

83-465

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance )  
 to Implement Planning Commission )  
 Resolution No. 83-10 Authorizing an )  
 Amendment to the Yamhill County )  
 Zoning Ordinance, No. 310, 1982, )  
 Requested by Ray, Thomas and John )  
 Garland, and Roger Smith )

ORDINANCE No. 356

YAMHILL COUNTY  
 OCT 5 11 3 AM  
 CHARLES [unclear]  
 COUNTY CLERK  
 DEPUTY

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), on the 17th day of August, 1983, sat for the transaction of County business, in special 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)(8) 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 15 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 15 days; and

WHEREAS, the above-named persons have filed an application with the Yamhill County Planning Department to change the zoning on a 27 acre tract, requesting that a 2.3 acre portion be changed from "AF-10" to "HI" and on a 24.7 acre parcel from "AF-10" to "LI", and

WHEREAS, on August 4th and 11th, 1983, the Yamhill County Planning Commission held public hearing and voted to approve the change in zoning on the 2.3 acre parcel, but to deny the change in zoning on the 24.7 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 August 17, 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 changing zoning on the 2.3 acre parcel, but voted to postpone any decision on the 24.7 acre parcel, until such time as the County Planning Department could do a study to inventory the industrial lands within the Newberg area;

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 a change in zoning on the subject tract relating to the 2.3 acre parcel from "AF-10" to "HI" 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 17th day of August, 1983 at McMinnville, Oregon.

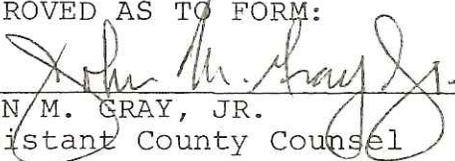
ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STEEN  
County Clerk

By:   
Deputy ELAINE PEARCEY

APPROVED AS TO FORM:

By:   
JOHN M. GRAY, JR.  
Assistant County Counsel

  
Chairman ROBIN J. HAMBLET

  
Commissioner DAVE BISHOP

  
Commissioner TED LOPUSZYNSKI

In the Matter of an Amendment to the )  
Yamhill County Zoning Ordinance, ) RESOLUTION NO. 83-10  
Ordinance No. 310, 1982 as requested )  
by Ray, Thomas & John Garland )

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, 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 Ray, Thomas & John Garland 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 AF-10 for a parcel described as being a 27.5 acre tract; and

WHEREAS, the Newberg/Dundee PAC 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 amendment of 2.3 acres to Heavy Industrial and deny the amendment of 25.2 acres to Light Industrial 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 2.3 acre portion of Yamhill County Tax Lot 3324-7905 as "HI" 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

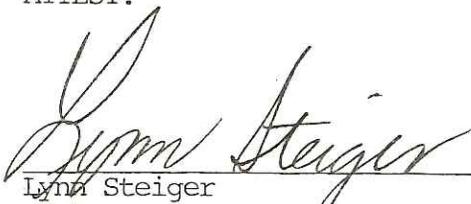
NAYES: \_\_\_\_\_

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

Approved by the Chairman on this 11th day of August, 1983.

ATTEST:

YAMHILL COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
Lynn Steiger  
Planning Director

  
\_\_\_\_\_  
Dick Sadler, Chairman

# Exhibit A

5. Docket: PA-126-83/Z-238-83  
Request: An amendment to the Yamhill County Comprehensive Plan, 1974 to change the Plan Map designation from "Very Low Density Residential" to "Heavy Industrial" on a two (2) acre portion of a twenty-seven (27) acre tract, and to "Light Industrial" on the remaining twenty-five (25) acres. An amendment to the Yamhill County Zoning Ordinance, Ordinance No. 310, 1982 to change the official zoning map from "AF-10" to "HI" on a two (2) acre portion of a twenty-seven (27) acre tract and to "LI" on the remaining twenty-five (25) acres.
- Location: Approximately one-half (1/2) mile Southwest of the City of Newberg, Northwest of Highway 99W in the Southeast 1/4 of Section 24, T3S-R3W, Tax Lot 3324-7902, 7903, 7904 and 7905.
- Applicant: Ray, Thomas and John Garland and Roger Smith.

## Findings of Fact

1. The applicant's ownership is comprised of Tax Accounts 3324-7905, 7904, 7903 and 7902, which equals twenty-seven (27) acres. There are currently three (3) dwellings and a two-story garage structure on the premises, together with an auto wrecking yard. The applicant has requested that the two (2) plus or minus acres involved in the wrecking yard be rezoned to "Heavy Industrial," with the surrounding twenty-five (25) acres rezoned to "Light Industrial."
2. The planning history on the subject property dates back to 1971 with Dockets G-13-71, G-19-72, C-22-72, G-69-72, and C-69-72A. Docket G-13-71 was a plan amendment request from Agriculture to Industrial which was denied on the subject tract. G-19-72 was a textual amendment to the 1968 Zoning Ordinance to allow an auto wrecking yard as a conditional use within the general agricultural zone. This action was subsequently approved and incorporated into the Ordinance. Docket G-22-72 requested amendment from an agricultural zone to commercial on the subject property. The request was denied by the Planning Commission on October 3, 1972. Docket C-69-72 as approved allowed for development of a wrecking yard on the site. This approval was later amended under Docket C-69-72A which imposed the following conditions:
  - A. That this permit would be subject to renewal three years after issuance, but would be subject to review after one year. The applicant is to report to the Commission after a one year period as to his compliance with the stipulated conditions;
  - B. That there will be no burning of any material, other than for sanitary waste disposal for on-site personnel;
  - C. That there will be no disposal on-site of waste oil or fuel;
  - D. That there be a single on-site sign of not more than thirty-two (32) square feet in size;
  - E. That there will be no impediment to ground or surface water drainage;
  - F. That there will be no parking of cars outside of the fenced area for any purpose for more than twenty-four (24) hours;
  - G. That there will be a continuous screen of evergreen plants capable of reaching a height of twelve (12) feet with the reasonable expectation of reaching a height of six (6) feet within a period of three (3) years, planted on the southerly, westerly and northerly sides of the wrecking yard;
  - H. That an incinerating toilet device be provided as indicated by the Sanitarian.

In reviewing these files it appears that there was a wrecking yard located on the property prior to the 1971 - 1972 applications; however, it appears that it had been discontinued or abandoned as an active use. The wrecking yard has been operational since 1972 under the provisions of the conditional use permit.

3. Soils on the subject property, according to the USDA Soil Survey of the Yamhill Areas, 1974, are Dayton silt loam (III), Amity silt loam (II), and Woodburn silt loam (II). These soils exhibit severe limitations for subsurface sewage due to seasonally high water tables, slow permeability, and poor drainage. This fact has been borne out in the difficulty experienced in locating a subsurface site approval. The 1972 C.U.P. required sewage waste to be disposed by burning due to soil conditions.
4. The subject property was excepted as Code Area 1.8 under Yamhill County Ordinance No. 202 in 1979 and No. 234 in 1980. See major findings and conclusions attached. The subject parcel differs from the conclusions of Exceptions Statements I and II in that soil suitabilities for subsurface sewage disposal are severe on the entire twenty-seven (27) acres. The Exceptions Statements did not discuss individual tracts nor did it review lands for commercial or industrial potentials.
5. The site is well screened from adjoining uses by substantial vegetative growth. Screening was placed along Highway 99W in accordance with Docket C-69-72A. Arborvitae was planted four (4) feet on-center and has attained a height of eight to twelve (8 - 12) feet. The North, West and East property boundaries are screened by twenty to thirty (20 - 30) foot stands of ash and big leaf maple with some fir intermixed.
6. The natural drainage characteristics were interdicted by both the Highway 99W improvements and the S.P.R.R. roadbed which create dams to surface run-off. The Harvey Creek drainage runs west to east along the northern boundary of the subject property.
7. Lands to the East are characterized by a mixed use of rural residential, light industrial and heavy industrial uses. Large parcel rural residential uses dominate land use to the west and northwest.
8. The site has direct access to Highway 99W at two (2) locations; a loop road provides access to the existing wrecking yard and three residences clustered on the property. An overall site circulation plan is essential to future site development. The City of Newberg has expressed concern for a frontage road in this area under past applications. Highway 99W has sufficient width in the median to afford construction of a left turn refuge lane for East bound traffic coming into the site. Consideration of acceleration and deceleration lanes should be given to west bound traffic. Average daily traffic volumes according to Oregon State Highway Division Traffic Volume Table, 1981 are 13,700 vehicles at the west city limits of Newberg, Mile Post 24.16.
9. City of Newberg urban services are not available to the subject property. The City has indicated that they will formally respond to the request.
10. Referrals have been returned from the following agencies:
  - a. School District 29J, Newberg - "Industrial use may be the very wisest choice that could be made."
  - b. Environmental Health - "Holding tank approved with maximum two hundred (200) gallons a day flow or standard system approved with proper easements as per attached diagram. A site was approved for subsurface disposal on the back edge of the tract."
  - c. DLCD - has indicated that they will be forwarding a position paper in opposition to the requested amendment.

- d. Other referrals will be reported at the public hearing.
  - e. The Newberg/Dundee PAC recommendation will be reported at the public hearing.
11. The applicant has requested the "HI" zone district to accommodate continuance and improvement to the wrecking yard. The "LI" zone would serve as a more appropriate buffer to that useage than the present "AF-10" zoning. The applicant cites the economic goal and the need for industrial diversity in the area. The industrial development goal and the concept of industrial parks through a consolidation of use. The applicant goes on to cite future development opportunities to enhance transportation opportunities if the parcel were planned and zoned for industrial use.
12. The applicant indicates that the County has limited opportunities for industrial users. The City has general industrial lands available within its jurisdiction. We presently do not have an inventory of those lands, their location or development requirements but have requested that information from the Newberg City Planner.
13. The following Yamhill County Comprehensive Plan Revised Goals and Policies are pertinent to the request:

Section I,A,1 - To encourage the containment of growth within existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County and assure an efficient transition from rural to urban land use.

Section I,A,1(a) - Yamhill County will, in cooperation with the cities and special districts of the County, encourage urban growth to take the form of a series of compact, balanced communities, each with its own business and community center and each related to industrial areas and other centers of employment.

Section I,A,1(c) - Yamhill County will recognize the lands within established urban growth boundaries as the appropriate and desired location for urban development.

Section I,B,1 - To provide an adequate amount of land, development areas and sites to accommodate those uses which are customarily found in rural areas or require or are better suited to rural locations, without compromising the basic goal relating to urban containment and orderly urban development.

Section I,B,1(b) - All proposed rural area developments shall be based on a reasonable expectation of the demand for the use of such land or facilities within a reasonable period of time and no large-scale development shall be approved without:

- 1) the submission and approval of a layout and design concept, with provision for the staging and servicing of all phases of the development;
- 2) the approval of all Federal and State agencies relative to any applicable health, safety and environmental controls; and
- 3) an adequate demonstration of the financial capacity and responsibility of the proponents to complete the development and provide for operation and maintenance services.

Section I,B,1(c) - All proposed rural area development and facilities:

- 1) shall be appropriately, if not uniquely, suited to the area or site proposed for development;
- 2) shall not be located in any natural hazard area, such as a floodplain or area of geologic hazard, steep slope, severe drainage problems or soil limitations for building or subsurface sewage disposal, if relevant; and
- 3) shall be furnished with adequate access and an adequate individual or community water supply, if required; and shall not be justified solely or even primarily on the argument that the land is less costly than alternative better sites or that Federal or State aid is available in the form of subsidized water supply or sewerage extensions from nearby urban centers.

Section I,F,1 - To maintain a rate and pattern of economic growth sufficient to prevent reoccurring high levels of unemployment and under-employment in the County, balance the real property tax base of the various cities and strengthen local economic bases.

Section I,F,1(a) - Yamhill County will, in cooperation with the cities, the local chambers of commerce and affiliated industrial promotion groups and State agencies concerned with State and regional economic development, encourage a diversified employment base, the strengthening of trade centers and the attraction of both capital- and labor-intensive enterprises, consistent with the needs of each community and the County as a whole.

Section I,F,1(b) - Yamhill County will encourage economic development projects which do not conflict with the predominant timber and agricultural character of the County.

Section I,H,1 - To concentrate industries of similar types, service needs and performance characteristics within designated areas of each of the existing urban centers; to encourage adequate land for new industrial development within urban growth boundaries; to encourage the relocation of existing industries from undesirable locations in order to eliminate land use conflicts; to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base, while maintaining a high standard of environmental quality; and to protect the stability and functional aspect of industrial areas by protecting them from incompatible uses.

- Section I,H,1(a) - Heavy-industrial uses with seasonal or high nuisance characteristics will be encouraged to locate or relocate only in or immediately adjacent to urban areas where all required services are available, well removed and shielded from existing or projected residential development; and conversely, that prime heavy industrial sites will be identified and protected from encroachment of other urban uses pending acquisition and development.
- Section I,H,1(b) - To the greatest extent possible, industrial areas will be located within urban growth boundaries. Those industrial areas located outside urban growth boundaries will be compatible with the industrial development goal and will be located where they can be adequately served by necessary major utility lines, including electric power substations and transmission lines, truck sewer lines, trunk water lines, and where appropriate, trunk gas lines.
- Section I,H,1(d) - Industrial uses which are compatible with surrounding residential uses and are willing to bear the cost of maintaining high performance characteristics and attractive site and building layout and design, will be encouraged to locate or relocate in designated industrial parks and that such parks and their staged development will be subject to planned unit development agreements.
- Section I,H,1(e) - Industrial uses will be located so that adequate buffer space is provided between incompatible land uses.
- Section I,H,1(f) - The County will develop appropriate performance, design and specification standards and requirements for all existing and possible future industrial uses to guide their location or relocation in the County and within existing industrial areas of the County.
- Section I,H,1(i) - Industrial development will utilize the transportation system in an efficient and safe manner and reduce energy consumption by identifying for industrial development areas with alternative transportation opportunities, and by locating employment opportunities close to public transportation and, where appropriate, in community areas.
- Section I,H,1(l) - The County will encourage industry that is energy conserving and energy efficient. Energy efficient and conservation measures that will be promoted, include but are not limited to the following:
- 1) efficient building, manufacturing and heating practices;
  - 2) cogeneration systems including the burning of wastes; and
  - 3) utilization of new and alternative systems.
- Section I,H,1(n) - The County will recognize and encourage small scale industries as viable alternatives to larger, conventional enterprises.

Section III,A,1 - To provide and encourage an efficient, safe, convenient and economic transportation and communication system, including road, rail, waterways, public transit and air, to serve the needs of existing and projected urban and rural development within the County, as well as to accommodate the regional movement of people and goods and the transfer of energy, recognizing the economic, social and energy impacts of the various modes of transportation.

Section III,A,1(a)- Yamhill County will encourage the establishment of a transportation system supportative of a geographically distributed and diversified industrial economy for the County including coordination with all City Comprehensive Plans.

Section III,A,1(b)- All transportation related decisions will be made in consideration of land use impacts including but not limited to adjacent land use patterns, both existing and planned, and their designated uses and densities.

Section III,A,1(j)- Yamhill County will require new development to:

- 1) limit access points on highways designated as arterials when alternative access points are feasible;
- 2) provide a frontage setback requirement of fifty (50) feet from the public right-of-way of all designated arterials within the County for commercial and industrial development; and
- 3) minimize direct access points onto arterial right-of-ways by encouraging the utilization of common driveways.

Section III,A,1(k)- All County transportation related decisions will be made in particular consideration of energy efficient and conservation.

Section III,A,1(o)- All transportation related decisions will be made in support of the efficient and economic movement of people, goods and services throughout the region, and will be based on the location and adequacy of facilities for such goods and services.

### Conclusionary Findings

The following conclusionary findings can be made in support of the requested amendments:

1. The range of uses requested by the applicant, auto wrecking, warehousing and light manufacturing, are permitted within the "HI" and "LI" zoning districts of Ordinance 310, 1982.
2. The proposed amendment is in accord with several elements of the County Comprehensive Plan:
  - a. It could provide economic diversity by attracting those industrial uses that do not require a full range of urban services; thereby creating a diversity of choice in the marketplace.
  - b. If the applicant can demonstrate a range of future occupants that would not be reliant on urban services and that would develop within a reasonable time, the request would be consistent with both the urban and rural area goals.
  - c. The request is consistent with the Industrial Development goal. The site has excellent access to Highway 99W, a primary arterial; is well screened and buffered from adjoining uses both by vegetation and distance; proposed uses do not require urban services and it would provide additional employment opportunities near the urban area.

3. Highway 99W is a separate four (4) lane, limited access roadway fronting on the site which is viewed as an asset to future improvement of the property. The average daily traffic volumes are approximately 13,700 vehicles per twenty-four (24) hour period. Given the proximity of the site to this principal transportation corridor together with soil limitations for subsurface sewage, the site does not exhibit high value for rural residential useage.

A conversion of the property at this time could serve to lead the economic upswing, that seems to be occuring, to provide for a well planned industrial site that could be an economic asset to Yamhill County and the City of Newberg.

4. There are no substantial acreages within the County, in the Newberg/Dundee area, that are presently designated for light industrial uses. While lands are available within the Cities of Newberg and Dundee, the costs of development are substantially higher due to required sewer and water services.

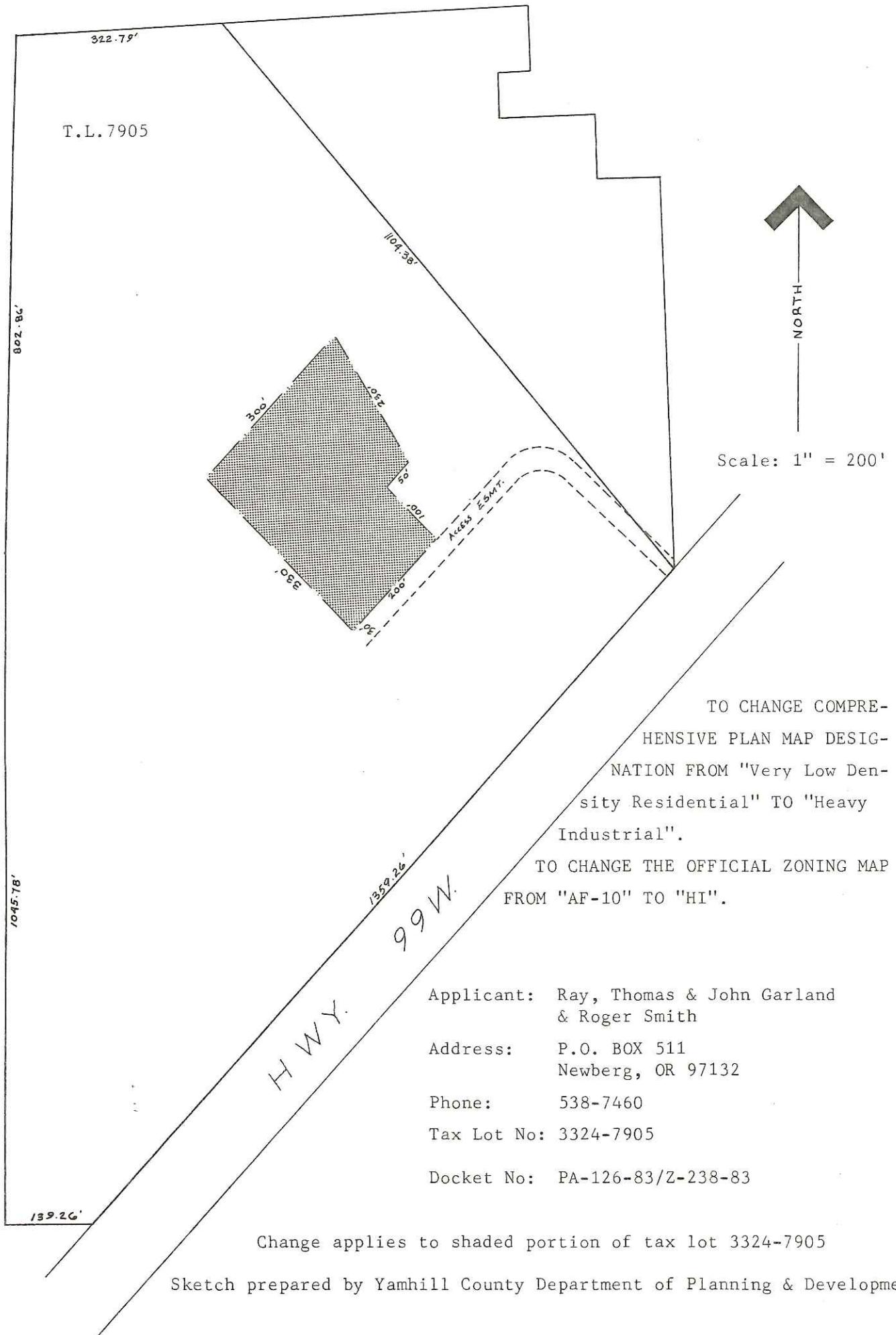
The following findings can be made in accordance with the agricultural exceptions taken under ORD 234, Code Area 1.8:

1. The site is not suitable for rural residential uses due to soil limitations for subsurface sewage. While an approved site was located on the subject property, it occurred on a woodburn terrace located to the rear of the property. The predominant on-site soils are Amity and Dayton silt loams which have poor drainage characteristics and standing water during the rainy season. The site could be tiled for drainage but would not be cost effective on a twenty-five (25) acre site and would preclude rural residential use.
2. Highway 99W, the principal arterial in Yamhill County, fronts the property. There is sufficient median width to provide sheltered turning lanes for East bound traffic, and the site has sufficient frontage to provide acceleration and deceleration lanes for ingress and egress.
3. The site adjoins "Light Industrial" zoned lands on the east and has accommodated a heavy industrial use, wrecking yard, under a conditional use permit over the past eleven (11) years. The C.U.P. does not restrict a conveyance of the business in its present location, nor does it stipulate that it is personal to the applicant.

#### Recommendation

Based upon the findings of fact and conclusionary findings, staff is leaning towards a recommendation of approval subject to site design review, but will withhold recommendation at this time pending the receipt of referral information in the matter.

SKETCH PLAN FOR COMPREHENSIVE PLAN AMENDMENT  
AND OFFICIAL ZONING MAP AMENDMENT  
EXHIBIT "B"



TO CHANGE COMPREHENSIVE PLAN MAP DESIGNATION FROM "Very Low Density Residential" TO "Heavy Industrial".

TO CHANGE THE OFFICIAL ZONING MAP FROM "AF-10" TO "HI".

Applicant: Ray, Thomas & John Garland & Roger Smith  
Address: P.O. BOX 511  
Newberg, OR 97132  
Phone: 538-7460  
Tax Lot No: 3324-7905  
Docket No: PA-126-83/Z-238-83

Change applies to shaded portion of tax lot 3324-7905

Sketch prepared by Yamhill County Department of Planning & Development