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YAMHILL COUNTY, OREGON  
FILED  
CHARLES STERN  
COUNTY CLERK  
DEPUTY

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

85-366

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In The Matter of an Ordinance )  
Amending the Urban Growth )  
Boundary to the City of Mc- )  
Minnville to Add a 63.23 Acre ) ORDINANCE NO. 410  
Parcel Known as Tax Lot 4427- )  
200, Applicants John and Lois )  
Otting )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of County business in regular session, Commissioners Ted Lopuszynski, Donald D. Porter and David E. Bishop being present, June 5, 1985.

WHEREAS, applicants John and Lois Otting have requested that Tax Lot 4427-200, a 63.23 acre parcel be included within the Urban Growth Boundary of the City of McMinnville; and

WHEREAS, the McMinnville Urban Area Management Commission held a hearing on the first day of May, 1985, and recommended approval of the request; and

WHEREAS, the Board of Commissioners held public hearing on the 29th day of May, 1985, which hearing was continued to the 5th day of June, 1985; and

WHEREAS, based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, it appears appropriate to approve this request; and

WHEREAS, in order to approve this request an exception must taken to Statewide Planning Goals 3 and 14, and based upon the findings for an exception to those planning goals included in Exhibit "A" this Board finds it would be appropriate to take said exception; and

WHEREAS, this ordinance is in the best interests of the citizens of Yamhill County, NOW THEREFORE

IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. That based upon the findings of fact and conclusions attached hereto as Exhibit "A" and by this reference incorporated herein, Tax Lot 4427-200 consisting of 63.23 acres be and hereby is added to the Urban Growth Boundary of the City of McMinnville.

Section 2. That based upon the findings of fact and conclusions set forth in Exhibit "A" and by this reference incorporated herein, an exception is hereby taken to Statewide Planning Goals 3 and 14 for the inclusion of the above-mentioned parcel and that this exception shall be incorporated into and become part of the Yamhill County Comprehensive Plan.

Section 3. 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 at McMinnville, Oregon this 5th day of June, 1985.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

Ted Lopuszynski  
Chairman TED LOPUSZYNSKI

Date: June 5, 1985

By: Elaine Pearcy  
Deputy ELAINE PEARCEY



Donald D. Porter  
Commissioner DONALD D. PORTER

Date: \_\_\_\_\_

APPROVED AS TO FORM BY:  
Daryl S. Garrettson  
DARYL S. GARRETSON  
County Counsel

David E. Bishop  
Commissioner DAVID E. BISHOP  
June 5, 1985

EXHIBIT "A"  
DOCKET UGB 1-85  
FINDINGS OF FACT AND DECISION MAKING CRITERIA  
City of McMinnville

FINDINGS OF FACT

1. The applicants are requesting an amendment to the McMinnville Urban Growth Boundary (UGB) so that a parcel of land approximately 63.23 acres in size may be included in the boundary. The subject parcel is described as a portion of Tax Lot 200, Section 27, T. 4 S., R. 4 W., W.M.
2. The subject site is currently zoned County EF-40 (Exclusive Farm Use - 40 acre minimum) and is designated as agricultural in the Yamhill County Comprehensive Plan.
3. The subject site is currently under cultivation. Surrounding the site on all sides is land under cultivation. Soils are primarily Woodburn silt loam and Amity silt loam (both SCS capability Class IIw). The site is contiguous to the McMinnville city limits and Urban Growth Boundary on the north.
4. Following is an inventory of vacant industrial lands within the McMinnville Urban Growth Boundary which was compiled by the city planning staff in April, 1985.

McMINNVILLE VACANT INDUSTRIAL LANDS INVENTORY - 1985

McMinnville has three industrial zones:

- M-2 Zone - General (heavy) industry
- M-1 Zone - Light (general manufacturing) industry
- M-L Zone - Limited Light (high tech-campus development) industry

Northeast Industrial Area

The Northeast Industrial Area is the M-2 general industrial park area for the City. It is made up of some 257 acres 104.66 of which are presently within the City and zoned M-2 (general industrial). There are an additional 152 acres within the Urban Growth Boundary but not annexed which are designated for general industry.

Three Mile Lane Industrial Area

The Three Mile Lane Area includes some 232 acres which are broken into two separate designations. First, there is approximately 124 acres which are reserved for airport related industrial uses. Those uses can fall under any of the three zoning categories so long as they are airport related. None of the 124 acres is presently within the city limits. The remaining 108 acres are reserved for M-L limited light industrial uses. The limited light industrial zone is the City's "high tech" campus oriented type zone. This is the only acreage located within the Urban Growth Boundary which is reserved for this type of use. The 108 acres is currently in five parcels and under four ownerships. Three parcels, which include some 89.6 acres, are presently within the city limits and zoned M-L.

Other Industrial Lands Within the Urban Growth Boundary

Hewlett Packard has some 91 M-1 zoned acres landbanked around their McMinnville plant. That acreage is not and has not been available to other industries.

Three other local industries have some 46 acres of general industrial zoned land landbanked.

There are an additional 15, plus or minus, vacant acres in the City which are in small parcels and zoned M-1 and M-2.

Summary - Available Vacant Industrial Land

General (heavy) Industry: 257 acres (Northeast Industrial Park)  
10 other  
267 M-2 acres available

Airport related: 124 acres adjacent to airport may be zoned M-L, M-1, or M-2 so long as industry is airport related.

M-L Limited Light Industrial: 108 acres reserved for high tech; five parcels; 86 acres in City.

5. The subject site would be served by an existing 10-inch municipal water line and an existing 15-inch sanitary sewer line which run parallel to the north side of Three Mile Lane. According to the City Engineer and the McMinnville Water and Light Manager, both utility lines have the capacity to service limited light industrial uses which might locate on the subject site.

DECISION MAKING CRITERIA

1. The following goals and policies from the McMinnville Comprehensive Plan, 1981, are applicable to the request:

Chapter II Natural Resources

Policy:

- 1.00 Urbanizable lands outside the city limits, but inside the Urban Growth Boundary, shall be retained, whenever possible, in agricultural use until such time as they are needed for urban development.

Chapter IV Economy

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

- GOAL IV 5: TO CONTINUE THE GROWTH AND DIVERSIFICATION OF McMinnville's INDUSTRIAL BASE THROUGH THE PROVISION OF AN ADEQUATE AMOUNT OF PROPERTY DESIGNATED LANDS.
- GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.

General Policies:

- 47.00 Industries that locate in the community shall meet federal, state, and local environmental standards. These standards shall be given full weight in evaluating the desirability of the industry. Criteria for evaluation shall include, but not be limited to, the effect the industry would have on:
1. The natural environment, including air and water quality, natural drainage ways, and soil properties and other physical characteristics of the land including topography.
  2. The human environment, including the amount of noise and traffic generated and the ability of the housing industry to provide sufficient dwelling units with at least an adequate level of required urban services.
  3. The physical facilities of the community, including the ability of sanitary and storm sewer systems, water supply and distribution systems, energy supply distribution systems, police and fire, and schools to provide designated services.
- 48.00 The City of McMinnville shall encourage the development of new industries and expansion of existing industries that provide jobs for the local (McMinnville and Yamhill County) labor pools.

Locational Policies:

- 50.00 The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of land on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.
- 52.00 The City of McMinnville shall create a new "limited light industrial" zone which shall be placed on the industrial areas on the south side of Three Mile Lane in those areas where residential development is expected on the north side of the road. The new zone will allow only those types of industrial uses that will not conflict with the residential uses.

54.00 The City of McMinnville shall establish industrial planned development ordinances which shall be placed over the future industrial areas designated on the McMinnville Comprehensive Plan Map, the industrial reserve area, and certain existing industrially designated areas within the city limits. The overlay shall also be applied to any areas which are in the future designated for future industrial use through an amendment to the Comprehensive Plan Map. The overlays shall provide standards to control the nuisance and negative environmental effects of industries. These controls shall cover, but not be limited to, the following areas:

1. Landscaping and screening
2. Noise suppression
3. Light and heat suppression
4. Pollution control for air, water, and land
5. Energy impacts
6. Traffic impacts

57.00 Agricultural activities shall be encouraged on industrially designated lands until such time as the lands are utilized for industrial purposes.

#### Chapter VI Transportation System

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

#### Chapter VII Community Facilities and Services

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

#### Policy:

151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by the City Water and Light Department, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.

2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.
3. Sufficient water and sewer system personnel and resources, as determined by the Water and Light Department and City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
4. Federal, state, and local water and waste water quality standards can be adhered to.
5. Applicable policies of the Water and Light Department and the City relating to water and sewer systems, respectively, are adhered to.

#### Chapter IX Urbanization

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2000, AND TO INSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

#### Policy:

182.00 Amendments to the Urban Growth Boundary may be considered periodically. The City of McMinnville and Yamhill County shall consider amendments to the boundary based on the following criteria:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
2. Need for housing, employment opportunities, and livability.
3. Orderly and economic provision for public facilities and services.
4. Maximum efficiency of land uses within and on the fringe of the existing urban area.
5. The long term environmental, energy, economic, and social consequences of the locality, the region, and the state as the result of allowing urbanization and not preserving and maintaining the land for agricultural or forest uses, whichever is applicable.
6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV the lowest priority.

7. Compatibility of the proposed urban uses with other adjacent uses.

2. The following policies and procedures from the McMinnville Urban Growth Boundary Management Agreement are applicable to the request:

Urban Growth Boundary Amendment Policies

- A. Lands outside the Urban Growth Boundary shall be considered "rural" and shall be controlled by the County plan designations and zoning districts. Upon inclusion into the Urban Growth Boundary, rural lands shall be considered "urbanizable" but shall not be developed at urban level densities until annexation occurs.
- B. Amendments to the Urban Growth Boundary shall be based upon consideration of:
  - (1) Goals and policies of the McMinnville Comprehensive Plan;
  - (2) Goals and policies of the Yamhill County Comprehensive Plan; and
  - (3) LCDC criteria as follows:
    - (a) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
    - (b) Need for housing, employment opportunities, and livability;
    - (c) Orderly and economic provision for public facilities and services;
    - (d) Maximum efficiency of land uses within and on the fringe of the existing urban area;
    - (e) The long-term environmental, energy, economic and social consequences to the locality, the region and the state as the result of allowing urbanization and not preserving and maintaining the land for agricultural or forest uses, whichever is applicable;
    - (f) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV being the lowest priority;
    - (g) Compatibility of the proposed urban uses with other adjacent uses; and
    - (h) Demonstration that there are no alternative locations within the area which could better be used for the proposed use(s).

URBAN GROWTH BOUNDARY AMENDMENT PROCEDURE

A. Amendment of the Urban Growth Boundary may be initiated by the Yamhill County Board of Commissioners, the McMinnville City Council, or by an individual owner(s) of property who request(s) inclusion in or exclusion from the Urban Growth Boundary. The proposal shall be treated as a Plan Map amendment to both City and County Comprehensive Plans, thus requiring concurrence of both governing bodies.

- (1) The City of McMinnville and Yamhill County do hereby establish the McMinnville Urban Area Management Commission (MUAMC) as a hearings officer for amendments to the McMinnville Urban Growth Boundary in accordance with ORS 215.406. The MUAMC shall be composed of the following members:
  - (a) Commissioner of the Yamhill County Board of Commissioners designated by the Board;
  - (b) Mayor or Council person of the City of McMinnville designated by the City Council;
  - (c) Member of the McMinnville Planning Commission designated by the City Council;
  - (d) Member of the Yamhill County Planning Commission designated by the Board of Commissioners;
  - (e) Member of the McMinnville Planning Advisory Committee designated by the Board of County Commissioners;
  - (f) Member of the McMinnville Citizens' Advisory Committee designated by the City Council; and
  - (g) Member-at-large chosen by the above MUAMC members and ratified by the City Council and the County Board.
- (2) The MUAMC shall function in accordance with by-laws to be adopted by the McMinnville City Council and Yamhill County Board of Commissioners. It shall be the responsibility of the McMinnville Urban Area Management Commission to hold hearings, make findings and present its maps to City and County governing bodies as outlined in this Agreement and the by-laws.
- (3) Applications and maps shall be filed with the McMinnville Planning Department which shall collect the joint fee and forward the Yamhill County fee along with notice to the Yamhill County Department of Planning and Development. Applications must be complete prior to processing for hearing by the McMinnville Urban Area Management Commission. The joint fee for individual amendments shall be the sum of fees established from time to time by each governing body.

- (4) Applications shall be accumulated and referred twice yearly to the McMinnville Urban Area Management Commission for a public hearing for which at least ten days advance public notice shall be given by publication in a newspaper of general circulation in the County.
  - (5) Following the public hearing, the MUAMC shall make and forward its findings and decision directly to the governing body of each jurisdiction. Each governing body may then make a determination based upon the facts and record presented at the MUAMC hearing without holding an additional public hearing thereon. However, nothing in this process prohibits the City or County from referring the application to its respective Planning Commissions for information. A final decision shall be rendered by the governing bodies within sixty (60) days of receipt of MUAMC's deliberations and decision.
  - (6) If the governing bodies do not concur in their final decision, a joint meeting shall be scheduled to resolve differences. If agreement cannot be reached by joint meeting(s), one governing body shall appeal the other governing body's decision to the Land Use Board of Appeals, or the appropriate appellate body.
3. Goals and policies from the Yamhill County Comprehensive Plan which are applicable to the request have been addressed by the Yamhill County Department of Planning and Development and are incorporated herein by this reference.
  4. The following procedures and requirements set forth in the Statewide Planning Goals are applicable to the request:

Goal 2 "Land Use Planning," Part II Exceptions:

- ..."(i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14);
- (ii) Areas which do not require a new exception cannot reasonably accommodate the use;
  - (iii) 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 areas requiring a goal exception other than the proposed site; and
  - (iv) The proposed users are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

Goal 14 "Urbanization" ..."Establishment and change of the boundaries shall be based upon the consideration of the following factors:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
2. Need for housing, employment opportunities, and livability.
3. Orderly and economic provision for public facilities and services.
4. Maximum efficiency of land uses within and on the fringe of the existing urban area.
5. Environmental, energy, economic, and social consequences.
6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV the lowest priority.
7. Compatibility of the proposed urban uses with other adjacent uses.

Goal 9 "Economy" "To diversify and improve the economy of the state."

5. The Three Mile Lane Planned Development Overlay (Ordinance No. 4131), which is the controlling ordinance for development along Three Mile Lane, contains the following language which is relevant to the request:

"West of Airport to Mobile Home Park (Area 3)

This area shall be designated as industrial on the McMinnville Comprehensive Plan Map of 1980. The City shall allow zone changes to M-L (Limited Light Industrial) and AH (Agricultural Holding) designations."

CONCLUSIONARY FINDINGS

1. The subject request complies with the applicable goals and policies from Volume II of the McMinnville Comprehensive Plan, 1981 (see Decision Making Criteria No. 1) as:
  - (a) Because the Three Mile Lane Planned Development Overlay (Ordinance No. 4131) restricts the zoning of the site to Agricultural Holding or Limited Light Industrial zones only, the property will be retained in agricultural use until it is needed for industry, thereby satisfying the requirements of Policy 1.00.
  - (b) The development of industrial lands shall provide employment opportunities for the community, continue growth of the local industrial economy, and provide an opportunity for diversification of the local economic base, thereby fulfilling the requirements of Chapter IV Economy of McMinnville, Goals IV-1, IV-5, and IV-6 and Policy 48.00.
  - (c) The subject site is located in the Three Mile Lane industrial area, will be designated for industrial use and shall be developed under the requirements of the M-L zone and the Three Mile Lane Planned Development Overlay. Under the requirements of the M-L zone noise

generation, traffic generation, air and water pollution and appearance are all examined by the City to insure compatibility with surrounding areas. The soils of the site (WuB and Am) are conducive to urban development as is the generally flat topography. Storm drainage flows naturally south to the S. Yamhill River. All appropriate public agencies, including the McMinnville School District, the McMinnville Water and Light Department, the City Engineering Department, and the Police and Fire Departments, have been contacted concerning the request. All agencies have stated that approval of the request would not conflict with their interests and all agencies have the capacity to serve the site. The requirements of Policy 47.00 are satisfied by the request.

- (d) The subject request, if approved, would implement the requirements of Policy 50.00 by providing additional lands on the south side of Three Mile Lane to be designated for industrial uses.
- (e) The City of McMinnville has created a Limited Light Industrial zone which will be placed on the subject site. The zone was designed to be a "high-tech" zone and to be compatible with residential uses. The existing Three Mile Lane Planned Development Overlay will be extended to include the subject site. Between the M-L zone requirements and Ordinance No. 4131 all the requirements of Policies 52.00 and 54.00 will be met or exceeded.
- (f) As noted in Conclusionary Finding No.1(b) above, the subject site will be restricted to agricultural use or industrial use only, thereby satisfying the requirements of Policy 57.00.
- (g) The subject request complies with the requirements of Goal VI-1 as a frontage road will be constructed along the northern edge of the portion of the parcel which is presently in the city limits and access will be limited to one point on Three Mile Lane (under the provisions of the planned development Ordinance No. 4248 which zoned the portion of the parcel which is presently within the city limits). In addition, Three Mile Lane is a state highway designed to handle high traffic volumes.
- (h) Adequate public utilities and services can be provided to the site commensurate with the level of development anticipated in this area (as noted in Conclusionary Finding No. 1[c] above) and well within the capacities of existing city services, thereby meeting the requirements of Chapter VII Community Facilities and Services, Goal VII-1 and Policy 151.00. In addition, the sewage treatment plant easily has capacity to serve the site and all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards.
- (i) The requirements of Goal IX-1 and Policy 182.00 are satisfied for the reasons enumerated in Conclusionary Finding No. 4 below.

2. The subject request complies with the applicable policies and procedures from the McMinnville Urban Growth Boundary Management Agreement (see Decision Making Criteria No. 2) as:
  - (a) Urban Growth Boundary Amendment Policy B(1) is satisfied for the reasons stated in Conclusionary Finding No. 1 above.
  - (b) Urban Growth Boundary Amendment Policy B(2) is satisfied for the reasons stated in the Yamhill County Department of Planning and Development memorandum attached hereto.
  - (c) Urban Growth Boundary Amendment Policy B(3) is satisfied for the reasons enumerated in Conclusionary Finding No. 4 below.
  - (d) The Urban Growth Boundary Amendment procedure is being followed by both the City of McMinnville and Yamhill County. A property application was filed by the applicant, the required fees have been paid, notice has been published in the local newspaper and mailed to all owners of property within 300 feet of the perimeter of the subject site and the McMinnville Urban Area Management Commission has been appointed and shall function in accordance with its adopted bylaws.
3. The subject request complies with the applicable goals and policies from the Yamhill County comprehensive plan (see Decision Making Criteria No. 3) as set forth in the attached memorandum from the Yamhill County Department of Planning and Development.
4. The procedures and requirements as set forth in the Statewide Planning Goals are satisfied as follows:

Goal No. 14 REQUIREMENTS

Factor No. 1: Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals. During the McMinnville Comprehensive Plan process the City projected land needs for all types of land uses except for industrial uses. Industrial acreage was included based on locational criteria. It was felt that it was impossible to accurately project industrial land needs with so many of the prime variables unknown. Those variables included, among others, how much land would be landbanked, whether or not industries would be land extensive or land intensive, capital intensive or extensive, how many shifts would operate, how many employees per acre, etc. It has become apparent that the City should have projected some minimum acreage needs for various industry types.

The City presently has within its Urban Growth Boundary only 108 acres of land which is reserved for and appropriate for "high tech" industry. This acreage is broken into five parcels, the largest of which is less than 40 acres in size (see Findings of Fact No. 4). In order to fulfill the city's economic goals (see Decision Making Criteria No. 1), the inventory of industrial acreage reserved for "high-tech" industries must be expanded.

It has also become apparent that "high tech" industries typically look for parcels in excess of 50 acres so that they may landbank acreage for future needs (see letter dated February 19, 1985 from Robert Niehaus to John Otting, and letter dated February 8, 1985 from Jack R. McConnell to John Otting). The City presently has no parcels of 50 acres or more available to "high tech" industries and cannot provide such without expanding the Urban Growth Boundary.

In order to support the population which is projected for the City while at the same time insure a diversified industrial base as required by the comprehensive plan, the City needs to expand the Urban Growth Boundary to specifically include additional acreage for "high tech" industries.

Factor No. 2. Need for housing, employment opportunities and livability. Yamhill County's unemployment rate in December, 1984 was 9.8 percent. This compares to 9.4 percent unemployment for the State of Oregon and 7.0 percent nationwide.<sup>1</sup> As shown by the unemployment rate for Yamhill county, there is a definite need for jobs locally. Approval of the subject request will put the City of McMinnville in a more competitive position in terms of recruitment of new industries.

Livability is assured through the requirements of the M-L zone. The zone was designed to be compatible with adjacent residential zones. The purpose statement of the M-L zone reads as follows:

"17.36.010 Purpose. The M-L limited light industrial zone is intended to create, preserve, and enhance areas containing manufacturing and related establishments with limited external impact and with an open and attractive setting."

Factor No. 3: Orderly and economic provision of public facilities and services. Municipal water, municipal power, municipal sanitary sewer and natural gas facilities are in place within the Three Mile Lane right-of-way and are sized to service the subject site. Three Mile Lane is a state highway (Salmon River Primary Highway No. 39) and has sufficient capacity to service anticipated traffic loads generated from the site. The McMinnville Fire Department and Police Department and the McMinnville School District have been notified of the request and all agencies are on record as supporting approval of the amendment.

Factor No. 4: Maximum efficiency of land uses within and on the fringe of the existing urban area. Maximum efficiency of the use of the subject site once it is annexed to the City and zoned is assured through the requirements of the M-L zone and the Three Mile Lane Planned Development Overlay. Under those requirements access, traffic generation, noise generation, air and water pollution, appearance, setbacks, landscaping, building height and location, parking, screening and lighting are all addressed. Until such time as the property is needed for development no use will be allowed on the property except agriculture.

<sup>1</sup> "Labor Trends," State of Oregon, Employment Division, Department of Human Resources, January, 1985, pg. 1.

The southern boundary of the site, which is the S. Yamhill River 100-year floodplain line, forms a much more natural Urban Growth Boundary than does the existing line. The existing Urban Growth Boundary line on the south side of Three Mile Lane was set at 1,200 feet south of the highway and is not defined by any physical feature. The line as now drawn "traps" rural acreage between the S. Yamhill River to the south and the City of McMinnville to the north. This "trapped" rural land could be used more efficiently if it were made urbanizable.

Factor No. 5: Environmental, energy, economic, and social consequences. Environmental consequences of the change in the Urban Growth Boundary relate to the effect of the transition from rural to urban land uses on the carrying capacity of the land, water, and air. In the subject case, this transition will not exceed the carrying capacity of those resources. Adequate water supply and distribution plans exist to service the projected population and land area. Sewage collection and treatment systems, existing and planned, will treat and dispose of collected effluents. Land development will be controlled by zoning and through the orderly extension of public facilities; special controls enforced through the planned development ordinance will minimize impacts of industrial developments. Air quality will be controlled through adherence to state and federal environmental quality standards. McMinnville is classified as Class II PSD (prevention of significant deterioration) in Oregon's air classification scheme. This classification means that McMinnville has the full increments of its allowed air pollutants remaining.

Energy consequences of the change in the Urban Growth Boundary are negligible. The entire service infrastructure which would serve the subject site is currently in place, including the transportation network and the energy distribution facilities. Extension of the facilities on the subject site would be efficient when compared to providing facilities to a site where the infrastructure does not exist.

Economic consequences of the proposed change in the boundary include the continued diversification of the local industrial base and a potential reduction in unemployment through the provision of adequate lands for limited light industrial use.

Social consequences of the proposed change in the boundary are negligible. Because the service infrastructure is in place, the parcel is contiguous to land which is in the city and zoned for limited light industrial uses, and because of the requirements of the M-L zone, external impacts will be minimal.

Factor No. 6: Retention of agricultural lands as defined, with Class I being the highest priority for retention and Class IV the lowest. The vast majority of the land within the existing Urban Growth Boundary and on the fringes of the Urban Growth Boundary is Class II or Class III in nature. Nearly any growth experienced by the City will take place on Class II or Class III soils. The soils of the subject site are mostly Class II. Under the provisions of the planned development overlay which

will apply to the subject property, the site will be required to be retained in agricultural use until it is needed for limited light industrial use.

Factor No. 6: Compatibility of the proposed use with nearby agricultural land. The City has found that industrial uses are the urban uses which are most compatible with agricultural uses (see McMinnville Comprehensive Plan, 1981, Volume I, pg. 255). The subject request, if approved, would actually have the effect of reducing the existing agriculturally designated parcels exposure to industrially designated lands. As the boundary is now laid out, the boundary line between industrially and agriculturally designated lands in the area of the subject site is some 3,080 feet in length. By redesignating the subject site industrial, that common boundary would be reduced to some 800 feet.

#### GOAL NO. 2 REQUIREMENTS

- (i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14).

This factor is satisfied by compliance with the seven factors of Goal 14 as shown above.

- (ii) Areas which do not require a new exception cannot reasonably accommodate the use.

As shown in Finding of Fact No. 4, McMinnville has only 108 acres of land within the Urban Growth Boundary which is reserved for limited light industrial "high tech" industry. All other areas within the Urban Growth Boundary which are designated for industrial uses are committed to general industry or airport related industry. There is no available property which would not require a new exception which could satisfy the need for providing the availability of land in large parcel size for "high tech" industry.

- (iii) 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 areas requiring a goal exception other than the proposed site.

The environmental, economic, social, and energy consequences of the proposal are dealt with in detail above in the discussion of the seven factors of Goal 14. There is no other site adjacent to the Urban Growth Boundary which would be suitable for "high tech" industry. The subject site is adjacent to the only area within the Urban Growth Boundary which is reserved for limited light industrial uses.

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

The compatibility of the proposed uses with other adjacent uses is shown above in the discussion of Factor No. 7 of Goal 14.

GOAL NO. 9 REQUIREMENTS

The request satisfies the requirements of Statewide Planning Goal No. 9 for the reasons put forth in Conclusionary Finding No.'s 1 and 3 above.

5. The subject parcel will be included in the "West of the Airport to Mobile Home Park (Area 3)" section of the Three Mile Lane Planned Development Overlay (see Finding of Fact No. 5). Zoning on the site will be limited to either Agricultural Holding or Limited Light Industrial, thereby satisfying the requirements of Ordinance No. 4131.

FINDINGS OF FACT AND DECISION  
McMINNVILLE URBAN AREA MANAGEMENT COMMISSION  
McMINNVILLE, OREGON  
May 1, 1985

DOCKET UGB 1-85

Application was made by John and Lois Otting for an amendment to the McMinnville Urban Growth Boundary so that a parcel of land approximately 63.23 acres in size may be included within the Urban Growth Boundary. The parcel is located south of Three Mile Lane and more specifically described as a portion of Tax Lot 200, Section 27, T. 4 S., R. 4 W., W.M.

Evidence was received, a public hearing and deliberations were held before the McMinnville Urban Area Management Commission on May 1, 1985 at which were present Chairman Bishop and Commissioners Bennette, Bladine, Hansen, Martin, and Stevens.

The Commission thereupon made the following FINDINGS OF FACT:

(Attached as Exhibits "A" and "B")

DECISION

That it be recommended to the McMinnville City Council and the Yamhill County Board of Commissioners that the application of John and Lois Otting for an amendment to the McMinnville Urban Growth Boundary which would allow a parcel of land approximately 63.23 acres in size located south of Three Mile Lane and more specifically described as a portion of Tax Lot 200, Section 27, T. 4 S., R. 4 W., W.M. to be included within the Urban Growth Boundary, be approved subject to the following conditions:

- (1) That the McMinnville Urban Growth Boundary be amended to include the approximately 63 acre parcel which is the subject of UGB 1-85.
- (2) That the McMinnville Comprehensive Plan Map be amended by designating the subject site "industrial."
- (3) That the Three Mile Lane Planned Development Overlay (No. 4131) be amended to incorporate the subject site into the section entitled "West of the Airport to Mobile Home Park (Area 3)."
- (4) That when the area is zoned for industrial use the provisions of Ordinance 4248 shall apply as will the following provisions:
  - (a) The land shall be preserved for agricultural use until such time as it can be shown that it is needed for industrial use.

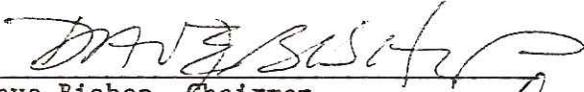
## Findings and Decision

-2-

May 1, 1985

- (b) Before the land is used for industry, a finding must be made that all other vacant industrial lands in the City are unsuitable for the specific proposed use due to insufficient site size, incompatible nature of surrounding uses, and/or special land requirements not found elsewhere.
- (c) The combined parcel of approximately 101 acres shall carry a minimum lot size requirement of 50 acres until at least 75 percent of the total site is developed.

The McMinnville Urban Area Management Commission decision on this matter was made by a five to one vote.

  
\_\_\_\_\_  
Dave Bishop, Chairman  
McMinnville Urban Area Management Commission

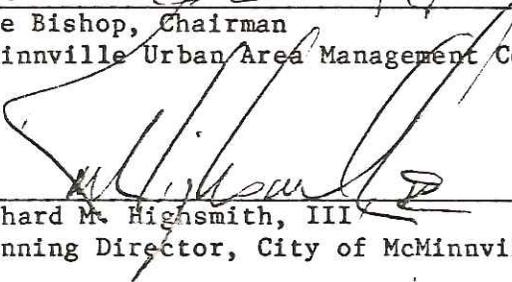
  
\_\_\_\_\_  
Richard M. Highsmith, III  
Planning Director, City of McMinnville

EXHIBIT "B"  
DOCKET UGB 1-85  
FINDINGS OF FACT AND DECISION MAKING CRITERIA  
Yamhill County

FILM 42 PAGE 2146

GOAL 14 CRITERIA

Factor 1: (Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals).

Factor 2: (Need for housing, employment opportunities and livability).

These factors are covered within the land use application submitted to the City. In particular, it has been indicated that 91 acres of ML-Limited Light Industrial zoned land exists within the McMinnville City Limits. Approximately 40 acres of the 91 acres are located adjacent to the subject property and owned by the applicant. The applicant has submitted information which indicates that, typically, industrial users are interested in large parcels of 50 to 100 acres, or larger. Inclusion of the 63 acres within the McMinnville UGB as ML zoned land would provide McMinnville with such a large area zoned for limited light industrial purposes.

The City has previously determined that methods of estimating the amount of industrial acreage needed over time is not reliable due to a number of variables. The City prefers to assure that adequate industrial land will be made available for industry by basing industrial land use designation on locational criteria. The locational criteria includes: (1) Near existing industrial areas; (2) Serviceable by utilities; (3) Level or near level land; (4) Served by highway, rail or airport; and (5) Large enough to accommodate various sized industries. The subject property satisfies all of these locational criteria.

Factor 3: (Orderly and economic provision for public facilities and services).

Sewer and water are available to the site and access to Highway 18 and proximity to the airport is excellent.

Factor 4: (Maximum efficiency of land uses within and on the fringe of the existing urban area).

The site lies adjacent to existing industrial zoned land. Inclusion of the subject property within the UGB will provide for increasingly efficient use of the 3 Mile Lane area through additional useage of existing urban utilities. Further, the UGB will be extended south to include more developable lands outside of the 100 year floodplain of the South Yamhill River, yet still buffered from adjacent agricultural lands to the South by the floodplain area and the River itself. The site probably should have been included in the previously UGB and the River or, at the very least the 100 year floodplain, should have been adopted as the boundary.

Factor 5: (Environmental, energy, economic and social service consequences).

Inclusion of the subject property within the UGB results in a relatively minor expansion of an area that is designated for limited light industrial use and that remains separated from potentially incompatible uses by the natural buffer of the South Yamhill River and Floodplain. As such, the environmental, energy, economic and social services consequences from developing the site are expected to be the same as the consequences which would result from developing the existing limited light industrial area on the abutting property to the North.

Factor 6: (Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV being the lowest priority).

The site is composed of lands that are predominantly Class II soils, similar to adjacent industrial lands and other industrial lands within the UGB.

Factor 7: (Compatibility of the proposed urban uses with other adjacent uses).

The site abuts the existing UGB and urban lands zoned for limited light industrial use. The lands in the UGB and outside of the UGB are predominantly in agricultural use at present and are to remain so until developed for industrial use.

Factor 8: (Demonstration that there are no alternative locations within the area which could better be used for the proposed uses).

Throughout the application, the alternative lands question is addressed. In particular, the subject property will provide for an expansion of one of the few limited light industrial areas of the City without removing existing City lands from a medium and heavy industrial designation and without necessitating the extension of public services.

#### YAMHILL COUNTY REVISED GOALS & POLICIES

##### 1. URBAN AREA DEVELOPMENT Goals & Policies

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

- b. Yamhill County will recognize the lands within established urban growth boundaries as the appropriate and desired location for urban development.
- c. To encourage the containment of urban services and facilities and other public capital improvements within existing urbanizing areas in order to achieve an orderly pattern of urban growth.

The above goals and policies provide that lands within the established UGB are recognized as the appropriate location for urban development; however, the proposal is to increase the area of the existing UGB to accommodate an additional 63 acres of limited light industrial land. Although approval of the proposal appears to be inconsistent with the above policies and UGB amendments should not be routinely made, the Urban Area Management Agreement provides for UGB amendments in certain circumstances. The Management Agreement recognizes that some flexibility is needed with regard to the UGB.

The applicant has addressed the criteria for a UGB amendment as set forth in the Management Agreement.

Further, as noted previously, it appears that the Urban Growth Boundary in this area of the City, should have followed the natural boundary of the South Yamhill River or the 100 year floodplain boundary. This property is a logical extension of the existing limited light industrial area to the North and it will be subject to the same PUD overlay provisions of other properties along Three-Mile Lane. The property has urban services provided to it and will provide the City with a potentially more desirable light industrial site in terms of size.

## 2. CITY GROWTH AND DEVELOPMENT POLICIES

- a. The designated PUD Area (along Three-Mile Lane in McMinnville) will be retained for the time being in its present agricultural and limited commercial, industrial and public uses and be designated for the uses shown on the Plan Map, and the area will be developed in accordance with the general policies of this Plan and the following principles set out in the recommendations of the City and County Planning Commissions relative to Three-Mile Lane land-use policy:
  - i) both Yamhill County and the City of McMinnville recognize that residential, commercial and industrial development along Three-Mile Lane is desirable if it is of good quality and design. Further, such development should be staged in accordance with need and be compatible with the traffic-carrying function of Three-Mile Lane, and the design capacity of the sewer and water service extensions into the area. Therefore, both

governing bodies will consider applications for zone changes to property within their jurisdiction provided that the planned-unit development concept is utilized.

- ii) both Yamhill County and the City of McMinnville will look favorably upon mixed urban development projects; that is, that integrated designs for commercial, industrial and residential uses will be encouraged.
- iii) both Yamhill County and the City of McMinnville, in considering applications for zone changes, will place heavy emphasis upon:
  - the minimization of entrances onto Three-Mile Lane;
  - the development of on-site circulation systems;
  - the provision of deep setbacks, landscaping, buffer strips, sign controls, and the setting of an adequate setback line from the existing right-of-way line.
  - the provision of service roads and acceleration and deceleration lanes and left-turn refuges when and where necessary and practicable.

- b. The City of McMinnville will adopt an annexation policy and urban service policy which would qualify properties for annexation and the extension of urban services based on applicable statewide goals and the applicable policies in the McMinnville Comprehensive Plan. In the case of Three-Mile Lane, annexation and extension of urban services will include, but not be limited to, the following considerations:

- the location and area of the land to be annexed shall be defined as the boundary of the sewer service area east to County Roads 92 and 464 and areas approximately 1500 feet north of Three-Mile Lane and approximately 1200 feet south of the Lane;
- the present and proposed use of the land to be annexed;
- the availability of, and current service policies concerning access, water supply and sewerage; and
- the need to annex the land to the City.

As pointed out in the application, approval of the requested amendment will provide for additional light industrial land in an area that is recognized as a desirable location for industrial uses. The site will be subject to the same design standards, etc. Additionally, the property will be subject to the PUD overlay for the area and, therefore, will be retained in agricultural production until developed for industrial purposes.

Amendment of the UGB to include the subject property will be in conflict with the specific annexation policy noted above, in that the property is located more than 1200 feet south of Three-Mile Lane, outside of the sewer service area.

3. INDUSTRIAL DEVELOPMENT GOAL

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.

Inclusion of the 63 acre subject property within the UGB for light industrial purposes will provide the City with a light industrial site that is considered more desirable than existing sites in terms of size. The abutting property has already been designated for industrial use and addition of the property would assist in providing adequate land for new industrial development within the UGB.

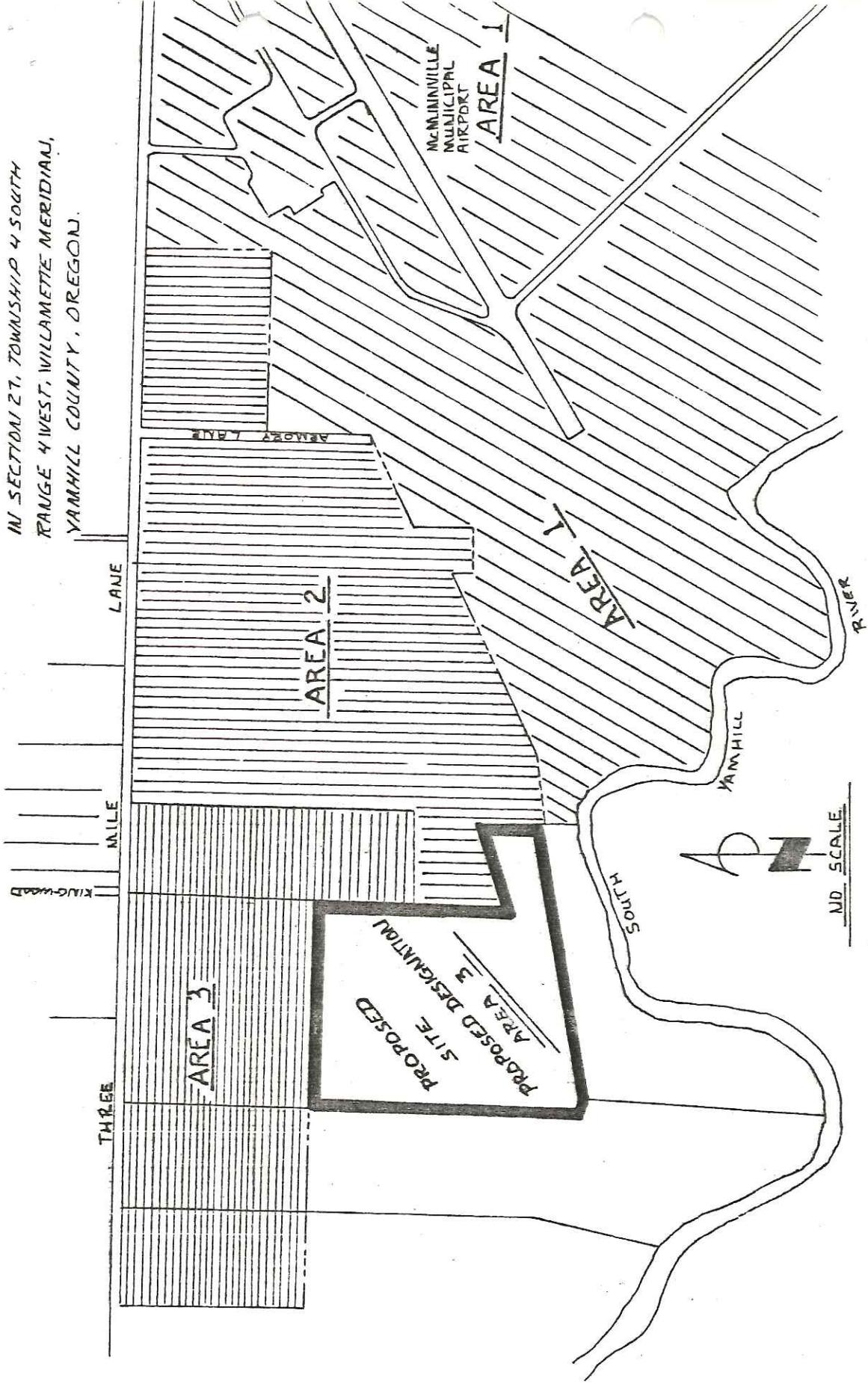
4. AGRICULTURAL LANDS GOALS AND POLICIES

- a. To conserve Yamhill County's farm lands for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.
- b. To conserve Yamhill County's soil resources in a manner reflecting their suitability for forestry, agriculture and urban development and their sustained use for the purposes designated on the County plan map.
- c. 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.

Approval of the requested amendment would remove land for agricultural production to provide for industrial development. However, under the provisions of the PUD overlay for the Three-Mile Lane area, the property is to remain in agricultural production until developed for industrial purposes.

PROPOSED ANNEXATION, ZONE CHANGE, AND URBAN GROWTH BOUNDARY CHANGE FOR JOHN AND LOIS OTTING

IN SECTION 27, TOWNSHIP 4 SOUTH  
RANGE 4 WEST, WILLAMETTE MERIDIAN,  
YAMHILL COUNTY, OREGON.



NOTE: AREA DESIGNATIONS ARE AS PER CITY OF McMINNVILLE  
ORD. NO. 4/31.