

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

83-430

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

YAMHILL COUNTY CLERK
FILED
OCT 5 11 33 AM '83
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance to)
Implement Planning Commission Re-)
solution No. 83-9, authorizing an)
amendment to the Yamhill County)
Zoning Map, requested by Marvin)
Schneider and Merlin LaJoie)

ORDINANCE NO. 355

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), on this 7th day of September, 1983, sat for the transaction of County business in regular session, Commissioners Robin J. Hamblet, Dave Bishop and Ted Lopuszynski being present.

WHEREAS, pursuant to ORS 215.402 to 215.422, and 1301.01(c) (a) of the Yamhill County Zoning Ordinance, decisions by the Yamhill County Planning Commission to approve or deny requests for amendment to the Zoning Ordinance are final, unless an aggrieved party appeals to the Board within fifteen days, or unless the Board in its discretion elects, pursuant to Section 1301.05 of the Zoning Ordinance, to review the decision on its own motion, within fifteen days; and

WHEREAS, Marvin Schneider and Merlin LaJoie have filed an application with the Yamhill County Planning Department to change the zoning on a 10 acre parcel, requesting that the zoning designation for the parcel be changed from "VLDR-2 1/2" to "PWS"; and

WHEREAS, on August 4, 1983, the Yamhill County Planning Commission held a public hearing and voted to approve the change in zoning on the 10 acre parcel, said decision being reflected in the attached Resolution and findings, which are by this reference incorporated herein, as if fully set forth herein; and

WHEREAS, pursuant to Section 1301.05 the Yamhill County Board of Commissioners has elected to review this decision on its own motion; and

WHEREAS, on September 7, 1983, the Yamhill County Board of Commissioners held a public hearing to consider this request and determined to sustain the action of the Planning Commission in said zone change; and

NOW, THEREFORE, based upon and for the reasons set forth in the attached Resolution;

IT IS HEREBY ORDAINED BY THE BOARD that the official zoning map of the Yamhill County Zoning Ordinance be and hereby is amended to reflect the change in zoning on the subject tract from "VLDR-2 1/2" to "PWS" consistent with and as set forth in the attached Resolution and findings 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 upon passage hereof.

DONE this 7th day of September, 1983 at McMinnville, Oregon

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STEER
County Clerk



By: Elaine Pearcey
Deputy ELAINE PEARCEY

Approved as to Form:

By: John M. Gray, Jr.
JOHN M. GRAY, JR.
Assistant County Counsel

Robin J. Hamblet
Chairman ROBIN J. HAMBLET

DAVE BISHOP
Commissioner DAVE BISHOP

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

In the Matter of an Amendment to the)
Yamhill County Zoning Ordinance,) RESOLUTION NO. 83-9
Ordinance No. 310, 1982 as requested)
by Marvin Schneider and Merlin LaJoie)

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 4th day of August, 1983, sat for the transaction of County business at a regularly scheduled session. Planning Commissioners Schatz, Weidemann, Bennette, Stockhoff, Miller, and Bunn 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 Marvin Schneider and Merlin LaJoie 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 VLDR-2½ for a parcel described as being a ten (10) acre tract; and

WHEREAS, the Newberg/Dundee PAC reviewed the amendment request at a public meeting and unanimously recommended approval of the request; and

WHEREAS, the Planning Commission, on the 4th day of August, 1983, 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 ten (10) acre portion of Yamhill County Tax Lot 3228-1700 as P.W.S. 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.

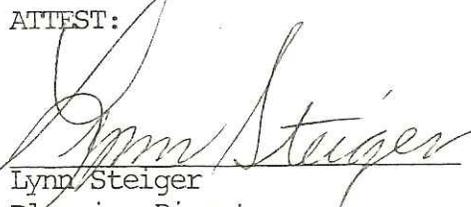
DONE this 4th day of August, 1983.

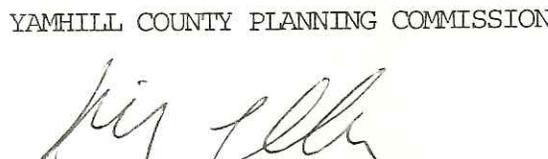
AYES: Weidemann, Bennette, Miller, Stockhoff, Bunn

NAYES: Schatz

ABSTENTIONS:

Approved by the Chairman on this 4th day of August, 1983.

ATTEST:

Lynn Steiger
Planning Director

YAMHILL COUNTY PLANNING COMMISSION

Dick Sadler, Chairman

Docket: PA-127-83/Z-239-83
 Request: An amendment to the Yamhill County Comprehensive Plan, 1974, to change the Plan Map designation from "Very Low Density Residential" to "Public Facilities" on a ten (10) acre tract. An amendment to the Yamhill County Zoning Ordinance, No. 310, 1982, to change the official zoning map from "VLDR-2 1/2" to "PWS" on a ten (10) acre tract.
 Location: Approximately one-half (1/2) mile Southeast of the City of Newberg, South of County Road No. 47 in the Northwest 1/4 of Section 28, T3S-R2W, Tax Lot 3228-1700.
 Applicant: Marvin Schneider and Merlin LaJoie.

A. Findings of Fact

1. The legal owner of the property is Barbara L. Guard (see file). The applicants are Marvin Schneider and Merlin LaJoie. Addresses are taken as being places of business or residence of the above.
2. Present use of the property: Residence, horse corral and barn. The owner grazes a few sheep. The applicant has tendered an offer of purchase, contingent upon the zone change, effective January, 1984.
3. The property is serviced by a single residence sewage system and has a single car driveway accessing the house, barn, and horse corral. County Road 150 is a heavy industrial haul route servicing the Newberg Sanitary Landfill, Publishers Paper, River Rock Products, Dave's Concrete, and several rural residences. The County Road provides interconnection to Wynooski Street, City of Newberg, while serving Dog Ridge Road and River Road. Small farming operations are also in the area.
4. A reload facility is outside of DEQ's permit authority. They would require a disposal permit and local franchise for a transfer station.
5. A citizens committee of the NE Yamhill County area is presently studying the need, siting criteria, waste shed, and other elements pertinent to the provision of a sub-regional refuse transfer facility. Such a facility is subject to D.E.Q. permit for its licensing and operation. The present proposal requests a re-load facility. This will enable Newberg Garbage to transfer their franchised municipal and rural wastes into long-haul vehicles.
6. Disposal Industries, Inc., has filed a landfill closure date of October, 1984 with DEQ. There is presently one year of operation left until closure of that facility. At that time waste could be hauled to one of several possible locations.
7. Newberg Garbage Service, separate and distinct from Disposal Industries, presently operates a waste recovery and recycling program in the northeast area of Yamhill County. They hold the present County and municipal franchises for solid waste collection of residential, commercial, and industrial materials.
8. Approximately 80% of County Road 150's A.D.T., average daily trips, is industrially oriented. This has caused what appears to be a high rate of residential turnover along the route. The City of Newberg has placed load limitations on City streets that access the Sanitary Landfill, Publishers' Paper Co., River Rock Products, and Dave's Concrete. The bulk of this traffic uses County Road 150, which is an important consideration in the area's transition from residential to industrial uses. A portion of County Road 150 is currently being rebuilt, principally due to its deteriorating state and the coordination of a city mainline water project.

9. The acknowledged County Plan provides for a highway bypass element south of Newberg, and north of the river. At present a citizens committee, spearheaded by the City of Newberg, is seeking consideration of this plan element by ODOT. This effort has been joined by Yamhill County and the City of Dundee. Both the by-pass and solid waste transfer groups are scheduled to provide results of their work in the fall of 1983. Both cities are considering amendments to their Comprehensive Plans to accommodate a by-pass route. The subject site lies a quarter of a mile or more south of the proposed route.
10. The applicants' existing business location is under a conditional use permit by the City of Newberg. See 'Item C' of the applicants' justification. The issue of timeliness is characterized by the respective City and County Plan designations. The applicants' present facility within the City is designated prime residential land. The present County Plan designation for the proposed site is rural residential, but is impacted by adjacent industrial uses. Lands lying north of County Road 150, across from the site are presently plan designated industrial by the City. The site is neither within the Urban Growth boundary or the city limits. Both the traffic pattern and adjacent land use designations provide a basis of conflict with rural residential uses.
11. The question of a transfer station is a matter to be determined by franchise, by either the County or the City. In either event, there is a separate ordinance and hearing process governing the granting of waste collection and disposal franchises.
12. The applicants indicate that 21 sites were viewed prior to the selection of this site, and this application.
13. The applicant has worked with both City and County planning staffs in review of potential sites. City industrial sites that represent potential locations carry some limitations to their use. Any facility licensed to handle public waste must be permitted by DEQ and franchised by the County or a municipality. The City of Newberg has looked at this area for future siting of its needed sewage facility. We do not know the present status of the City's siting efforts.
14. The back portion of the site is in the influence of Hess Creek and Willamette River floodplain elevations. The topography is deeply incised by water influences. The development and work areas proposed are well out of the critical drainage area. The natural break in topography facilitates the design of the site to reload or transfer useages.
15. Yamhill County has rejected two requests to site major landfills in the area. Alternative 'C' of the adopted Chemeketa plan provides for both a waste recovery station and landfill in the Newberg area after 1994. The denial of the two landfill requests seem to represent a revision to the Chemeketa plan, at least in that portion governed by Yamhill County.
16. Operating landfills in the region consist of: Riverbend Landfill, Yamhill County; St. Johns Landfill, Multnomah County; Woodburn Landfill, Marion County; and Coffin Butte, Benton County. Waste flows are subject to change, and efficient use of available sites and transportation of refuse are matters of public concern.
17. The City and County has not been able to undertake independent studies of industrial lands to predetermine their appropriateness for waste transfer or reload.
18. The applicants cite an overall reduction of approximately 50 trucks per day over the roadway through closure of the landfill

and operation of a reload facility. The applicant notes that in 30 years of community service they have not had a single fire. They do not anticipate more than the present police coverage.

19. As an argument for compatibility the applicants cite the alignment to the State Highway No. 219; the County Road, providing industrial access; the adjacent Heavy Industrial use; the planned industrial expansion; and the inappropriateness of the present rural residential plan designation.
20. The applicant has indicated that the site could serve the northeast County community and cities for possibly 40 years. See response to Section 1207 Amendment criteria in the application.

Conclusionary Findings

1. The following conclusions based upon the Findings of Fact, applicants' representations, observations and Plan Goals and Policies may be made in support of the application.
 - A. The Industrial Goal of the County Plan "...encourages the relocation of existing industries from undesirable locations in order to eliminate land-use conflicts; ... and to protect the stability and functional aspect of industrial areas by protecting them from incompatible uses."
 - (1) The applicants have indicated that their present business location lies within the City of Newberg, regulated by a Conditional Use Permit, within a designated prime residential area.
 - (2) The existing landfill serving the NE County area, inclusive of Newberg and Dundee, is scheduled for closure in the fall of 1984; DEQ has approved a final site closeout plan which targets October of 1984. This closure makes it necessary for the applicant to modify their operation by either adding additional packer trucks to direct haul collected refuse, or reload collected refuse into larger long haul vehicles. In either event, they have deemed it to be in their best business interest and that of the general public, whom they are franchised to serve, to expand their facilities. Their present business location does not afford them sufficient space to expand at that site, without creating more in-depth land use conflicts. In any event, they may not be able to substantiate an approval from the City to expand their operation under a Conditional Use Permit, even if there was available space for their operation.
 - B. The Plan provides that industrial areas may be extended and new industrial areas designated where development trends warrant and full urban services are extended into the area, if appropriate, ..."
 - (1) The site is presently served by a subsurface disposal system and private well which may have the capability of providing the necessary level of services for the proposed use. A wash rack and settlement pond could be utilized in conjunction with the truck maintenance shop. The site is subject to County Environmental Health Department review, and approval.
 - (2) Substantial land area to the west and north, both outside of and within the Newberg U.G.B. are Plan designated for industrial uses. The lands designated industrial within the U.G.B. are presently zoned AF-10. These lands are not available in the market place at this time.
 - (3) County Road 150 is being improved, within the County's financial capability, to more adequately handle the high volume of industrial truck traffic. This traffic coupled with the City's plan designation and past zoning actions in the area substantiate that transitions from residential to industrial uses are both planned and occurring.

C. A County Energy policy within the Plan encourages programs for resource recovery and recycling of solid wastes.

(1) Newberg Garbage Service, the applicant, created a division, Newberg Waste Recycling, to head their recycling efforts in the community. They have extended their program to residential, industrial, and commercial uses. They provide curb-side pickup for recyclable items, and circulate a newsletter, information and fact sheet within the community. Their recycling efforts were initiated by the Company, not mandated by local ordinances.

(2) The applicants propose a continuance and possible expansion of their recycling efforts at the proposed location.

2. The applicants have demonstrated a need to relocate their shop and office facility to accommodate the communities waste management needs and their long term business needs.

A. Newberg Garbage Service owns the franchise to collect solid waste in Newberg, Dundee, and N.E. Yamhill County. The closure of the Newberg Sanitary Landfill in October, 1984 will require the transporting of solid waste a substantial distance, probably to the Riverbend Landfill outside of McMinnville. A reduction in energy and transportation costs will be beneficial to the general public through maintenance of lower collection rates derived through reloading as opposed to higher collection rates as a result of direct haul costs. Direct haul would result in higher maintenance costs to the operator and increased roadway expenses, both of which are ultimately passed on to the consumer.

B. The applicants present location within the City lies in a high amenity residential area. The long term expansion plans proposed by the applicant would require additional Conditional Use Permit review by the City. Even if approved, a Conditional Use Permit carries the possibility of revocation due to incompatibility of uses.

C. The proposed site is located near to the applicants primary collection area which lies on the easterly side of Newberg. The site is adjacent to Publishers Paper which constitutes their largest customer, by volume.

D. Truck traffic over County Road 150, an industrial haul route, would be reduced by approximately 50 truck trips daily. This is based upon future landfill closure and consolidation of refuse hauling to a distant landfill.

E. The City of Newberg considered this area as a possible location of its future sewage treatment facility. As the City expands and grows, in accordance with its Plan, the demand for effective and cost-conscious waste management will be more pronounced. The collection of franchised wastes represents a necessary public service to the City and the area.

3. The proposal is timely in that:

A. The Newberg Sanitary Landfill is scheduled for closure in October, 1984.

B. The proposed site operation is not dependent upon, nor does it require City sewer and water.

C. Development trends in the area show a transition from rural to industrial uses; the site abuts the City's U.G.B., and is in an area considered by the City for its future sewage facility.

D. The site is accessed by an industrial truck haul route, which is being improved to accommodate the existing and future truck traffic.

E. The applicants present location does not afford the flexibility to modify their operation to meet future public service demands, given its Conditional Use status and prime residential designation.

4. The applicants have evaluated approximately 21 alternative sites for possible location of their business. They have chosen this site based upon other industrial uses in the area, access by an industrial haul route, designation to future industrial uses in the area, proximity to State Highway 219 and its relationship to their primary service area.

5. While the subject site was excepted from the Agricultural and Forest Land Goals, the LCDC has indicated that a "qualitative change" in land use requires further compelling reasons and facts to substantiate a change from an acknowledged and excepted plan designation.

A. The proposed amendment is in an area which exhibits transitional trends from rural residential uses to industrial uses. The principle access to the area is a County road which affords the only industrial truck access to Publishers Paper Company, River Rock Products, Dave's Concrete and the Newberg Sanitary Landfill. The site is adjacent to the Newberg U.G.B., but does not require nor rely upon city sewer and water services. While there are lands planned and zoned for industrial uses they are not readily available in the marketplace. The City's emphasis in industrial development has been to high-tech campus type improvements. The applicants proposal has not been deemed to be consistent with that aim. Another market factor to consider is the related costs of land acquisition and improvement, that in this instance will ultimately be imparted to the general public in the franchised rate structures. High cost industrial lands and development will result in inordinate cost increases to the general public.

B. The applicants have reviewed approximately 20 sites that could be potentially utilized for the proposed activity. These sites are both within the existing city limits and U.G.B., as well as within the County adjacent to the U.G.B.

C. A citizens committee has been formulated representing Newberg, Dundee, and Yamhill County solid waste management concerns to review the need and siting criteria for a solid waste transfer facility. While the applicants' request is for a reload station, it is important to review long term impacts in light of a potential future modification of the site to incorporate a "public transfer facility".

(1) A reload station would reduce the number of average daily trips required to transport collected refuse to a sanitary landfill. This will result in significant energy, fuel and equipment savings to both the operator and the residential, commercial, and industrial uses. A modification of the proposed facility to incorporate a transfer station could result in greater long-term energy savings through a significant reduction of self-haulers driving to the Riverbend Landfill. Additional energy savings are realized by the voluntary recycling efforts of the operator in conjunction with franchised collection activities. These recycling efforts could be enhanced and expanded if they were aligned with a "public transfer facility".

(2) The overall environmental impacts will be reduced through consolidation of several truck loads of refuse into a single load. It will have less impact upon the State Highway and local road system, thereby directly reducing maintenance costs. A "public transfer facility" would have the added benefit of reducing haul distances for home loaded pickups which could provide the basis of a considerable litter problem along the Highway 99W and Highway 18 corridors. In addition, such a facility in the Newberg area would significantly reduce off-road dumping of rubbish.

- (3) An increase in roadside litter, garbage trucks, and rubbish-laden pickups traversing the highway corridor between Newberg and McMinnville could have a severe impact on the local tourist industry, especially on weekends when tourist, vacation and self-haul garbage disposal traffic is at its peak. Suffice it to say that the overall visual impact could be extremely detrimental to the local economies of the area.
- (4) The proposed amendment and subsequent use is compatible with the predominant uses and planned uses of the study area. The use is consistent with the character of the area access road, in that it proposes an industrial use.

It is compatible with the City's plan designation for lands within the U.G.B. to the north of the subject property, which is industrial. It is consistent and compatible with the adjacent heavy industrial uses established along the southerly edge of Newberg, that are outside the City limits. The applicants have demonstrated an ability to co-exist within an urbanized residential area without complication. They have stated that while it may not be possible to totally eliminate potential conflicts between their activities and adjacent residential uses, it is their desire and intent to reduce problem areas through site design, sensitivity to the neighbors, and the maintenance of a clean and well-kept operation. In addition, many industrial type developments of a public facility nature exist outside the incorporated City limits of Newberg and its U.G.B.; These are: City water wells, reservoirs and water lines; the City water treatment plant and the City sewerage treatment plant.

Recommendation

Based upon the findings of fact and conclusionary findings, staff recommends approval of the request.

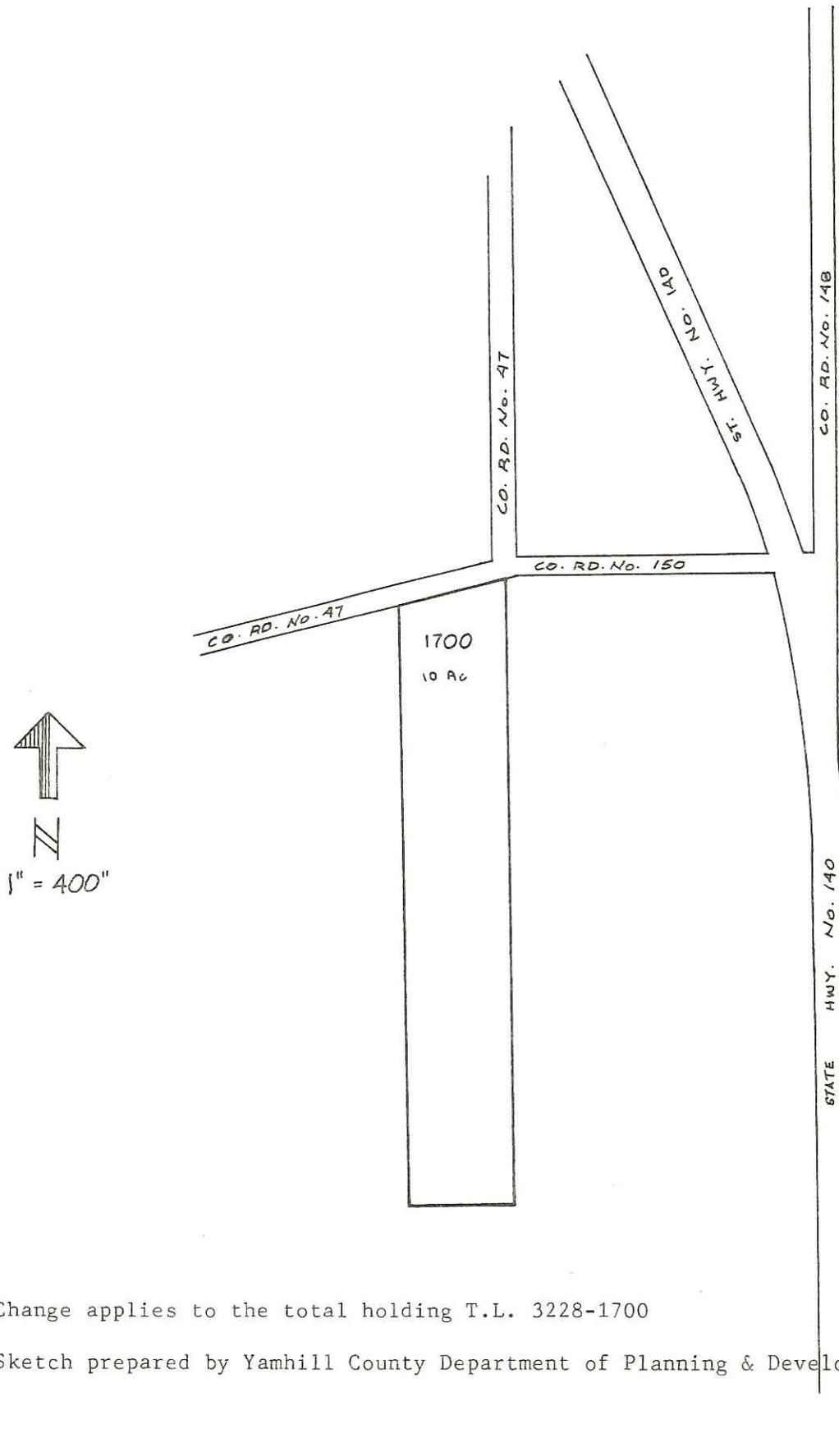
SKETCH PLAN FOR
COMPREHENSIVE PLAN AMENDMENT AND
OFFICIAL ZONING MAP AMENDMENT

"EXHIBIT B"

TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION
FROM "Very Low Density Residential"
TO "Public Facilities"

TO CHANGE THE OFFICIAL ZONING MAP
FROM "VLDR-2½" TO "PWS"

Applicant: Marvin Schneider and Merlin La Joie
Address: 1119 N. Main
Newberg, OR 97132
Phone: 538-5270, 538-5407, 538-1388
Tax Lot No: 3228-1700
Docket No: PA-127-83/Z-239-83



Change applies to the total holding T.L. 3228-1700

Sketch prepared by Yamhill County Department of Planning & Development