

FILM 33, PAGE 1854
FILED
YAMHILL COUNTY, OREGON
SEP 16 11 37 AM '78
WANDA CATT
COUNTY CLERK
DEPUTY

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 amend the)
Yamhill County Comprehensive Plan of 1974) ORDINANCE NO. 167
for the City of Yamhill.)

THE BOARD OF COMMISSIONERS of Yamhill County, Oregon, (the Board) on the 19th day of April, 1978, sat for the transaction of County business, in regular session, Commissioners John P. Macaulay and Colin Armstrong being present.

WHEREAS, the Board enacted Ordinance No. 62 on the 25th day of September, 1974, adopting the Yamhill County Comprehensive Plan, and

WHEREAS, the City of Yamhill applied for an amendment to the Yamhill County Comprehensive Plan of 1974 to change the Plan map designation from "Commercial Forest" to "Public Facilities" in conjunction with an amendment to the Yamhill County Zoning Ordinance and a conditional use permit to allow construction of a water treatment plant on a 1.8 acre site and construction of a dam and reservoir on a 15.8 acre site, said sites located northwest of the City of Yamhill, more particularly described as Yamhill County Tax Lots #2510-401, #2505-101, and #2506-101, and

WHEREAS, the Yamhill Planning Advisory Committee recommended approval of the said applications, and

WHEREAS, the Yamhill County Planning Commission at their April 4th, 1978, meeting voted to approve the amendment to the Yamhill County Zoning Ordinance and the conditional use permit, and recommended approval of the amendment to the Yamhill County Comprehensive Plan of 1974 to the Board of Commissioners, and

WHEREAS, the Board on the 19th day of April, 1978, held a public hearing as required by ORS 215.060 on the proposed Plan map amendment and voted to approve the application, and upheld the Yamhill County Planning Commission's approval of the amendment to the Yamhill County Zoning Ordinance and the conditional use permit, based on the findings of fact and conclusionary findings attached hereto as Exhibit "A" which by this reference is made a part hereof.

NOW THEREFORE, IT IS HEREBY ORDAINED that the map of the Yamhill County Comprehensive Plan, 1974, be and hereby is amended to show Yamhill County Tax Lots #2510-401, #2505-101, and #2506-101 as "Public Facilities."

IT IS FURTHER HEREBY ORDAINED that an exception to Statewide Planning Goal No. 3 is hereby adopted based upon the following conclusionary findings:

1. The proposed water treatment facilities should be provided for in order for the City to meet existing and future water demand, and Federal water quality regulations.
2. Alternative locations for the proposed treatment facilities in the area are limited due to topography, location of existing facilities, and location of water customers.
3. An adverse environmental impact presently exists for persons consuming water from the City of Yamhill system because the water fails to meet quality standards. This condition will continue to exist until the proposed facilities are completed and in operation. Due to a lengthy moratorium on water hookups in the City system, an adverse economic impact exists in the area which will continue until the proposed system is developed. The limited acreage that will be taken out of potential tree production is not a significant economic factor compared to benefits in resolving the water limitations of the City.
4. The proposed facilities will be compatible with surrounding forest lands in that it will not interfere with propagation or harvesting of forest products.

This Ordinance shall be in force and effect from and after the 19th day of April, 1978.

DONE this 19th day of April, 1978, at McMinnville, Oregon.

ATTEST:

WANDA CATT
County Clerk

Patricia A. Mullen
Patricia A. Mullen
Deputy

APPROVED AS TO FORM:

By: 
Robert S. Willoughby, Legal Counsel
Page 2 - ORDINANCE NO. 167

YAMHILL COUNTY BOARD OF COMMISSIONERS

John P. Macaulay
Chairman John P. Macaulay

Colin Armstrong
Commissioner Colin Armstrong

Ted Lopuszynski
Commissioner Ted Lopuszynski

Findings of fact and Conclusionary findings - City of Yamhill

1. The applicant has requested an amendment to the Yamhill County Comprehensive Plan, 1974 to change the Plan map designation from "Commercial Forest" to "Public Facilities", and an amendment to the Yamhill County Zoning Ordinance, Ordinance 83, 1976 to change the Zoning map designation from "F-40" (Forestry-40 acre minimum) to "PWS" (Public Works Safety) to allow construction of a water treatment plant on a 1.8 acre site. Also requested is a conditional use permit on a 15.8 acre site designated "Commercial Forest" on the Plan map and presently zoned "F-40" to allow construction and maintenance of a dam and reservoir. The City of Yamhill is trading 20 acres to Willamette Industries for the dam and treatment plant sites. An easement to both sites would be necessary for access because the two sites are landlocked and the roads are owned by Willamette.
2. The applicant has submitted a letter from the U.S. Environmental Protection Agency which stated that the City's water supply is in continuing violation of national drinking water standards due to excessive levels of turbidity. The City has had a moratorium on water hook-ups for approximately one year.
3. The Comprehensive Plan on page 166 provides that Yamhill County will "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."
4. The Yamhill County Zoning Ordinance provides for municipal water supply, treatment, storage, transmission and distribution facility as permitted uses in the "PWS" district. Municipal water supply, treatment, storage or transmission facility are conditional uses in the "F-40" zoning district.
5. Statewide Planning Goal #4 (Forest Lands) defines forest lands as lands composed of existing and potential forest lands which are suitable for commercial forest uses and encourages retention of these lands for the production of wood fibre and other forest uses. Soils of the two parcels are woodland group 2 which produce good stands of Douglas Fir according to the "Soil Survey of Yamhill Area, Oregon", prepared by the USDA-SCS, January, 1974. Goal #11 (Public Facilities and Services) states that urban and rural public facilities should be limited to the needs and requirements of the urbanizable and rural areas to be served.
6. The State Water Resources Department stated in a memorandum received March 10, 1978, that Westech Engineering will make proper submissions during the project design and construction.
7. The County Watermaster stated in a memorandum dated March 23, 1978, that the application failed to address the question of flow measurements taken in the area of the proposed dam in order to determine if the 0.72 square mile drainage area will provide an adequate watershed.

The Watermaster further indicated that there is a 1919 water right for the City of Yamhill in the amount of 0.65 cfs, and a 1940 water right in the amount of 0.63 cfs on Turner Creek. Between these rights are appropriation rights in the amount of 0.44 cfs that must be served, flows allowing. Any additional water beyond the three water rights must be released to meet downstream users and to provide for fish and other aquatic life.

8. U.S. Environmental Protection Agency National Interim Primary Drinking Water Regulations, 41 CFR 141.5, regarding site requirements are as listed below:

Before a person may enter into a financial commitment for or initiate construction of a new public water system or increase the capacity of an existing public water system, he shall notify the State and, to the extent practicable, avoid locating part or all of the new or expanded facility at a site which:

- (a) Is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the

public water system or a portion thereof; or

(b) Except for intake structures, is within the floodplain of the 100-year flood or is lower than any recorded high tide where appropriate records exist.

The U.S. Environmental Protection Agency will not seek to override land use decisions affecting public water systems siting which are made at the State or local governmental levels.

9. Mr. H.G. Schlicker, State Geologist, submitted comments dated March 9, 1978. (Attachment #1 to the April 4th, 1978 staff memo.
10. DEQ Regional Engineer, Mary M. Halliburton, stated in a memorandum dated March 17, 1978 that a second back-up pond should be provided to receive back wash when accumulated sludge is being removed from the first pond, unless an NPDES permit for the discharge of wastewater is obtained.
11. The County Sanitarian has approved an area for subsurface septic disposal at the treatment plant site.
12. The applicant has addressed the requirements for the Plan/Zone change and conditional use in Attachments #2 and #3., to the April 4th, 1978 staff memo.
13. Westech Engineering had a geologic site evaluation done for the dam site. The report was prepared by Foundation Sciences, Inc., of Portland, and stated that "a properly designed, 27 foot high embankment dam, can be constructed with on site materials and safely operated at the proposed location."
14. The Soil Conservation Service will present their comments at the public hearing.
15. The Yamhill Planning Advisory Committee considered the application at the March 23, 1978 meeting and voted 5 to 0 with one abstention to recommend approval of the Plan/zone change and conditional use.
16. Public need for the facilities has been demonstrated by the fact that the City is in continuous violation of the National Interim Primary Drinking Water Regulations, and that the proposed facilities will correct this situation.
17. The proposed facilities will have a minimal impact on the surrounding land uses because they are compatible with commercial forest.
18. The need for additional water supply to meet economic needs of the City is demonstrated by the fact that there has been a moratorium on water hook ups for approximately one year.
19. Turner Creek is an appropriate location for the City water supply due to the fact that some facilities presently are located there, and that it is the only area where the City has current water rights.
20. The proposed facilities will provide a healthful and safe water supply for the City of Yamhill.
21. The application is in compliance with the Comprehensive Plan text in that it is a timely, orderly, and efficient development of the public water supply.
22. The application is in compliance with Goal #11 (Public Facilities) in that the proposed treatment plant has a capacity limited to the needs of urbanizable and rural area being served.

4 3 39.65ch N89°54'W

9 10 200 30Ac ±

EXHIBIT "B"

SECTION 10 T.2 S. R.5 W. W.

SMALL COUNTY

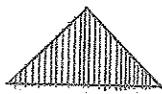
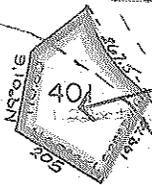
1100 21Ac ± 19°02'E 19.805ch

400 154.55Ac ±

16.6

COMMERCIAL FOREST TO

PUBLIC FACILITY



NORTH

1"=400'

20.08ch

10°07'E

20.08ch

1000 57.15Ac ±

CS 1436

600 3.45Ac

700 2.05Ac

800 3.05Ac

500 3.5Ac

900 26.5Ac

801 1.7Ac

1100 20Ac

130 5.8

C.S. #7

S

C