: PA-120-83/G-48-83
Applicant: Leon Hays & Henry Smid
Tax Lot No.: 5635-400

LEGEND:



Applicant's Property



Sheridan City Limits



Existing Urban Growth Boundary



Proposed Urban Growth Boundary

