ent Limited Use Overlay)
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IN TH ARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the
for the transaction of county business in special
92-365 June 3, 1992, Commissioners Ted Lopuszynski, Debi Owens,
L. Goecks being present.

S

BO S, the City of Willamina ("Applicant") has applied to
In the Matt ent of Planning and Development for a Comprehensive Plan
Amending th nt from Agricultural/Forestry Small Holding to Public
Comprehensi TE map amendment from AF-10 to PWS (Public Works Safety) on
Zoning Map e portion of Tax Lot 5736-900 identified on the attached
1.5 acre po and
5736-900, t
Designation DEB , on May 7, 1992 the Yamhill County Planning Commission
Forestry Sm c hearing to consider the application and thereafter
and the Zon ously to recommend to the Board that the Comprehensive
from AF-10 Official Zoning Map be amended to grant the applica-
Imposing a
to Restrict DEN
to a Munici , on May 27, 1992 the Board held a public hearing on
PAZ-03-92 a ion and voted unanimously to grant tentative approval
City of Wil cation; and
an Emergenc

THE BO , the findings and conclusions attached hereto as
Board), sat and by this reference incorporated herein provide a
session on n for the approval of the application, including the
and Dennis exception to Statewide Land Use Planning Goal 3, the
f a limited use overlay to limit the use of the subject
uses related to municipal water supply, and the
WHEREA site design review; and
the Departm
Map amendme ty a , the attached Exhibit "A" demonstrates that the
and a zone n THEndment to the Yamhill County Comprehensive Plan Map and
the 1.5 acre
Exhibit "B" SION6 - Page 1

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Plan Map and e p
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HE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

WHEREAS Map
Exhibit "A" hed FOR THE COUNTY OF YAMHILL
justificatio 5 a
taking of an ITTING FOR THE TRANSACTION OF COUNTY BUSINESS
imposition o
property to the er of an Ordinance)
approval of ect e Yamhill County)
Cou ve Plan Map and)
to Change, on a)
WHEREAS rtion of Tax Lot)
proposed ame he Plan Map)
as F From "Agricultural/)
ORDINANCE 53 ed all Holding" to "Public") ORDINANCE 536
e Map Designation)
to PWS;)

ORDINANCE 536
Exhibit "A"

Findings for Approval

DATE OF PLANNING COMMISSION APPROVAL: May 7, 1992

DATE OF PRELIMINARY BOARD OF COMMISSIONERS APPROVAL: May 27, 1992

DATE OF ADOPTION OF IMPLEMENTING ORDINANCE: June 3, 1992

DOCKET: PAZ-3-92
SDR-4-92

REQUEST: Comprehensive Plan map amendment from Agricultural/Forestry Small Holding to Public and zone change from AF-10 Agriculture/Forestry Small Holding to PWS Public Works/Safety and site design review for a water intake and pump station.

APPLICANT: City of Willamina

TAX LOT: 5736-900

PROPERTY OWNER: Willamina Lumber

LOCATION: Approximately one mile north of the city of Willamina on the west side of Willamina Creek Road.

FINDINGS:

A. Background Facts

1. Lot Size: The area of the entire tax lot is 43 acres. The proposed amendment would affect 1.5 acres.

2. Access: Willamina Creek Road

3. On-Site Land Use: The subject 1.5 acres is a wooded hillside leading from Willamina Creek Road down to the creek.

4. Surrounding Land Use: Adjacent land to the south is used for a lumber mill, to the west across the creek a pasture,

to the east across the road a continuation of the wooded slope, and to the north a rural residence. The larger area is characterized by a mix of small farm and rural residential uses, except to the south where the City of Willamina is located.

5. Surrounding Zoning: The subject tax lot contains some HI Heavy Industrial land, and the remainder of the surrounding area is zoned AF-10.

6. Soils: Sheet 47 of the Yamhill County Soil Survey indicates that the soils on the subject 1.5 acres are Cloquato silt loam, which have an SCS agricultural capability Class II.

7. Explanation of Proposed Development: The proposed development is a conditional use in the AF-10 zone. The Plan amendment/zone change is being requested primarily because the city would like to create a 1.5-acre parcel around the water intake and pump station, and the minimum lot size in the existing zone is 10 acres.

B. Oregon Administrative Rule Provisions and Analysis

1. Goal 3 defines agricultural land as that with an agricultural Capability Class I through IV, as well as other lands suitable for farm use or necessary to permit farm practices on adjacent lands. The subject property is regarded as agricultural land by virtue of its Class II soil (Finding A.6). An exception to Goal 3, the statewide agriculture goal, is required by Oregon Administrative Rule (OAR) 660-04-010 if the land is to be Plan- and zone-designated other than exclusive farm use. Approval of the requested Plan designation and zone designations, therefore must be justified through the exceptions process.

2. OAR Chapter 660, Division 4, explains the requirements for taking exceptions to statewide goals. OAR 660-04-018 outlines the options for taking exceptions. The first is to base the exception on "physical development" and/or "irrevocable commitment" of the property to nonresource use. This type of exception is intended to recognize and allow existing types of development. The second is a "reasons" exception, which allows a jurisdiction to zone property with a non-agricultural designation if there are sufficient grounds for the change. The subject request relies on a reasons exception.

3. OAR 660-04-020 and -022 detail the requirements for reasons exceptions. Section 660-04-022(1) states:

> ...the reasons shall justify why the state policy embodied in the applicable goals should not apply.

Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

The applicants have relied upon the need for the proposed facility in their justification. Regarding (a) above, the need is to replace a municipal water supply point because of potential contamination at the existing diversion. The application includes an engineering study performed by Westech Engineering that documents the problems with the existing system and the need for a new one. There is no evidence at the time of this report that a new water intake facility is not required. In addition, the proposed location is already in an exception area, and has been previously justified as being committed to nonfarm use.

Regarding (b) and (c) above, only one needs to be addressed, and the study required in (b) has not been accomplished, so (c) needs to be discussed. The proposed facility must be located at Willamina Creek because the city already has rights for use of that water. The proposed location is upstream from the sources of contamination, but still reasonably close to the existing water treatment plant. While there may be other suitable locations, the combination of these factors makes the proposed location most appropriate, according to the applicant.

4. OAR 660-04-020 lists four factors that must be addressed when taking an exception. These are:

(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 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 other areas requiring a goal exception.

(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

These factors are addressed in Findings B.5 through 8, respectively, below.

5. Regarding (a) above, the reasons for the exception are discussed in Finding B.3 above.

6. Regarding (b), the area upstream from the site along Willamina Creek, on both sides, is zoned AF-10 or AF-20 for several miles. A zone change, and hence a new exception, would be required to complete the project at any point along the creek because the project includes creation of a 1.5-acre parcel.

7. Regarding long-term environmental consequences, the options are to place the facility at the proposed location or farther upstream. The environmental consequences would be essentially the same regardless of the precise location. The applicant submitted an "environmental assessment checklist" that stated the only environmental impact will be during construction.

   Regarding economic consequences, the applicants have stressed that the proposed location is the best because it is in the vicinity of existing facilities such as the Fort Hill Road bridge and is in close proximity to the water treatment facility. In addition, the current owner of the site is willing to donate the land to the city. The proposed location appears to be the most economical alternative.

   Long-term social consequences of the proposed site should not be significantly different than alternative locations.

   The application states that the engineering study has found that the proposed location minimizes energy-related costs.

8. The operating characteristics of the proposed facility should not result in incompatibilities with adjacent uses. Surrounding lands are devoted to industrial and residential activities, and the pump station will generate little traffic or noise.

9. OAR 660-04-018(3) requires that when a "reasons" exception is taken, the uses allowed in the exception area must be limited to "only those uses activities which are justified in the exception." This requirement is considered in Finding C.8.

C. County Zone Change Provisions and Analysis

1. Section 1204 of the Yamhill County Zoning Ordinance (YCZO) states that exceptions to statewide goals are subject only to the requirements of the Oregon Administrative Rules discussed in Section B of this report. The Plan Amendment portion of this request is not subject to local review criteria.

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

   (a) That the proposed change is consistent with the goals, policies, and any other applicable provisions of the Comprehensive Plan.

   (b) That 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) 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.

   (d) That 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) That the amendment is consistent with the current Oregon Administrative Rules for exceptions, if applicable.

   These criteria are addressed, respectively, in Findings C.3 through C.7, below.

3. Regarding Comprehensive Plan goals and policies, Policy C.1.e in Section II "Water Resources" states:

> Yamhill County will coordinate with and support city, regional, state, and federal water-quality plans and programs so that high water quality will be achieved in the cities of the county...

In addition, Policy A.1.a in Section IV "Public Land, Facilities and Services" states:

> Yamhill County will coordinate with the cities within its jurisdiction to provide an orderly phasing of water, sanitary sewerage, storm drainage and other public services and facilities within the urban growth boundaries.

Policy A.1.n in the same section states:

> The establishment of domestic water supply systems will be supported where such systems conform to all applicable water quality and engineering design criteria developed by the Oregon Health Division...

The proposal is to modify the existing water-distribution system so that the city can be served with safe drinking water. The proposed project appears to be consistent with these plan policies.

4. The need for the proposed use has been addressed in Finding B.3 of this report.

5. Regarding whether the use is appropriate (criterion (c)),

6. Regarding criterion (d), while there are other sites along Willamina Creek where the proposed facility would be a conditional use, there are no sites where a 1.5-acre parcel could be created without the requested zone change.

7. Regarding criterion (e), the OAR requirements are addressed in Section B of this report. An exception to Goal 14 has not been addressed because the water system the proposed facilities are a part of will not be expanded to allow urban uses in rural areas. The water will be used primarily if not exclusively inside the Urban Growth Boundary of Willamina.

8. As stated in Finding B.9, "reasons" exceptions require that permitted uses be limited to those justified. The PWS zone permits many uses that have not been addressed in this report or requested by the applicant. If the request is approved, it should include adoption of an LU Limited Use

overlay zone, pursuant to YCZO Section 904, limiting the permitted uses to "Municipal water supply, transmission and distribution facility" and "Accessory uses."

D. Site Design Review Criteria and Analysis

1. YCZO Section 802.02 states all permitted uses in the PWS zone are subject to Section 1101 for site design review. The proposed facility would include a small pumphouse (precise dimensions were not provided by the applicant), a water intake in Willamina Creek, and a water line to connect the new source to the existing water treatment plant. Section 1101.02 lists several factors to be considered in review of a site development plan. These are:

   (a) Characteristics of adjoining and surrounding uses.

   (b) Economic factors relating to the proposed use.

   (c) Traffic safety, internal circulation and parking.

   (d) Provision for adequate noise and/or visual buffering from noncompatible uses.

   (e) Problems that may arise due to development within potential hazard areas.

   (f) Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.

   Each of these considerations is addressed, respectively, in the following section.

2. Considering (a) above, the nature of the use is such that it should have very little impact on neighboring uses. Willamina Lumber Company owns the property to the south and east. The nearest dwelling is approximately 700 feet to the north, and is buffered by vegetation and topography from the development site. There are no other dwellings within one-quarter mile. The use should be compatible with the farm and woodlot uses in the area, which predominate.

   Regarding (b), no financial factors have been identified that would lead to amendments to or conditions on the site development plan.

   Regarding (c), little traffic will be generated by the proposed facility. There are adequate on-site roadways to allow internal traffic flow without requiring backing onto the county road.

The application states there will be little noise generated by the pump, and it will be contained in a building to further reduce noise impacts. The area is wooded and the facility will not be visible from any existing dwellings. No incompatibilities have been identified.

Regarding potential hazard areas, the portion of the property immediately adjacent to Willamina Creek is within the Floodplain Overlay zone. It has not yet been determined whether the pumphouse will be in the floodplain. Any above-ground development within the floodplain requires a development permit from the county, but the scale of the project suggests it can likely be approved.

Regarding (f) above, no comments have been received from vicinity property owners.

CONCLUSIONS:

1. The reasons presented by the applicant successfully justify why the land need not be designated for agricultural use.

2. There are no other sites available to accommodate the use that do not also require a new exception.

3. The long-term environmental, economic, social, and energy consequences of the proposed uses are not significantly more adverse than would result from the same development at a different location.

4. The proposed uses can be rendered compatible with other adjacent uses.

5. The request complies with the Oregon Administrative Rule requirements for a "reasons" exception.

6. The amendment is consistent with the Yamhill County Comprehensive Plan.

7. There is a need for the uses requested considering the market demand and the location of other lands appropriately zoned.

8. The amendment is appropriate considering surrounding land uses and the patten of development in the area.

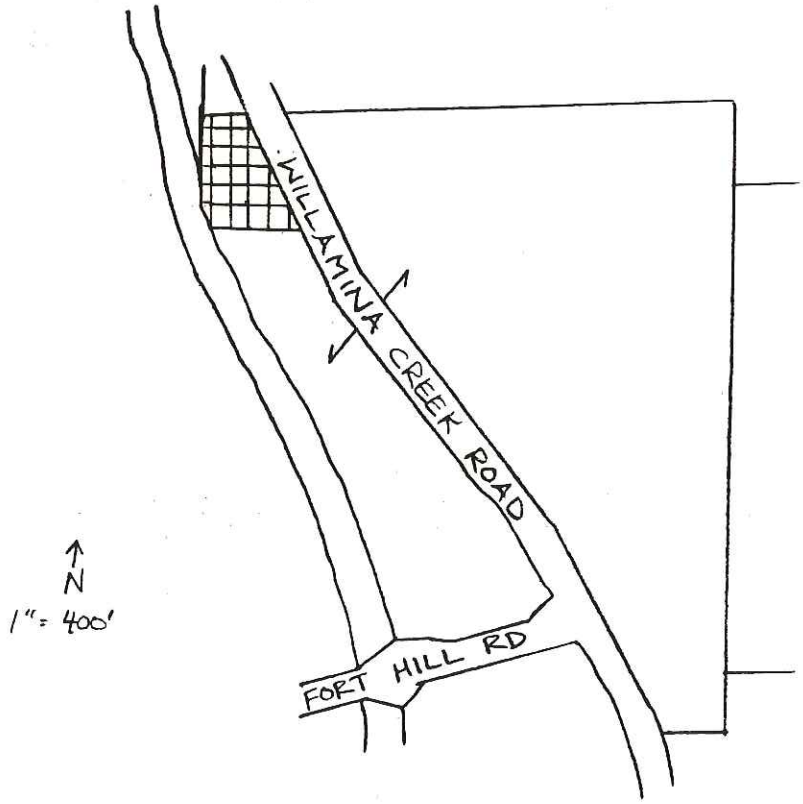
9. The request complies with the quasi-judicial zone change standards in Section 1208 of the Yamhill County Zoning Ordinance.

DECISION: The application is approved.

EXHIBIT "B" FOR ORDINANCE NO: 536
COMPREHENSIVE PLAN AND
ZONE MAP AMENDMENT
ADOPTED BY YAMHILL COUNTY BOARD OF COMMISSIONERS
MAY 27, 1992

TO CHANGE COMPREHENSIVE PLAN MAP
FROM "Agriculture/Forestry Small Holding"
TO "Public"

TO CHANGE OFFICIAL ZONING MAP
FROM "AF-10" TO "PWS"



Note: The drawing is Not to exact scale

Change applies to 1.5 acres of Tax Lot 5736-900

Map prepared by Yamhill County Planning Department