

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

94-518

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED  
YAMHILL COUNTY, OREGON  
1994 AUG -4 PM 12:36  
CHARLES STERN  
COUNTY CLERK  
DEPUTY

In the Matter of an Ordinance Amending the )  
Official Zone Map of Yamhill County, to )  
Change a 23 Acre Portion of Tax Lot 5633- )  
900 from "Agricultural/Forestry Small )  
Holding" (AF-10) to "Heavy Industrial" (HI) )  
for Expansion of an Existing Wood Treating )  
Facility; Docket Z-3-94; Applicant Taylor )  
Lumber and Treating, Inc.; and Declaring an )  
Emergency. )

ORDINANCE 575

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on August 3, 1994, Commissioners Dennis L. Goecks, Ted Lopuszynski, and Debi Owens being present.

WHEREAS, on May 6, 1994, Taylor Lumber and Treating, Inc. ("Applicant") applied to the Department of Planning and Development for a zone change from Agricultural/Forestry Small Holding (AF-10) to "Heavy Industrial" (HI) for expansion of an existing wood treating facility on a portion of Tax Lot 5633-900 identified on the attached Exhibit "B"; and

WHEREAS, on July 7, 1994, the Yamhill County Planning Commission held a public hearing to consider the application and thereafter voted unanimously to approve the application for the zone change; and

WHEREAS, for the zone change to be effective, the Board is required to adopt an ordinance implementing the Planning Commission's decision; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A" and by this reference incorporated herein provide a justification for the approval of the application; and

WHEREAS, the attached Exhibit "A" demonstrates that the proposed amendment to the Official Zoning Map of Yamhill County is in the best interests of the citizens of Yamhill County; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. The Official Zoning Map of Yamhill County is hereby amended as specified in the attached Exhibit "B" to reflect a zoning designation of "Heavy Industrial" (HI) on a 23 acre portion of Tax Lot 5633-900 identified on Exhibit "B".

Section 2. The findings attached as Exhibit "A" and incorporated herein by this reference are 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 upon passage.

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ORDINANCE 575

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DONE at McMinnville, Oregon this 3rd day of August, 1994.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS



~~CHARLES STERN~~  
County Clerk

*Dennis L. Goecks*

Chairman DENNIS L. GOECKS

By: *Jaynie Mitchell*  
Deputy JAYNIE MITCHELL

*Ted Lopuszynski*  
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

*John C. Pinkstaff*  
JOHN C. PINKSTAFF  
Assistant County Counsel

*Debi Owens*  
Commissioner DEBI OWENS

cc\q1u94210.001

**EXHIBIT "A"**

**ORDINANCE 575**

**DOCKET:** Z-3-94

**REQUEST:** Zone change from AF-10 Agriculture/Forestry Small Holding to HI Heavy Industrial for expansion of an existing wood treating facility.

**APPLICANT:** Taylor Lumber and Treating, Inc.

**TAX LOT:** A portion of Tax Lot 5633-900.

**COMPREHENSIVE PLAN DESIGNATION:**

The westerly portion (approximately one-third of the area) is within the Sheridan Urban Growth Boundary and is designated Industrial on the city plan. The remainder of the property is designated Heavy Industrial on the county plan map.

**LOCATION:** Adjacent to the western boundary of the City of Sheridan on the north side of Highway 18 Business Loop, approximately one-quarter mile west of the intersection of Highway 18 Business Loop and Rock Creek Road

**FINDINGS:**

**A. Background Facts**

1. **Property size:** Total area under consideration to be rezoned is approximately 23 ac.
2. **Access:** Oregon State Highway 18 Business Loop and Rock Creek Road
3. **On-site Land Use:** The subject parcel is characterized as an agricultural use on the western portion of the subject parcel. The eastern portion of the parcel is utilized for pole storage overflow from the existing heavy industrial operation currently located to the east of the subject parcel. The site was purchased by Taylor Lumber in January, 1973. The comprehensive plan designation for the site has been Heavy Industrial since 1976. The subject portion of the parcel is bounded on the north by railroad tracks and on the south side by State Highway 18 Business loop.
4. **Surrounding Land Use:** The surrounding area to the north and south is characterized by large-scale agricultural production of grains and hay. Directly east is an established mill site with a portion of the operation being inside the city limits of Sheridan. The adjacent portion in the county is zoned HI Heavy Industrial. There is a 5-acre parcel with a dwelling nearly surrounded by the subject property. Approximately 370 feet west of the subject property is another area that is in heavy industrial use and is zoned as such. These sites are owned and operated by Willamina Lumber Company.
5. **Surrounding Zoning:** Adjacent zoning to the east is HI Heavy Industrial and city zoning designations within the city limits of Sheridan. The surrounding area to the north and south is zoned EF-40 Exclusive Farm Use. The area to the west is zoned AF-10 Agriculture/ Forestry Small Holding and HI Heavy Industrial. The land bounded by the railroad and the highway carries a Heavy Industrial Comprehensive Plan designation.
6. **Soils:** Sheet 48 of the Yamhill County Soil Survey indicates the property is composed predominantly of Chehalem silty clay loam (CeC), which is Class III agricultural soil.

7. Fire Protection: The subject property is within the boundaries of Sheridan Fire Protection District.
8. Taxes: Farm deferral

**B. Oregon Administrative Rule Provisions and Analysis**

Oregon Administrative Rule (OAR) Chapter 660, Division 4, explains the requirements for taking exceptions to statewide goals. The subject property is designated as Heavy Industrial on the Comprehensive Plan map and is currently zoned AF-10 (see Finding A.3). An exception to Goal 3 has already been taken.

**C. Ordinance Provisions and Analysis**

1. The zone change portion of the subject request must comply with the standards and criteria in YCZO Section 1208.02. These provisions are as follows:

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

The findings regarding these criteria are provided in subsections 3 through 7 below.

2. Regarding Comprehensive Plan goals and policies, the policies under Goal I.H.1 of the Plan text state that:

- a. The industrial development goal provides "to concentrate industries of similar types, service needs, and performance characteristics within designated areas of each of the existing urban centers."

Although the subject property is not in an urban center it is located in an industrially zoned and developed corridor between the cities of Sheridan and Willamina, adjacent to an existing industrial site, and, as an expansion area for an existing, abutting industry. An approval of the requested amendment on the subject property would concentrate industries of similar types and performance characteristics within a designated industrial area.

- b. County policies regarding industrial development outside of urban growth boundaries encourage locations which can adequately be served by necessary facilities, well removed and

shielded from existing or projected residential development and adequately buffered from incompatible land uses.

The proposed use of the property is an expansion of the existing use on an adjacent parcel. All services are available to the existing heavy industrial operation and can be provided to the expanded site for operation of dry kiln, pole peeler and log & piling storage area. Further, since the use of the subject property as proposed is essentially an expansion of a use that is currently on-going on abutting property, and surrounding lands are planned and zoned for agricultural use, the proposed use would not be incompatible with land uses on surrounding properties. The applicant has indicated that most of the dwellings in the area have been purchased by the applicant and subsequently demolished to avoid any potential conflict with the heavy industrial use in the future.

c. Industrial policies provide that heavy industrial sites be identified and protected from encroachment of urban uses.

Since the subject property is owned by the industrial user on adjacent land and because the proposed site is required for continued operation of the adjacent lumber mill, approval of the requested amendment would help to ensure that a heavy industrial site is identified as such on the Comprehensive Plan and Zoning Map and, thereby, retained for industrial use.

d. 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 strengthen the local economic bases.

Approval of the request would allow an existing industry to continue to provide employment and economic benefits to the Willamina-Sheridan area.

The request is for a zone change for a 23-acre portion of a 130-acre parcel from AF-10 Agriculture/Forestry Small Holding to HI Heavy Industrial.

This portion of the parcel has been excepted from Goal 3. Areas that do not require a new exception cannot reasonably accommodate the use because of unavailability of suitable land zoned for a HI Heavy Industrial use.

The Board finds that the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.

3. Regarding the need for the proposed change as stated in criterion (b), the Board finds that there is an existing, demonstrable need for the proposed change considering that the proposed land use is a required expansion for an existing industry. The applicant has indicated that the abutting mill site to the east is running out of log storage and production space and that without additional area, the mill will not be able to operate. Approval of the request would provide the mill with the area needed for storage and treatment facility.

4. Regarding criterion (c), the Board finds that 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. The requested change is appropriate in that an existing wood processing and treatment mill has nearly exhausted the area on the mill property presently available for storage of logs and pilings and the requested amendment will allow the mill to expand the storage and processing area to the subject property abutting the mill site. The applicant has indicated that this change will increase the efficiency of their manufacturing process. There is no evident change to the neighboring area due to the fact that the business has been in existence for a very long time.

5. Regarding criterion (d), the Board finds that other lands in the county already designated for the proposed use are unavailable or not as well suited for the anticipated uses due to location, size or other factors. Since the request is a relatively minor expansion of the facility, having a site adjacent to the existing mill is very desirable. Although there are other HI-zoned sites in the County, these sites are devoted to existing uses and, therefore, are not available for further development. Moreover, this finding is further supported by the facts set forth in Finding C.4 above.

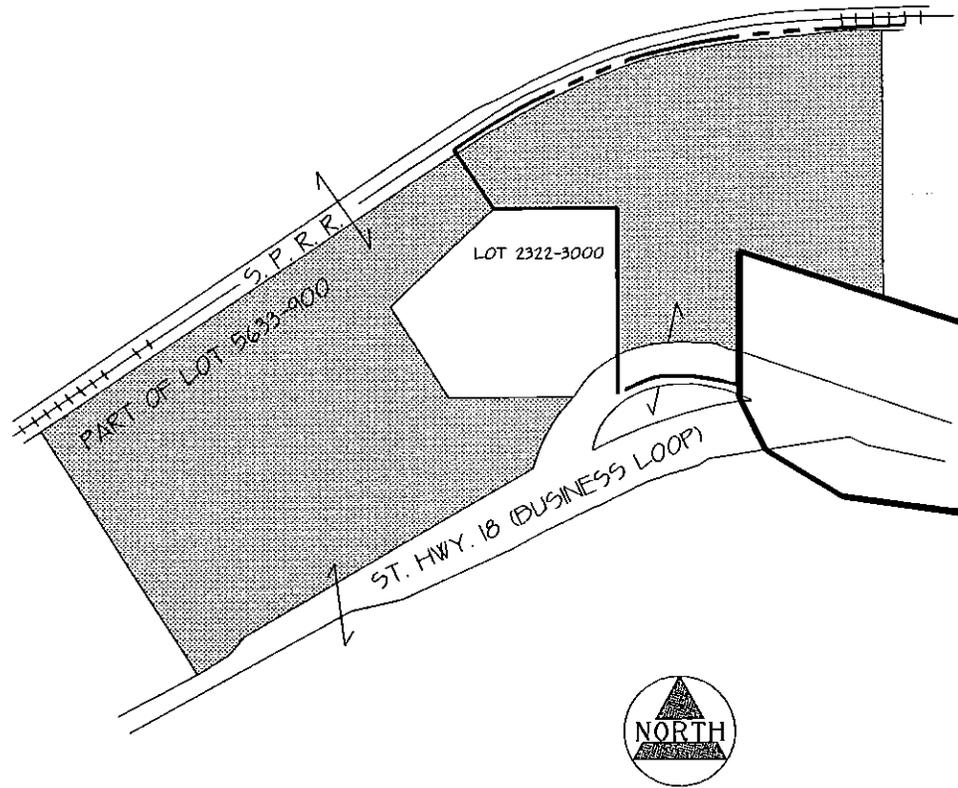
6. Regarding criterion (e), the Board finds that the amendment is consistent with Oregon Administrative Rules for exceptions.

**DECISION:**

Based on the above findings, analysis, and conclusions, the Board hereby approves the request by Taylor Lumber and Treating Inc., for a zone change to expand an existing wood treating facility on Tax Lot 5633-900.

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EXHIBIT "B" FOR ORDINANCE No. 575  
 ZONING MAP AMENDMENT  
 TO CHANGE THE ZONING MAP  
 DESIGNATION FROM  
 "AF-10" AGRICULTURE/FORESTRY SMALL HOLDING  
 TO "HI" HEAVY INDUSTRIAL



- URBAN GROWTH BOUNDARY LINE
- CITY LIMITS BOUNDARY LINE
-  AREA SUBJECT TO COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT