

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving a Zone Map Change from Heavy Industrial (HI) to Light Industrial (LI) with a Limited Use Overlay for Tax Lots 4318-801 and 4318-900; Applicant: Charles Eggert, and Declaring an Emergency

ORDINANCE 944

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on January 15, 2026, Commissioners Bubba King, Kit Johnston, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

WHEREAS, on February 20, 2025, Charles Eggert requested a zone map change from Heavy Industrial (HI) to Light Industrial (LI) for Tax Lots 4318-801 and 4318-900, located at 13245 SE Fletcher Road, Dayton, Oregon; and

WHEREAS, the subject property has been designated Industrial under the Yamhill County Comprehensive Plan for more than fifty-five (55) years and has historically been used for industrial meat processing and related industrial uses; and

WHEREAS, this matter came before the Yamhill County Planning Commission for public hearing on June 5, 2025; and

WHEREAS, the Board of Commissioners held a duly noticed public hearing on December 11, 2025, at which time testimony and evidence were received; and

WHEREAS, the Board reviewed the Staff Report, exhibits, agency comments, and public testimony and determined that the request complies with the Yamhill County Comprehensive Plan, the Yamhill County Zoning Ordinance, and the Oregon Administrative Rules; and

WHEREAS, the Board finds that applying a Limited Use Overlay is appropriate to ensure that only light-industrial-scale uses occur on the subject property in order to maintain compatibility with surrounding agricultural and rural residential uses; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Tax Lots 4318-801 and 4318-900, as identified in the attached Exhibit A, are hereby rezoned from Heavy Industrial (HI) to Light Industrial (LI) and are subject to a Limited Use Overlay (LU) that allows only those uses permitted in the Light Industrial District

under YCZO §702.02(A) through (L) and those uses previously approved as similar uses in the LI District, including RV storage and mini-storage.

Section 2. The findings attached as Exhibit B and incorporated herein by this reference, are hereby adopted in support of this Ordinance.

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, is effective immediately.

DATED this 15th day of January, 2026, at McMinnville, Oregon.



YAMHILL COUNTY BOARD OF COMMISSIONERS

ATTEST

KERI HINTON
County Clerk

By: Carolina Rook
Deputy CAROLINA ROOK

FORM APPROVED BY:

Kaleb Raever
KALEB RAEVER
Assistant Yamhill County Counsel

Kit Johnston
Chair KIT JOHNSTON

Bubba King
Commissioner BUBBA KING

Mary Starrett
Commissioner MARY STARRETT

AYE NAY
X _____

X _____

X _____

EXHIBIT B
FINDINGS IN SUPPORT OF APPROVAL
ORDINANCE 944
(Board Order 26-009)

HEARING DATES: June 5, 2025 – Planning Commission Hearing
December 11, 2025 – Board of Commissioners Hearing

DOCKET NO.: Z-01-25

REQUEST: Approval of a zone change from Heavy Industrial (HI) to Light Industrial (LI).

APPLICANT: Charles Eggert

OWNER: CharlieCo LLC

TAX LOT: 4318-801 and 4318-900

LOCATION: 13245 SE Fletcher Rd., Dayton, Oregon

CRITERIA: Sections 702 and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. Oregon Administrative Rule, OAR 660-12-0060 Transportation Planning Rule.

1. **Background Facts**

1. *Parcel size:* Tax Lot 4318-801 is approximately 4.5 acres and Tax Lot 4318-900 is approximately 9.2 acres.
2. *Access:* The property is accessed by a driveway on Tax Lot 4318-900 with direct access to SE Fletcher Road.
3. *On-site Land Use:* Historically the parcel has been used as a slaughter facility with an approved DEO wastewater facility. There are several buildings including a warehouse, main plant/facility, animal pens, shop, oat milk processing building, and around 7-acres of trees and vegetation that borders the Yamhill River.
4. *Surrounding Zoning and Land Use:* The parcels to the north (across the Yamhill River) are zoned EF-80, Exclusive farm use and appear from the aerial imagery and site visit to be primarily employed as grass seed or hay fields. The parcels to the south (across SE Fletcher Road) are also zoned EF-8U and appear to be primarily in agricultural use, in this case primarily hazelnut orchards and some small hay fields. The parcels to the east and west are zoned AF-10 and developed with one single family dwelling. The Urban Growth

Boundary of the City of Dayton is approximately less than 4 a mile southeast of the subject tract.

5. *Water:* The subject tract is served by one or more wells.
6. *Sewage Disposal:* Wastewater is served by an on-site DEQ-approved wastewater treatment and septic system.
7. *Previous Actions:* SDR-32-17, Site design review for a wastewater treatment facility. SDR-08-03, site design review for a storage facility TS-62-78, temporary structure. PAZ06-94/SDR-11-94, zone change from AF-10 (Agriculture/Forestry Small Holding) to HI (Heavy Industrial) and site design review for expansion of meat processing plant.
8. *Overlay District:* A portion of the northern property is within the Flood Plain Overlay District with an identified wetland area. The property appears to be within the airport overlay district.
9. *Soils:* The Yamhill County Soil Survey indicates the property is composed predominantly of Woodburn Silt Loam (WuB), which is a Class II agricultural soil. There is also some Terrace Escarpment (Te, Class VI) on the downhill slope at the north end of the property toward the Yamhill River and a small amount of Chehalis Silty Clay Loam (Ck, Class II).
10. *Fire Protection:* Dayton Rural Fire Protection District

2. **Zone Change and Plan Amendment Provisions and Analysis**

The applicant seeks to change the zoning designation of the subject property from Heavy Industrial (HI) to Light Industrial (LI) to better align zoning with current market demand and to allow adaptive reuse of the existing industrial buildings.

Up until recently, the subject property has been operated as an animal slaughter and meat processing facility serving regional agricultural producers. That operation relied on heavy industrial zoning to accommodate intensive processing, wastewater treatment, and industrial infrastructure. However, in recent years the facility has ceased regular operations, and the property has not been actively used for heavy industrial processing. As market conditions have changed, the existing heavy industrial use has become less viable, and the property has not attracted buyers or tenants under its current zoning. With this change in circumstances, the applicant seeks to allow the property to transition to a broader range of light industrial uses that are more consistent with current market demand and surrounding land uses. The existing buildings, wastewater system, and utility infrastructure on site are well suited to support light industrial, storage, distribution, and small-scale manufacturing uses with minimal modification, allowing the property to remain in productive industrial use while reducing impacts on the surrounding rural area.

This comprehensive plan amendment and zone change application must comply with the Yamhill County Comprehensive Plan, the Oregon Revised Statutes, and the Oregon Administrative Rules, which will be addressed throughout this report.

The application must also comply with the standards and criteria in YCZO Section 1208.02. These provisions are:

- (A) *The proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan; and*
- (B) *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; and*
- (C) *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; and*
- (D) *Other lands in the county already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors; and*
- (E) *The amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.*

An analysis of each respective provision follows.

1. *Analysis: Is the proposed change consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan?*

Though most of the Yamhill County Goals and Policies are aspirational and not to be mistaken for, or interpreted as, approval criteria it is required that they be considered. It is a fact that some of the goals and policies conflict with one another. They are simply to be used as a guide to aid decision-makers. For example, where goals or policies conflict the decision makers need to weigh the evidence and decide which goal or policy the request satisfies. Therefore, the Planning Commission and Board of Commissioners would need to decide whether it is more appropriate for the 13.7-acre tract to be preserved for heavy industrial uses or if it is better suited to allow for light industrial uses.

The comprehensive plan designation for the property has been Industrial for over 55 years. The industrial designation is consistent with Section 11.05.01.08 of the Yamhill County Comprehensive Land Use Plan and Goal 9 of the statewide planning goals in that it encourages land for employment activities, “commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare and prosperity of Oregon’s citizens.” Industrial uses include, but are not limited to manufacturing, assembly, fabrication, processing, storage, etc. The provision of adequate urban services is a major concern in an industries location and operation. The subject area is near to the city limits of Dayton, Lafayette and McMinnville. Major transportation links are within a mile and include State Highways 18 and 99. The location has been supported by the existing

infrastructure and services available nearby for years. The owner/applicant is seeking a zone change that will reduce the impacts on the surrounding neighborhoods while maintaining critical and limited access to industrial zoned parcels. With this request for a zone change, the only changes occurring on the subject parcels will be the zoning designation from heavy industrial to light industrial, which will continue to support the economic vitality in a way that is more harmonious with the surrounding residential and farming uses. Therefore, the request is consistent with the goals, policies and other applicable provisions of the Comprehensive Plan.

2. *Analysis: Is there 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.*

The parcels in question, currently zoned Heavy Industrial, are crucial to the ongoing economic vitality of the region. Industrial zones are essential in supporting local job creation, skilled labor, and the production and distribution of goods and services that the community relies on. These areas serve as key assets, providing not only employment opportunities but also contributing to the broader economic ecosystem by supporting surrounding businesses and industries. The requested zoning change is consistent with the character of the existing uses on the subject tract, which have been in place for over 50 years.

The Dayton Natural Meat Processing facility, a longstanding establishment in the area, has been an essential resource for nearby farms and the surrounding community. Its operations have integrated well with the local environment, supporting the agricultural sector and providing a critical service to local producers. However, as markets evolve, so too must the types of businesses that occupy such spaces.

The owner of the property has requested a zoning change to better align with current market demands, while ensuring the change will be less intensive both environmentally and in terms of resource consumption. This adjustment is in response to a broader shift in the local and regional economy, aiming to ensure the site remains productive and sustainable for the long term. In conclusion, the proposed zoning change will preserve the industrial character of the area while positioning it for a future that is more adaptable and less environmentally burdensome. This ensures continued economic growth, job retention, and the long-term viability of the area, in line with both community and market needs.

3. *Analysis: Is the proposed change appropriate considering the surrounding land uses, the density and pattern of development in the area, and any changes which may have occurred in the vicinity to support the proposed amendment, and is there availability of utilities and services likely to be needed by the anticipated uses in the proposed district?*

The subject parcel is currently zoned Heavy Industrial, with the County's comprehensive plan designating the tract as Industrial. This zoning designation is consistent with the intended use of the site, aligning with the broader industrial framework that supports the local economy.

The surrounding area is predominantly rural residential and agricultural in nature, with several large-scale agricultural processing facilities located nearby. Notable examples include G & D Evers

Farm, Creekside Valley Farms, and Bernards Brothers Farm, all of which operate near the subject parcel. These facilities underscore the importance of industrial zoning in supporting agricultural activities in the region. Additionally, both Lafayette and Dayton are within a mile of the subject tract, providing immediate access to urban infrastructure, markets, and labor forces. The proximity to these cities reinforces the relevance of industrial uses in this area, as they serve as hubs for both economic activity and population density. The requested zoning change would maintain the industrial character of the area while ensuring compatibility with surrounding land uses. Given the agricultural and industrial facilities already established nearby, this change is consistent with the existing landscape and would not disrupt the character of the region. Rather, it offers an opportunity to adapt to evolving market demands while continuing to contribute to the local economy and infrastructure

4. *Analysis: Are other lands in the county already designated for the proposed uses either unavailable or not as well-suited for the anticipated uses due to location, size, or other factors?*

According to the applicant, there are very few other parcels in the area that are designated as Industrial under the County's comprehensive plan. This makes the subject parcel uniquely suited for industrial development, as it offers one of the few available opportunities to support industrial growth within the region.

Furthermore, the applicant notes that the size and existing infrastructure of the property make it an ideal candidate for industrial use. The property is well-equipped to accommodate the needs of potential industrial tenants, with ample space and the necessary infrastructure already in place to support such uses.

In contrast, the only other comparable property for sale in the region is significantly larger, more expensive, and located much further from the central economic hubs of Yamhill County. This makes the subject parcel not only more accessible but also more cost-effective for prospective businesses looking to invest in the area. The applicant believes this site offers a practical and economically viable option for industrial development, helping to meet market demand while minimizing the distance and logistical challenges associated with more remote locations.

5. *Analysis: Is the amendment consistent with the current Oregon Administrative Rules for exceptions, if applicable?*

This amendment is consistent with the existing Comprehensive Plan designation of Industrial and as such does not require the application of any exceptions.

3. **Goal 12 (Transportation Rule) Provisions and Analysis**

1. The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-060 contains the provisions that must be met:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned-transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this

rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan),
- (b) Change standards implementing a functional classification system, or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning see fuse £5 period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility,
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan, or
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

2. In regard to the traffic-related criteria, the Applicant did not submit a formal traffic impact analysis to the Planning Department, as there is no identified new business tied to the zone change request at this time. Additionally, no comments or concerns were received from the County Public Works Department or the Oregon Department of Transportation regarding the proposed zoning change.

Given that this request is solely for a zone change and not tied to a specific development proposal, a traffic impact analysis was not deemed necessary at this stage. However, any future land use application for a site design review—should a business or development proposal arise—will be subject to the full review process, which would include referral to the Yamhill County Public Works Department for assessment of traffic and infrastructure impacts.

Based on the current conditions, it appears that the road infrastructure in the area is capable of supporting the proposed industrial uses, given that the subject parcel is situated within an industrially zoned area and surrounded by similar uses. If a new driveway or access point is required in the future, it would be subject to Yamhill County’s permitting process, ensuring that any potential impacts are appropriately managed.

Therefore, it seems that the proposed zoning change is consistent with the existing infrastructure and characteristics of the area, with no immediate concerns raised regarding traffic.

4. **Limited Use Overlay Provisions**

1. The Section 904.02 of the Yamhill County Zoning Ordinance states that the limited use overlay may be applied by the Board of Commissioners or the Planning Commission to Plan Amendments and/or zone changes.
2. Section 904.03 of the YCZO contains provisions for limited use overlays. It states:
 - (A) *When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.*
 - (B) *The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.*
 - (C) *Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance,*
 - (D) *Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.*
3. Since the Light Industrial zone allows for industrial uses which have not been evaluated to determine whether they are suitable to the area, it is appropriate to apply a Limited Use Overlay to limit uses that are permitted on this parcel to only uses allowed in the Light Industrial District.

The LU Overlay will include the following uses that are only permitted in the Light Industrial zone. Specifically, those addressed in Section 702.02 (A-L):

- A. Manufacture of machine tools, medical and dental equipment, electronic instruments, mobile homes, and food products not generating noxious odors;
- B. Farm, industrial or contractor's equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;
- C. Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;
- D. Fruit, nut or vegetable packing, processing warehousing or cold storage operations;
- E. Winery;
- F. Veterinary hospital;
- G. Accessory uses;
- H-Temporary structures as may be-required during-construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in section 1006;
- L. Dwelling for a caretaker or watchman in conjunction with permitted use.

And the following uses that have been approved as a similar use in the LI District:

- RV Storage
- Mini-storage

CONCLUSIONS FOR APPROVAL:

1. The request is for a zone change from HI, Heavy Industrial, to LI, Light Industrial.
2. The proposal is consistent with Comprehensive Plan goals and policies.
3. The proposal is consistent with Section 1208.02 of the *Yamhill County Zoning Ordinance*. Specifically:
 - a. There is an existing, demonstrable need for the particular uses allowed by the requested Light Industrial zoning, as the subject property contains existing industrial buildings and infrastructure capable of supporting light manufacturing, processing, warehousing, and similar employment uses, and there is a continuing demand in Yamhill County for such sites.
 - b. The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, changes that have occurred in the vicinity, and the availability of utilities and services. The property has been used for industrial purposes for more than fifty years, is surrounded primarily by agricultural and agricultural processing uses, is located near the City of Dayton and major transportation corridors, and is served by existing water and wastewater systems, making it suitable for Light Industrial use.
 - c. Other lands in the County already designated for Light Industrial use are either unavailable or not as well-suited for the anticipated uses due to location, size, cost, or lack of existing infrastructure, whereas the subject property is uniquely situated and equipped to accommodate light industrial businesses without requiring major new public facilities.
 - d. The property was previously rezoned to Heavy Industrial by PAZ-06-94/SDR-11-94 and has been lawfully developed and used for industrial purposes for decades, establishing it as an industrial site that is appropriately designated for continued industrial use under the Comprehensive Plan and zoning ordinance.
4. The proposal complies with the Transportation Planning Rule.
5. The Limited Use Overlay is appropriate to ensure compatibility with surrounding land uses.

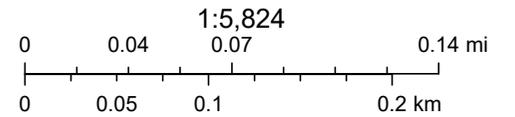
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Yamhill County Map

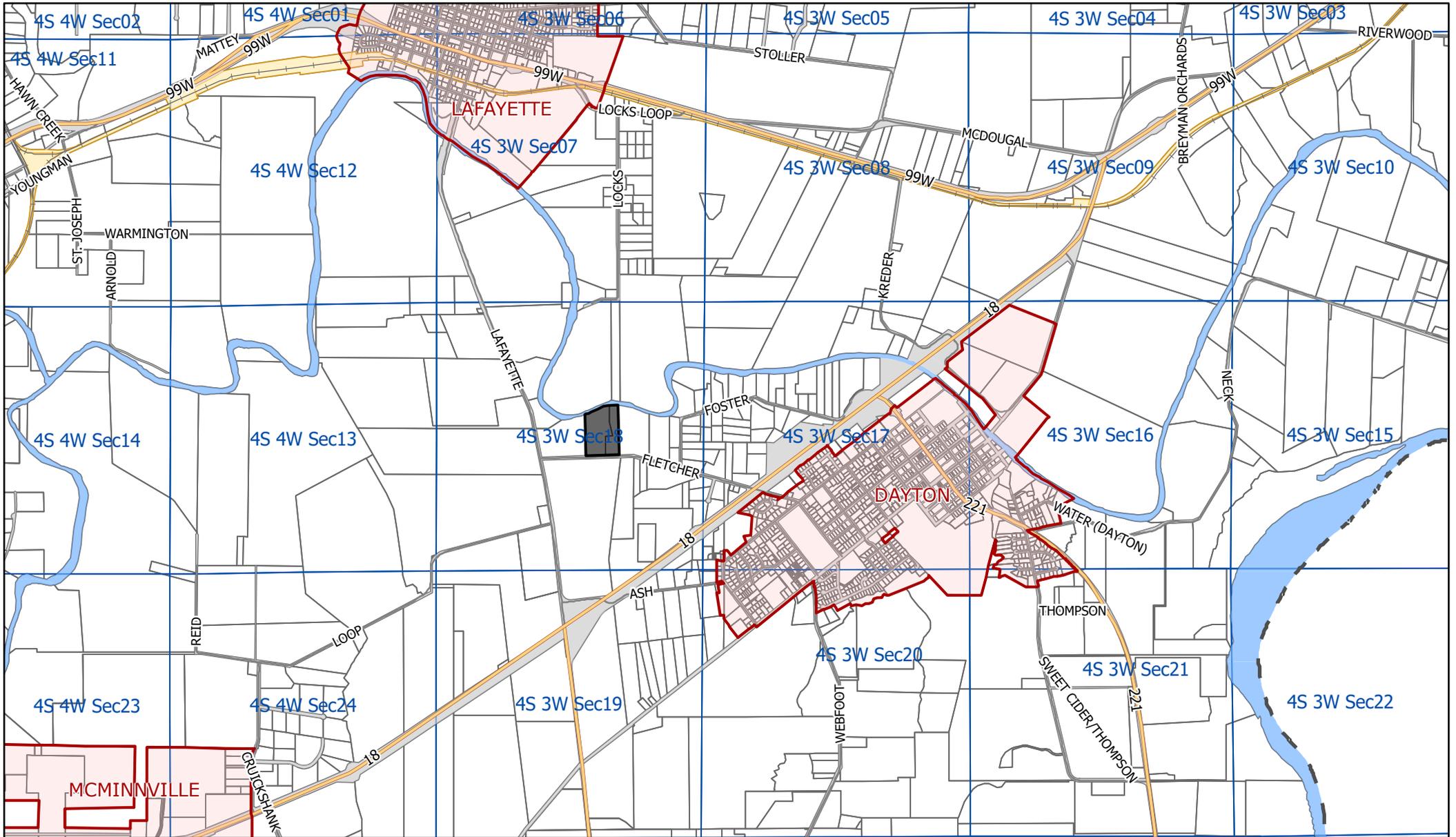


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-  Building Footprints
-  Sections
-  Taxlot Parcels



Yamhill County Map



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- | | | | |
|-----------------|--------------|----------------|----------|
| City Boundaries | County Roads | Non Tls | WATER |
| Highways | Railroads | RAILS | Sections |
| | ROADS | Taxlot Parcels | |

