

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FILED  
YAMHILL COUNTY, O

83-532

FOR THE COUNTY OF YAMHILL

Nov 15 1 20 P

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES ST  
COUNTY CLERK  
DEF

In the Matter of an Ordinance )  
to Implement Planning Commission )  
Resolution 83-12 Authorizing an ) ORDINANCE NO. 360  
Amendment to the Yamhill County )  
Zoning Ordinance, No. 310, 1982, )  
Requested by Wallace Mekkers )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), on the 9th day of November, 1983, sat for the transaction of County business, in special session, Commissioners Robin J. Hamblet, Dave Bishop and Ted Lopuszynski being present.

WHEREAS, Wallace Mekkers has applied to the Yamhill County Planning Commission for an amendment to the Yamhill County Zoning Ordinance, No. 310, 1982, to change the Official Zoning Map from "EF-40" to "LI" on a 7.5 acre tract, known as Tax Lot 4430-2100; and

WHEREAS, on August 11, 1983, the Yamhill County Planning Commission sat to consider said application and voted unanimously to amend the Official Zoning Map of Yamhill County to show the zoning designation on said property as "LI"; and

WHEREAS, the Planning Commission has adopted Resolution 83-12 together with Findings approving an amendment to the Zoning Ordinance, said Resolution and Findings being attached hereto and by this reference incorporated herein as if fully set forth herein; NOW THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD that the Official Zoning Map of the Yamhill County Zoning Ordinance be and hereby is amended consistent with and as set forth in the attached Resolution No. 83-12 and Findings of the Yamhill County Planning Commission.

DONE at McMinnville, Oregon, this 9th day of November, 1983.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STEPHEN  
County Clerk



Robin J. Hamblet  
Chairman ROBIN J. HAMBLET

By: Elaine Pearce  
Deputy ELAINE PEARCE

Dave Bishop  
Commissioner DAVE BISHOP

APPROVED AS TO FORM:

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

Ted Lopuszynski  
Commissioner TED LOPUSZYNSKI

ORDINANCE NO. 360

In the Matter of an Amendment to the )  
Yamhill County Zoning Ordinance No. )  
310, 1982 as requested by Wallace )  
Mekkers )

RESOLUTION NO. 83-12

THE PLANNING COMMISSION of Yamhill County, Oregon, on the 11th day of August, 1983, sat for the transaction of County business, at a specially scheduled session. Planning Commissioners Treadway, Bunn, Miller, Stockhoff, Schatz, Weidemann, Bennette and Sadler were present.

WHEREAS, the Yamhill County Board of Commissioners adopted the Yamhill County Zoning 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, 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 Wallace Mekkers 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 EF-40 for a parcel described as being a 7.5 acre tract; and

WHEREAS, the McMinnville Planning Advisory Committee reviewed the amendment request at a public meeting and recommended approval of the request; and

WHEREAS, the Planning Commission, on the 11th 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 7.5 acre portion of Yamhill County Tax Lot 4430-2100 as LI 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 11th day of August, 1983.

AYES: Treadway, Bunn, Miller, Stockhoff, Schatz, Weidemann, Bennette, and  
Sadler

NAYES: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

Approved by the Chairman on this 6th day of October, 1983.

ATTEST:

  
Lynn Steiger, Planning Director

YAMHILL COUNTY PLANNING COMMISSION

  
Dick Sadler, Chairman

EXHIBIT "A"

Docket: PA-128-83/Z-241-83  
Request: An amendment to the Yamhill County Comprehensive Plan, 1974, to change the Plan Map designation from "Agriculture/Forestry Large Holding" to "Light Industrial" on a 7.5 acre tract. An amendment to the Yamhill County Zoning Ordinance, No. 310, 1982, to change the official zoning map from EF-40 to LI on a 7.5 acre tract.

Location: Approximately 1/2 mile southwest of the City of McMinnville, southeast of Highway 18, in the NE 1/4 of Section 31, T4S-R4W, Tax lot No. 4430-2100.

Applicant: Wallace Mekkers.

Findings of Fact

1. The applicant has requested a plan amendment/zone change on the entire 7.5 acre subject property to amend the Comprehensive Plan Map designation from "AFLH" to "LI" and to change the zoning from EF-40 to LI. The application was originally submitted as a request to amend the plan designation and zoning to HI on the property. However, after discussion with the Planning Staff and after the McMinnville PAC recommendation on the application, the request was revised.
2. The proposed use for the property is "D" Stake Mill. This manufacturing operation is currently located on North Evans Street in McMinnville. However, because of an inability to expand in its present location, expiration of the business lease and incompatibility with neighboring residential uses, "D" Stake Mill must relocate. Grape stakes, cedar boxes, kiln strip, survey hubs, garden stakes and lath are currently manufactured at the plant. The applicant has indicated that all products are manufactured from dimension lumber.
3. The applicant has indicated that 15 persons are employed in the present operation on North Evans Street in McMinnville and that 12 to 15 trucks pick up from and deliver to the plant each week. Because of increasing requests for finished products from "D" Stake Mill, the applicant has indicated plans to hire an additional shift of approximately 10 employees at the plant. However, because of the problems associated with inadequate space on the present site, expiration of the present lease and incompatibility with adjacent residences, the applicant has indicated that relocation is necessary.
4. In its present 2.7 acre city location, the "D" Stake Mill site is County Zoned LDR 9,000, City Plan designated "Residential" and bordered by residential subdivisions. The present site is not served by any on-site sewer facilities or water supply and is accessed by a 36 foot wide city minor collector street. In the proposed location, the manufacturing plant is to be served by an on-site septic system, a well and an approved access off of Highway 18.
5. The 7.5 acre subject property is planted in filberts. The trees on the westerly 1/3 of the parcel are 40 to 50 years old and the trees on the other 2/3 of the property were planted before 1949. A drainage swale traverses the eastern 2 acres of the property. Although the land has previously been leased for filbert production, no agricultural lease was entered into this year.

6. The soils on the property are agricultural Class II, Woodburn silt loam with slopes of between 0 to 7 percent.
7. The applicant proposes to construct a 9,600 square foot building on the subject property to accommodate the proposed use. The building is to be setback from property to the north by 60 feet, from the property to the south by 180 feet, from property to the east by 400 feet and from the western property line by at least 350 feet. Approximately 58,000 square feet of the property will be graveled and used for parking and loading areas and for outside storage. Three rows of the filbert orchard are to remain to serve as a buffer between properties to the south and west. Additionally, a proposed planting of Colorado Blue Spruce will eventually serve as a vegetative screen for the property (see site plan).
8. A 7.15 acre property zoned HI abuts the subject parcel on the north. The property is used for brick and ceramic manufacturing. Other lands in the area are zoned EF-40 and County Plan designated "AFLH". The southwestern edge of the McMinnville Urban Growth Boundary lies across Highway 18 from the subject property and lands within the Urban Growth Boundary are zoned EF-40 and City Plan designated for residential development. Other than the industrial property to the north, lands abutting the subject property are devoted to intensive farm production, including grain and orchard crops. The nearest dwelling is approximately 1,000 feet from the subject property.
9. The applicant has spent nearly 1 1/2 years investigating a number of alternative locations within the City of McMinnville, but because of a lack of a viable, properly zoned city industrial land, proximity of city sites to residences, lack of site screening from incompatible land uses, lack of necessary City improvements to the sites, etc., the applicant feels that the subject property will best accommodate the proposed use (see the alternative locations discussion in the attached application). Because of the applicant's desire to keep the industry in the McMinnville area and because the plant employees reside in McMinnville, no other urban or rural locations within the County have been considered.
10. Within the McMinnville Urban Growth Boundary, there are approximately 185 acres of undeveloped and uncommitted industrially zoned land and another 390 acres of land plan designated industrial. On County lands outside of urban growth boundaries, the only uncommitted LI zoned properties are located adjacent to the Sheridan and Newberg Urban Growth Boundaries.. The Sheridan site is less than 1.5 acres and the Newberg site is approximately two (2) acres.
11. The following public agency comments have been received:
  - a) County Engineer - No conflicts with Road Department's interests.
  - b) County Sanitarian - A Site Evaluation for an on-site septic system is needed.
  - c) McMinnville Rural Fire District - No conflicts with District's interests.
  - d) Oregon Department of Transportation - No conflicts with the Department's interests (see attached letter).
  - e) Planning Director, City of McMinnville - Suggested delaying hearing until after City received word from Federal Government on EDA Grant. If the grant is approved, "D" Stake Mill has expressed interest in locating in the MIP Industrial Park which would probably be a more appropriate location.

12. The McMinnville PAC reviewed the request at their meeting of July 20, 1983. A motion to recommend approval of the plan amendment/zone change request to a "HI" plan designation and zoning district failed by a vote of 3 to 2, with 1 abstention. After a lengthy discussion as to the possibility of accommodating the proposed use in the County "LI" District, a motion was made that if the "LI" District could accommodate the proposed use, the PAC would recommend approval of a plan amendment/zone change on the site to "LI". This motion carried by a vote of 5 to 1.

### Conclusionary Findings

#### Approval

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

1. The proposed plan amendment/zone change is consistent with the Comprehensive Plan as follows:
  - a) The industrial development goal provides "to encourage the relocation of existing industries from undesirable locations in order to eliminate land-use conflicts." Approval of this request would allow for relocation of an existing industry from a residentially zoned, planned and developed area within the City of McMinnville to an undeveloped area bordered on one side by a heavy industrial use, bordered on all other sides by exclusive farm use zoning and buffered from the nearest land planned for residential development by the Highway 18 corridor, by a 350 foot setback distance from the proposed industrial structure and by existing and proposed vegetative screening. Further, the proposed relocation would remove 12 to 15 trucks per week from a 36 foot wide, residential street and would utilize Highway 18 as the access for the industrial traffic.
  - b) The industrial development goal provides "to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base." Although "D" Stake Mill is an established local industry, failure to find a location that meets the needs of the plant could result in the closure and loss of an industry which currently contributes to the local tax base and employment base. Further, if this application is approved, an increase of up to 7.5 acres of industrially valued land would be added to the property tax rolls and up to 10 employees would be added to the local employment base.
  - c) 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 development is to be served by an on-site septic system and well and by an existing access off of Highway 18 and, therefore, all necessary facilities can adequately be provided to the subject property without necessitating the extension of urban services. Further, although a residentially planned area is located across Highway 18 from the subject property, the highway corridor, the proposed 350' building setback, the use of existing vegetation and the proposed tree planting all help to shield the site from projected residential development and help provide a buffer between incompatible land uses.

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- d) County policies encourage small scale industries which base their products on renewable raw materials and which utilize the transportation system in a safe and energy efficient manner. The proposed use is an existing local industry that has a local labor force and that is dependent upon wood products as its source of raw material. Further, the subject property derives access from Highway 18 and the proposed manufacturing operation will utilize this existing access for truck traffic generated from the operation.
  - e) 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 local economic bases. Approval of the request would allow an existing industry to remain in the area and to continue to provide employment and economic benefits to the area.
2. There is an existing, demonstrable need for the proposed zone change considering that the proposed land use is an existing, local industry that must relocate in order to stay in business. "D" Stake Mill currently employs 15 people in its McMinnville location and, because of increased demands for finished products from the plant, there are plans to increase the number of people employed at "D" Stake Mill by 10. However, because of problems associated with expiration of the existing business lease, inability to expand in the present location and incompatibility with neighboring land uses, "D" Stake Mill is forced into relocating. Approval of the zone change would help accommodate this relocation and would assist in keeping a local, working industry intact and operational.
  3. In that the request pertains to an existing industry that must relocate, and because the proposed location is served by Highway 18 and will be served by an on-site septic system and well, the zone change is timely. The move from the present McMinnville location to the proposed site will provide the manufacturing plant with better transportation access than currently serves the City site and will provide the plant with a basic level of sanitary and water service that is not now provided at the City location. Further, the subject property abuts an existing HI zoned property and the proposed LI District will be compatible with such industrial lands. Additionally, the uses permitted in the LI District should be more compatible with other proposed and existing land uses in the area than the type of uses permitted in the neighboring HI District.
  4. At the present time there is only a limited amount of uncommitted LI zoned land in the County, outside of urban growth boundaries. Because the present city site is 2.7 acres in size and is not large enough to accommodate normal expansion of the manufacturing operation, it appears that a site of at least three (3) acres is necessary to accommodate the proposed use. In that the only uncommitted LI zoned land in the County is less than 2.5 acres in size, there are no LI zoned lands of appropriate size in the County to satisfy the development needs of "D" Stake Mill.

Further, the applicant has indicated that because the industry has been established in McMinnville and because the employees of the plant reside in McMinnville, other locations throughout the County are not as suitable for the proposed relocation.

Within the McMinnville area, a number of industrial zoned sites have been investigated but because of proximity to existing residences, lack of available services, insufficient size of available tracts, lack of natural screening, etc., the sites investigated were not deemed to be as suitable for the proposed use as the subject property.

#### Exceptions Approval

The following conclusionary findings can be made for the taking of an exception to applicable County resource goals:

1. Why these other uses should be provided for? The reasons for the proposed relocation have been set forth in the application and in findings of fact No. 2, 3, and 4 and conclusionary finding for approval No. 2.
2. What alternative locations within the area could be used for the proposed uses?

Alternative locations have been reviewed in the application and further considered in finding of fact No. 9 and conclusionary finding for approval No. 4.

3. What are the long term environmental, economic, social and energy consequences to the locality, the region or the State from not applying the goal or permitting the alternative use?

The expected consequence of not permitting the proposed use is that an existing, local industry would not be able to relocate, and, therefore, would be forced to cease operation. The resultant impact would be the loss of 15 existing jobs and up to 10 additional, anticipated jobs. A loss of jobs and closure of industry would have an adverse impact on the local economy and tax base.

The consequences of not applying the County agricultural lands goal would be that a 7.5 acre parcel with approximately 5.5 acres of filberts would no longer be in production. As noted in the application, the filbert trees are between 35 to 50 years old and an agricultural lease for the property was not entered into this year.

4. A finding that the proposed uses will be incompatible with other adjacent uses.

As noted in the application and in findings of fact No. 7 and 8 and conclusionary findings for approval No. 3 and 4, the proposed use will be compatible with other adjacent uses. The existence of vegetative screening on the subject property, a proposed additional vegetative planting, setback distances of up to 400 feet and a neighboring heavy industrial use all indicate that the proposed use will be compatible with surrounding uses.

#### Additional Findings of Fact

1. The subject property is plan designated "Heavy Industrial" not "Agriculture/Forestry Large Holding" as was previously thought. A careful review of the Yamhill County Comprehensive Plan Map indicates that the subject property is plan designated "HI", as is the Ceramco property to the north.
2. The subject property was never excepted through the County Exceptions Process; however, the Ceramco property to the north was excepted (Ordinance No. 202).
3. Section 19a of HB 2295 was signed into law by Governor Atiyeh on August 10, 1983. This section sets forth modified standards for the taking of an exception. These standards are as follows:
  - a) Reasons justify why the state policy embodied in the applicable goals should not apply;
  - b) Areas which do not require a new exception cannot reasonably accommodate the use;
  - c) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
  - d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.
4. A letter from the Department of Land Conservation and Development was received by Yamhill County on August 9, 1983. The letter outlines DLCD concerns pertinent to the request and in particular indicates that the requested plan amendment can only be justified based upon a thorough review of industrially-designated sites within McMinnville's UGB (see letter dated 8/4/83). However, because it has been discovered that the subject property is plan designated "HI" and not "AFLH", DLCD's original comments regarding the requested plan amendment are no longer relevant.
5. The requested zone change from "EF-40" to "LI" can be accommodated by the existing "HI" plan designation on the subject property.

