



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

4/26/2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Yamhill Plan Amendment  
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 07, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: John Morgan, City of Yamhill  
Gloria Gardiner, DLCD Urban Planning Specialist  
Gary Fish, DLCD Regional Representative  
Angela Lazarean, DLCD Urban Planner  
Thomas Hogue, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

APR 19 2010

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Yamhill**

Local file number:

Date of Adoption: **April 14, 2010**

Date Mailed: **April 16, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? xx Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

xx Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Establishment of a new Employment Industrial zone

Does the Adoption differ from proposal? Modification from proposal to reflect comments received from DLCD

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	10	11	12	13	14	15	16	17	18	19
<b>x</b>	<b>x</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>x</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES x NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

**X** Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 002-10 (18045) [16099]



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Yamhill County

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Local Contact: **John Morgan**

Phone: (503) 304-9401 Extension:

Address:

Fax Number: **503-304-9423**

City: Yamhill

Zip: 97148

E-mail Address:

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#) ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see [ORS 197.830 to 197.845](#) ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#) ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

**ORDINANCE NO. 0-489**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE YAMHILL DEVELOPMENT CODE  
ADDING CHAPTER 10.34 – E-I (EMPLOYMENT INDUSTRIAL) ZONE**

**WHEREAS**, the City's Development Code includes a Light Industrial Zone Chapter which establishes local standards for industrial development, and

**WHEREAS**, the Light Industrial Zone is not appropriate for use in all areas that abut residential uses, and that are appropriate for business uses that focused on light industrial but that might also include limited commercial use related to the industrial use, and

**WHEREAS**, the proposed E-I (Employment Industrial) zone is designed to meet the economic development needs of the community, business, and land owners while also protecting nearby residential areas from typical impacts of industrial use, and

**WHEREAS**, the Planning Commission has held a hearing on the proposed amendments and recommends approval to the City Council,

**NOW, THEREFORE, THE CITY OF YAMHILL, OREGON DOES ORDAIN AS  
FOLLOWS:**

**Section 1.** The City Council of the City of Yamhill hereby adopts the proposed amendment of the Yamhill Development Code establishing Chapter 10.34 – E-I Employment Industrial Zone, which are attached as Exhibit A.

**Section 2.** The City Council adopts the findings of fact attached as Exhibit B to support the adoption of the amendment noting that many of the criteria are not applicable in this matter.

Approval and adoption by the Council on this 14<sup>th</sup> day of April 2010.

Approved by the Mayor on this 14<sup>th</sup> day of April 2010.

AYES:   3  

NAYS:   0  

**CITY OF YAMHILL, OREGON**

By: W.R. Murphy  
Wm. R. Murphy  
Mayor of Yamhill

ATTEST:  
By: Tammy Ego  
Tammy Ego  
City Recorder

**Chapter 10.34**  
**E-I EMPLOYMENT INDUSTRIAL ZONE**

**10.34.010 Purpose**

The purpose of the E-I Zone is to provide areas suitable for light industrial uses including primary and secondary processing, assembly, artisan work, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental, related sales. The Employment Industrial zone is intended to have developments that mitigate negative impacts on nearby uses through screening, lighting, building design, etc. The Employment Industrial Zone is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not significantly impact residential areas.

**10.34.020 Use**

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the E-I Zone:

- (A) Dwelling for caretaker or watchman.
- (B) Industrial uses:
  - 1. Beverage bottling facility, including warehousing and distribution.
  - 2. Feed and seed facilities, grain elevators and storage; not including retail or wholesale sales of agricultural chemical, fertilizer, or insecticide products, or the storage of such products in bulk with the intent of shipping those products to another location.
  - 3. Textile and leather products manufacture, excluding tanneries
  - 4. Dairy products manufacturing, such as butter, milk cheese, and ice cream.
  - 5. Manufacture of secondary wood and paper products not including sawmills and other primary wood products manufacturing.
  - 6. Fabrication and assembly of products created from wood, metal, stone, ceramic, plastic, glass, and other raw materials, with those materials having their primary manufacturing off-site.
  - 7. Food processing, including canning, freezing, drying and similar food processing and preserving.

- 8. Research Centers and Laboratories
  - 9. Artisan studios and workshops including artisan foundries and metal working; wood working; production of oils, soaps, essences, perfumes, and other artisan products derived from agricultural sources; and other activities producing works sold as art or craft.
- (C) Office uses accessory to, and in conjunction with a permitted industrial use where the office area occupies no more than 25 percent of the building area.
- (D) Temporary uses:
- 1. Yard Sales and Auctions. Provided there are not more than 3 sales in a calendar year with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property.

**10.34.030 Conditional Uses**

The following uses shall require a conditional use permit:

- (A) Retail uses accessory to and in conjunction with a permitted industrial use. The retail use must predominantly be secondary, directly related, and limited to products manufactured, repaired, or assembled on the site, or by the operator of the site. For purposes of this section, retail use shall mean sales of goods, materials, and services to daily general public customers. Retail use does not include "wholesale sales" businesses, which sell and distribute merchandise to retailers, industrial, commercial and professional business users, but not the general public. Retail area is limited to 200 square feet or 10% of gross floor area not to exceed 2,500 sq ft regardless of gross floor area of the principal manufacturing use whichever is larger. No retail space will be established except in conjunction with the manufacture, fabrication, or assembly of artisan products.

**10.32.040 Uses Requiring Development Permits.** When authorized under the procedure provided for development permits in this Title, the following uses will be permitted in the E-1 zone:

- (A) Public Facilities Zone including educational, municipal and public facilities
- (B) Right-of-way for: (Subject to provisions of Section 10.48.080, Underground Utility Installation):
  - (1) Electric Service lines;

- (2) Gas mains;
  - (3) Communications lines;
  - (4) Water lines;
  - (5) Sewer lines; and
  - (6) TV cable lines.
- (C) Public utility structures when they comply with all yard and setback requirements.
- (D) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 454, §2, 2000)

**10.32.050 Development Permit.** In the E-I zone, the following conditions shall apply:

- (A) For expansion of the total floor area of existing buildings on a site by more than 10% of the gross floor area and for new construction on a vacant site, a Development Permit application, filed and processed in accordance with Chapter 10.112, is required. The plan submitted with the Development Permit application shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting signs, landscaping, and other such data as may have a bearing on the adjacent properties.
- (B) The purpose of reviewing the Development Permit is to assure conditions are imposed that reasonably mitigate the negative impact of traffic, view, odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration or similar causes.
- (C) In approving a Development Permit, the governing body may impose conditions adequate to mitigate identified potential negative impacts relating to:
- (1) Size and location of signs;
  - (2) Size, type and location of outdoor lighting;
  - (3) Landscaped area;
  - (4) Screening;
  - (5) Building setbacks;
  - (6) Ingress, parking, vehicle storage, and egress for commercial uses;
  - (7) Drainage and utility service.



- (D) Construction shall be in conformance to the plan approved by the Planning Commission to assure compatibility with adjacent zones.
- (E) Compliance with requirements of Chapter 10.64 (Off-Street Parking and Loading). (Ord. 454, §2, 2000)

**10.34.060 Lot Area and Width** The parcel size shall be adequate to comply with setback requirements and applicable development standards.

**10.34.070 Height.** Maximum Height 50 feet.

**10.34.080 Minimum Yard Setback Requirements**

ADJACENT PROPERTY USE

SETBACKS	Single Family (R1)	Multi-Family (R-2, R-3)	Commercial (RLC, C-3)	Industrial (L-1)
Front	20 feet	20 feet	20 feet	20 feet
Side	20 feet, (1)	15 feet, (1)	10 feet	10 feet
Rear	20 feet, (1)	15 feet, (1)	10 feet	10 feet
Street-side	20 feet	20 feet	20 feet	20 feet

- (1) Side and rear yards adjacent to residential zones shall be contained by a sight-obscuring fence, wall, or hedge a minimum of 6 feet in height consistent with the provisions of 10.24.110 and 10.34.120

**10.34.90 Parking Requirements.** All new development shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454, §2, 2000)

**10.34.100 Bicycle Requirements.** All new development shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454, §2, 2000)

**10.34.110 Fence Regulations.** All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence Regulations. (Ord. 454, §2, 2000)

**10.34.120 Clear Vision Area.** All new development shall adhere to the clear vision requirements which shall be provided in accordance with Chapter 10.68, Clear Vision Area. (Ord. 454, §2, 2000)



## EXHIBIT "B"

### Landscaping Definition

Definition to be added to Section 10.08.010

**"Landscaping"**. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

WREGLICKS

1302 MARGAUX ST NE

KEIZER OR 97303



SALEM, OR 973  
FRI 16 APR 2010 PM

ATTN: Paul Amundson Specialist

DLCSD

635 Capital St NE Suite 150

SALEM OR 97301-2540