



# Oregon

Theodore R. Kulongoski, 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

August 29, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment  
DLCD File Number 005-08



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: September 12, 2008**

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist  
Gary Fish, DLCD Regional Representative  
Ken Friday, Yamhill County

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# Notice of Adoption

In person  electronic  mailed

DEPT OF

AUG 25 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **Yamhill County**

Local file number: **PAZ-03-08/P-05-08**

Date of Adoption: **8/13/2008**

Date Mailed: **8/22/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

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".

The request is to rezone approximately 2 acres from EF-80 Exclusive Farm use to PWS Public Works Safety. The purpose of the request is for the eventual development of an electrical distribution substation.

Does the Adoption differ from proposal? No, no explanation is necessary

Same

Plan Map Changed from: **Future Urban**

to: **Public**

Zone Map Changed from: **EF-80**

to: **PWS Public Works/Safety**

Location: **East of the intersection of Hembree and Autum Dr.**

Acres Involved: **2**

Specify Density: Previous: **NA**

New: **NA**

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>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</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"/> | <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  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

*DLCD # 005-08 (16821)*

**DLCD file No.** \_\_\_\_\_

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

McMinnville

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Local Contact: **Ken Friday**

Phone: (503) 434-7516 Extension: 3630

Address: 525 NE 4<sup>th</sup> Street

Fax Number: 503-434-7544

City: McMinnville

Zip: 97128-

E-mail Address: [fridayk@co.yamhill.or.us](mailto:fridayk@co.yamhill.or.us)

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) 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**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **[webserver.lcd.state.or.us](http://webserver.lcd.state.or.us)**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **[mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us)**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **[mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us)** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

Approval of a Comprehensive Plan Amendment from Agriculture/Forestry )  
Large Holding to Public; a zone change from EF-80, Exclusive Farm )  
use to PWS, Public Works/Safety Zone, Tax Lot 4409-2100, Applicant ) **Ord. 832**  
McMinnville Water & Light Commission, Repealing and Replacing Ordinance )  
829 to Correct Scriveners' Errors, Docket no. PAZ-03-08/P-05-08 )  
and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on August 13, 2008, Commissioners Leslie Lewis and Kathy George being present, and Commissioner Mary P. Stern being excused.

IT APPEARING TO THE BOARD that the McMinnville Water & Light Commission requested approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Public; a zone change from EF-80, Exclusive Farm use to PWS, Public Works/Safety zone for two existing acres of land, and a partition of 2 acres of land approved for the PWS zone; and

IT APPEARING TO THE BOARD that the matter was heard at a duly noticed public hearing before the Planning Commission June 5, 2008, which voted unanimously for approval, and the matter was heard at a duly noticed public hearing July 16, 2008 before the Board, no opponents appearing before the Board, and the Board voted unanimously for approval. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved based on and as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated herein. 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. This ordinance repeals and replaces Ordinance 832 to correct scriveners' errors. A map is appended as Exhibit "B".

IT IS HEREBY FURTHER ORDAINED BY THE BOARD, that the approved partition of land as detailed in the Findings for Approval attached as Exhibit A, shall be subject to the following four conditions of approval, to-wit:

1) A final partition plat pursuant to the requirements of the *Yamhill County Land Division Ordinance* shall be prepared and submitted to the Planning Director. The final partition plat shall substantially conform to the preliminary map. The Yamhill County Planning Docket Number "P-05-08" shall appear on the face of the plat.

2) Prior to final partition approval, a survey of the 2-acre parcel shall be completed by a registered land surveyor pursuant to Section 6.120 of the *Yamhill County Land Division Ordinance*.

B.O.08-545

3) A 30-foot wide (minimum) nonexclusive easement for ingress and egress shall be assigned to provide access to all parcels, surveyed, and shown on the face of the final plat. This easement shall be granted at the time of conveyance of either of the lots.

4) The road providing access to all parcels shall be constructed to county specifications and inspected by the Yamhill County Public Works Department or a private engineer, or a road construction agreement shall be completed and recorded, prior to final plat approval.

DONE this 13<sup>th</sup> day of August, 2008, at McMinnville, Oregon.

ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN  
County Clerk

Unavailable for signature

Chair

MARY P. STERN

By: Ann Britt  
Deputy Anne Britt

Commissioner

LESLIE LEWIS

APPROVED AS TO FORM

Commissioner

KATHY GEORGE

Rick Sanai  
Rick Sanai, Assistant County Counsel

Accepted by Yamhill County  
Board of Commissioners on  
8/13/08 by Board Order  
# 08-545

## EXHIBIT A

### FINDINGS AND CONCLUSIONS (PAZ-03-08/P-05-08)

#### I. GENERAL FACTUAL FINDINGS

1. **Current Property size:** Approximately 21.6 acres.
2. **Access:** The property is located on the parcel adjacent to the northerly termination of McDonald Lane and west of Lot 22 of Grandhaven Subdivision.
3. **On-site Land Use:** The property contains no residence. Approximately one half of the property is an open field with grass seed crops similar to that found in the surrounding area. Approximately one half of the property is planted to orchard.
4. **Surrounding Zoning and Land Use:** The property to the north is zoned EF-80. The property to the west is zoned by the city for residential use and is developed as an existing subdivision. The area to the south is zoned for by the city for residential development. The area to the northwest is zoned EF-20
5. **Water:** Water will be provided from existing McMinnville Water and Light department transmission lines in the adjacent right of way, and the future extension of McDonald Lane.
6. **Sewage Disposal:** It is not anticipated that there will be any bathroom facilities, but if required, the need would to be served by an on-site septic system.
7. **Fire Protection:** McMinnville Rural Fire District.
8. **Soils:** The Yamhill County Soil Survey shows that the property and the proposed two acre parcel are composed of Woodburn Silt Loam and Amity soils (Types WuB and Am), with an agricultural capability of Classes 2 and 3. Class 2 and 3 soils are classified as high-value farmland.
9. **Taxes:** The parcel is currently taxable but is subject to special farm deferral classification.
10. The present farming uses would continue until displaced by the proposed electrical substation. The construction of the substation on the newly created two-acre parcel would be linked to the increasing population and demographic trends.
11. In 1974, the City of McMinnville was a community of approximately 7,000 persons at the center of a mid-county population of approximately 20,000. Today, McMinnville has grown to 31,665 (7/01/2007) and the county population

is 93,085 (7/01/2007). The impact of population growth on demand for electrical service is continuing.

12. MW&L's existing substation sites have been a good neighbors since 1906, and have little or no impact on surrounding agricultural, resource, residential and horticultural uses in the vicinity. Off site supervision is maintained on a twenty-four hour basis.

13. No additional or different impacts from those already existing substation sites are anticipated. The two-acre parcel proposed for purchase by MW&L and for PWS status would be developed for electrical distribution purposes as needed. The existing farm uses will continue until the substation is constructed. Surrounding properties should not experience increased noise, and access would be through the existing BPA easement for an existing 115 KV power line now traversing the parcel. Existing uses by surrounding neighbors, which vary from Residential and Farming to Horticulture are all compatible with the low impact character of the electrical sub station activities.

14. Existing public services are available to the site and are adequate.

15. One purpose of the PWS zone is to provide for the legitimate demand and public need for electrical distribution facilities. The PWS zone exists partially to meet the needs of areas encompassing both cities and rural residential populations. The PWS zone thus serves a shared inter-Urban and Rural need for public utility facilities.

16. Due to the nature of growth trends of the City of McMinnville, northerly portions of the City of McMinnville which have been approved for current and future development cannot be adequately served by the existing Windishar Substation. In order to maximize the safety and reliability of the City's electrical system, the McMinnville Water and Light Commission, based upon the recommendations of staff and consultants (Electrical System Planning Study–June 2005), has decided to acquire and develop three additional substation facilities to serve increasing electrical demands. Planning staff indicates that no other suitable PWS zoned county land is available in proximity to the proposed substation site.

## II. ZONING ORDINANCE CRITERIA

### B. Zone Change, and Plan Amendment Findings

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

(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 uses 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.*

2. **Regarding criterion (A) above,** Comprehensive Plan goals and policies related to agricultural lands are applicable. The application addresses most Plan goals and policies related to Public Land, Facilities and Services. Those findings are incorporated here by reference. Other Plan goals and policies, which applicant feels may be pertinent are:

**Oregon Statewide Planning Goals and Guideline - Goal 9 - Economics, which states "To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens . . . Comprehensive plans and policies will contribute to a stable and healthy economy in all regions of the State."**

This application promotes additional economic activity associated with the expansion of needed housing and commercial development located within the City of McMinnville and surrounding areas served by MW&L.

The Yamhill County Comprehensive Plan, Section II, Goal 2, Policy a. states:

**Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.**

In the Soil Survey of Yamhill Area, Oregon, the map shows that the soils present on the tract are agricultural Class 2 and 3 farmland. The county decision-makers will need to determine whether it is more important to save this two acre property for farm use or allow it to be used to expand existing public electrical distribution facilities.

**Yamhill County Revised Goals and Policies, G.IV.A.1. To develop a timely, orderly and efficient arrangement of public services and facilities to serve as**



a framework for urban and rural development, including public lands and buildings, parks and recreation areas and facilities, schools, police and fire protection, domestic water supply, sanitary and storm sewerage and other drainage facilities, and power, gas and telephone services. (166)

The proposed plan and zone change will have no adverse effect upon public services as existing facilities are near the site and are adequate. If anything, the applicant is providing a crucial public service by providing a place for expansion of electrical distribution facilities to serve growth occurring within MW&L's service area.

3. **Regarding criteria 1208.02 (B) and (D)**, County Planning staff conducted a survey of lots within a within a six mile radius, covering approximately thirty six sq. miles, from the subject property. The survey found eight existing "PWS" zoned properties within the surveyed area. The properties are listed below:

Tax Lot	Owner	Acreage
4513-01100	MW&L (Service Reservoir)	10.85 Acres
4319-2000	PGE Substation	2.29 Acres
4319-1602	City of Lafayette Well Site	.4 Acres
3533-1000	Yamhill County Radio Tower	1.0 Acres
5541-101,200	Waste Management Landfill	246 Acres
5512-300	Yamhill County Old Landfill	34.5 Acres
4424-900	City of McMinnville Approach Lights	6.75 Acres
5402-1000	Eola Village Water System	1.25 Acres

The application involves 2 acres of land located at the northerly margin of the city. As noted above, there are no nearby properties zoned PWS anywhere near that area. Based on this evidence, there are no other available "PWS" zoned properties that would be suitable for the proposed electrical distribution facilities. Additionally, it should be considered that the intent of this application is to expand future electrical facilities where needed to serve anticipated and approved development. The impacts of the existing substations, although low, are already known. Building another substation facility at this proposed location will likely cause minimal impacts to existing uses.

4. **Regarding criterion 1208.02(C)**, the proposed use will not adversely affect the neighboring properties in the area. Existing city substations have co-existed peacefully with similar neighboring uses for decades. The public services, necessary for the proposed facilities are similar to those needed for the existing use and are readily available. The proposed zone change should have no adverse effect upon public services, but will ultimately enhance the electrical distribution and increase the available electrical distribution capacities.

5. **Limited Use Overlay Provisions**

Section 904.03 of the YCZO contains provisions for limited use overlays. It states:

- (a) *When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.*
- (b) *The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.*
- (c) *Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance.*
- (d) *Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.*

Since the PWS zone allows other uses which have not been evaluated to determine whether they are appropriate to the area, it is appropriate to apply a Limited Use Overlay to limit uses on the rezoned area to electrical distribution and related facilities.

### III. **COMPREHENSIVE PLAN GOALS AND POLICIES**

#### **SECTION IV. Public Land, Facilities, and Services**

**Policy:**        **The County sees a need to integrate public facilities and services in an effort to eliminate costs and conserve energy.**

#### **Related Findings:**

1.     McMinnville Water and Light is a singular public power and water utility serving the entire City of McMinnville and surrounding area.
2.     Electrical systems are a unique public service often owned by public bodies.
3.     McMinnville Water and Light serves electricity to a population of more than 40,000 residents and businesses representing more than one third of the existing Yamhill County population.
4.     There is a need to plan for, locate and provide public electrical distribution facilities for public protection purposes.
5.     No alternative area appropriately zoned area is available and suitable to expand existing McMinnville Water & Light substation facilities.

The selected location for the new substation is adjacent to the existing electrical facilities and will maximize the integration of existing and future electrical distribution facilities.

6.     Location of the new facility will enable McMinnville Water and Light staff to monitor and maintain the site simultaneously with other facilities, thus reducing the time, vehicle mileage and energy costs associated with such activities.

**Policy:**        **It is a concern of the county to regulate public and quasi-public institutional uses within rural areas of the county.**

#### **Related Findings:**

1.     The County has a legitimate interest in assuring the future availability of adequate electrical supplies and related activities within the mid-county area.
2.     The location of the proposed site is a major advantage to a coordinated mid-county electrical distribution grid available for public service.

3. Health, electrical service, water quality and fire and life safety concerns are legitimate county interests in connection with the future development of the City of McMinnville and surrounding areas.

**Goal Statement:**

**To develop a timely, orderly and efficient arrangement of public services and facilities to serve as a framework for urban and rural development, including public lands and buildings, parks and recreation areas and facilities, schools, police and fire protection, domestic water supply, sanitary and storm sewerage and other drainage facilities, and power, gas and telephone services. (166)**

**Related Findings:**

1. Electrical distribution facilities are a legitimate type of PWS use, established as a permitted use in a county PWS zone. By their nature, electrical substation facilities require extremely long term planning horizons to assure continuity of service.
2. McMinnville Water and Light started providing water and electrical service in 1889, and has served for generations and thousands of local families.
3. Additional area, appropriately located in relation to existing facilities is needed to serve the long term expansion needs of the City of McMinnville.
4. The last increase to MW&L electrical substation facilities occurred in 2000 with the construction of the Baker Creek Substation.
5. Additional substation facilities will be developed as necessary, and subject to conditions of approval appropriate to those future requests. Three additional substations are currently in development at the proposed site, in the Peavine Road area, and at the Loop Road/Highway 18 location.

**Policy:** Yamhill County will coordinate with the cities and appropriate local, state, and federal agencies in providing for the health and service needs of the public, particularly the needs of the disadvantaged, including the young, the elderly and the handicapped.

**Related Findings:**

1. The entire existing McMinnville Water and Light system is presently a model of public electrical service facilities.
2. Water and Light is responsible for provided essential public services consisting of electrical power, potable water and fire protection water flows to protect the McMinnville area population including the most vulnerable young, elderly and handicapped portions of the population.

3. Only the City of McMinnville has the facilities or funding to serve the power, water and fire flow needs of the public.
4. Prompt and continuous provision of electrical power and water and fire flow services has long been a primary health need of local citizens and requirement of local governments.

#### **IV. TRANSPORTATION PLANNING RULE**

1. The provisions of the Transportation Planning Rule, implementing Goal 12, must be addressed. OAR 660-12-060 contains the provisions that must be met:

**(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:**

- (a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;**
- (b) Amending the TSP [Transportation System Plan] to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,**
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

**(2) A plan or land use regulation amendment significantly affects a transportation facility if it:**

- (a) Changes the functional classification of an existing or planned transportation facility;**
- (b) Changes standards implementing a functional classification system;**
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or**
- (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**

2. Regarding (1) and (2), there are no known transportation issues with the proposed use. Neither the Oregon Department of Transportation nor the Yamhill County Public Works Department has raised concerns that existing and proposed electrical facilities would exceed the capacity of McDonald Lane.

#### **V. PARTITION CRITERIA AND FINDINGS**

1. In the PWS District, the following standards and limitations shall apply:

A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. Minimum Parcel Size.

The minimum parcel size shall be 20,000 square feet, plus 20,000 square feet for any dwelling.

2. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The minimum setback for all yards shall be twenty (20) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.

2. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 802.07(F). [Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: county roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall

contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner is measured along the parcel lines adjacent to the intersection rights-of way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be sixty (60) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the PWS District shall be as provided in Section 1007.

Related Findings:

1. Applicant proposes to divide the entire two acre area zoned for PWS into a single parcel; separate from the remaining 21.6 acres of the original parcel. This meets the minimum PWS parcel size of 20,000 square feet. The remaining 19.6 acres will remain zoned as at present.
2. No residence will be constructed, and depth to width requirements for the configuration of the new parcel is satisfied.
3. Future electrical facilities will be constructed in conformance with all setback requirements. Access is via McDonald Lane and will not require any new roadway improvements.
4. Clear vision and height standards will be applicable. Off street parking requirements will and can conform to YCZO Section 1007.
5. There is no existing septic system.
6. The site is within two miles of the city limits of McMinnville.
7. The approximate location of anticipated electrical facilities is shown on the submitted draft preliminary partition plat map.
8. The property is located within the McMinnville Rural Fire District.

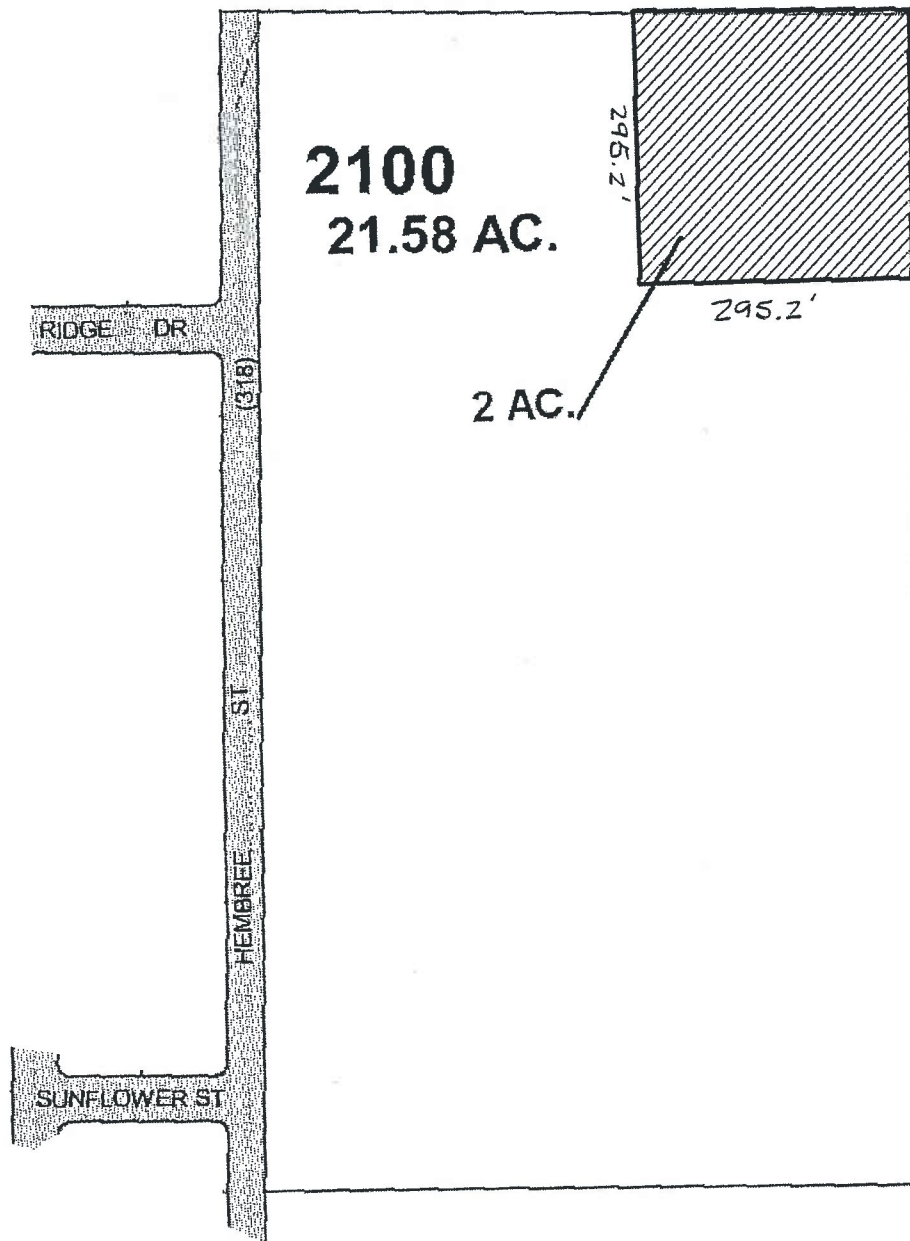
9. The property is not located in a flood plain, or area of erosion, is not located on an area of steep slopes, does not contain fish or wildlife habitat areas, and has soil conditions sufficient for construction of the proposed electrical distribution facilities.



EXHIBIT MAP FOR ORDINANCE NO. 832  
PLAN AMENDMENT AND ZONE CHANGE  
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS

August 13, 2008

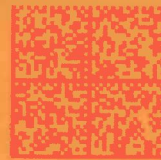
FOR A COMPREHENSIVE PLAN AMENDMENT FROM  
AGRICULTURE/FORESTRY LARGE HOLDING TO PUBLIC AND  
TO CHANGE OFFICIAL ZONING MAP FROM  
*EF-80 EXCLUSIVE FARM USE*  
TO  
*PWS Public Works/Safety*



CHANGE APPLIES TO A TWO ACRE PORTION OF TAX LOT 4409-2100 AS IDENTIFIED ABOVE.

APPROXIMATE SCALE - 1 INCH = 200 FEET

B.O.08-545



02 1M \$ 02.87<sup>0</sup>  
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ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540

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