

**YAMHILL COUNTY PLANNING COMMISSION**

Thursday, April 3, 2008 · 7:00 p.m.  
Yamhill County Courthouse, Room 32  
535 NE 5th St.  
McMinnville, Oregon 97128

**Roll Call:** Marjorie Ehry, Matt Dunckel, John Abrams, Alan Halstead, Michael Sherwood, David Polite, Daryl Garrettson. Staff: Ken Friday, Mike Brandt.

Review of the **minutes** from the Planning Commission Hearing of March 6, 2008. Alan Halstead moved to approve as submitted. Seconded by Michael Sherwood. Passed unanimously.

**QUASI-JUDICIAL PUBLIC HEARINGS:**

**DOCKET NO.:** PAZ-01-08  
**REQUEST:** Approval of a Comprehensive Plan amendment from Exclusive Farm use to Agriculture/Forestry Small Holding; a zone change from EF-40, Exclusive Farm use to AF-10, Agriculture/Forestry use. An exception to Goals 3 and 4 is also being requested.  
**APPLICANT:** Dennis Spath  
**OWNER:** Joseph P. and Kimberly Fay  
**TAX LOTS:** 3203-100, 101, 103 and 104  
**LOCATION:** 17650 NE Leander Drive, Sherwood, Oregon 97140  
**CRITERIA:** Sections 402, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

*Vice Chair Daryl Garrettson stated a request has been received from the applicant for a continuance for docket PAZ-01-08 to go to the June hearing and asked if anyone in attendance would not be able to make it back for the June 5, 2008 meeting in Room 32, Yamhill County Courthouse. No objections were heard.*

**MOTION: Matt Dunckel moved to continue docket PAZ-01-08 to the June 5, 2008 at 7:00, Room 32, at the Yamhill County Courthouse. Seconded by Alan Halstead. Passed unanimously by voice vote 7 - 0.**

**DOCKET NO.:** PAZ-02-08/P-02-08  
**REQUEST:** 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. An exception to Goal 3 is also required. The applicants have also requested partition in order to create a separate parcel for the proposed City of McMinnville water storage reservoir.  
**APPLICANT:** McMinnville Water and Light Commission  
**TAX LOT:** 4524-700  
**LOCATION:** Just south of and abutting to parcel addressed 13235 SW Fox Ridge Road, McMinnville, Oregon 97128  
**CRITERIA:** Sections 801, 1101 and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

Vice-Chair Garrettson opened the public hearing.

**Abstentions, Objections or Jurisdiction, Ex Parte Contact:** Alan Halstead has subcontract work in the offices of Blaine/Powell. However, this will not effect his decision. John Abrams' brother represents the

Water Dept. for the City of McMinnville and will not effect his decision. Matt Dunckel works for Water & Light on occasion and will not effect his vote on this matter.

Ken Friday read the “**raise it or waive it**” into record.

**Staff & Committee Report:** Ken Friday gave a brief review of the staff report and reviewed the permitted uses and the request for a plan amendment zone change.

**Questions of Staff:**

Matt Dunckel asked if the zone change is on the entire tax lot. Ken Friday replied just the 3 acres identified in the application.

At Mike Brandt’s prompting, Ken Friday voiced the comments from Gary Fish of DLCD, stating a plan amendment zone change cannot be done for a use that’s permitted in the farm zone. Ken stated Mr. Fish is somewhat correct, but the use includes the separation off of the 3 acres. Ken stated he didn’t know of any case law on that issue.

**Proponent’s Case:** Walt Gowell, P.O. Box 480, McMinnville, OR 97128 Attorney representing Water & Light; Eric Abrams, Water Operations Superintendent, 855 Maren Lane, McMinnville, OR 97128; Patrick Quinn, Project Administrator of Operations, P.O. Box 638, McMinnville, OR 97128: Mr. Gowell expressed thanks for the feedback from the DLCD. It is required in Oregon law for a public entity to take control of ownership of far more property then the public needs in order to undertake the necessary public utility service, and can be sited in an EFU zone if certain finding can be made. However, McMinnville Water & Light’s policy has been the facilities that are critical for public service potable water storage of drinking water is considered one of the most essential public services and ought to be within the realm of ownership and public control for the public benefit.

Mr. Gowell explained how Water & Light functions in regard to water. It has provided water and electrical service in the McMinnville area for over 100 years. In 1974 it served 7,000 people and today, just in the City of McMinnville, serves 31,000 people, and hundreds outside the city boundary. This is the first of several applications that is being undertaken to upgrade its utility facilities and is for a storage facility to serve what is called Zone 2 which has been incorporated into the McMinnville UGB and over the next 20 years will be developed primarily for residential housing. The elevations are between 275 and 415 feet. The area is presently not able to be served by the current reservoirs of the city. There are 4 existing tanks that are currently in service; the site established in 1906. The McMinnville City Master Plan in 1996 calls for the development of 4 more tanks, 2 more at the present site that will serve the lower elevations as they build out in other areas. Two additional reservoirs will serve Zone 2, which is at a higher elevation. In order to provide the level of fire flows and pressures required by the Oregon Health Division but by McMinnville Water & Light standards, it’s necessary for the city to develop water storage at a higher elevation above the Zone 2 area in order to create those pressures to drive that water source through the pipes to the higher elevation areas. These areas were pointed out on the map. McMinnville Water & Light has a system that is fully driven by gravity and requires no electricity. Mr. Gowell explained in detail the water flow and filter system. This particular project is an attempt to continue the long range planning to a higher elevation due to the fact the city is growing slowly westward and into the hills.

The existing facility has 4 storage tanks that are expanded periodically as needed; the last expansion in 1995. The current elevation of the 4 tanks is 340 feet above sea level. Zone 2 will serve approximately 500 - 600 homes and a reservoir is needed to serve those homes. McMinnville Water & Light request the zone change to minimize the land it acquires for public purposes, which is consistent with conserving and preserving resource lands. It is also consistent with the need to reduce costs to preserve unneeded land.

This will meet fire supply demands, as well and standards for new areas of McMinnville that presently would not be adequately served by the existing reservoir sites. This is appropriate to the surrounding uses in that they have had over 100 years of experience in being a neighbor to existing farmland and forest lands. There will be no operational difficulties to neighbors. There is a transportation access to this site as well as the ability to get electricity to the site. This application meets the exception criteria for Goal 3. This is basically a reasons type exception; water is a fundamental need of the community and there’s no environmental or habitat issues at this site. Approval of this application will allow the continued policy of having a gravity fed system which is an energy saving water system.

Part of the exceptions analysis is to look at alternate sites. Every public service area was looked at within 6 miles, which is listed in the packet. None of those were at the proper elevation for a maintained pressure balance.

In terms of the transit rule, this project will have no impact on transit. This facility would have less transit impact than one single family dwelling.

**Questions:**

Michael Sherwood asked what areas the existing 4 reservoirs serve now. Eric Abrams replied all of existing McMinnville. Michael asked the size of the reservoirs. Walt Gowell they contain the following: 10 million gallons, 7 million gallons, 3.2 million gallons, and 2.3 million gallons. Michael asked if this system is operating on a 100 year old reservoir. Eric Abrams replied it's the basic system that's been in place since around 1910.

David Polite asked the extent of the infrastructure piping. Eric Abrams explained there are 2 transmission lines; a 16 and 24 inch that come in from the north to the existing reservoir and is distributed to town from there. There are long range plans to replace the 16 inch transmission line. Mr. Abrams continued to explain what will be needed to serve the new reservoir site.

Michael Sherwood asked if McMinnville is restricted to grow toward the west. Mr. Gowell explained the city has gone through a 10 year process to complete the UGB with great difficulty and it has completed the process and identified certain future growth areas, some of which are in the west and in the north. Michael asked if you're restricting to the west, would a problem arise to the north? Mr. Gowell explained there's no elevation problem to the north.

Eric Abrams showed the flat elevation in McMinnville and what areas can't be served.

Daryl Garrettson asked where the feeder line will come into these parcels. Mr. Gowell showed the location on the map in the packet. Daryl asked if the service line that will service that area will run between the 2 parcels in the UGB area. Eric Abrams replied, yes at build out.

**Public Agency Report:** Ken Friday stated the City of McMinnville, the McMinnville Fire Dept., and the Surveyor all stated they had reviewed the file and find no conflicts, and the Public Works Dept. stated any new or improved access shall comply to Yamhill County Public Works Standard Specifications.

**Rebuttal:** Mr. Gowell took the opportunity to inform the commission that this is the first of 3 requests that will be coming before the Planning Commission.

**Staff Recommendation:** Ken Friday stated Staff recommends approval with limited use overlay which limits the use to water storage and related uses, and recommends approval of the partitioning with 4 conditions of preliminary approval.

**Questions of Staff:**

Daryl Garrettson asked if the partitioning needs to be approved first and then approve the re-zone of the partitioned parcel. Ken Friday replied the Planning Commission could make a recommendation on the re-zoning and then if the re-zoning is ultimately approved by the Board of Commissioners, the Planning Commission would be recommending the preliminary approval. The recommendation is only for the 3 acre parcel.

Vice-Chair Garrettson closed the hearing.

**Deliberation:**

Matt Dunckel concurs with staff.

Marjorie Ehry concurs with staff.

David Polite concurs with staff.

Michael Sherwood concurs with staff.

Alan Halstead concurs with staff.

John Abrams concurs with staff.

Daryl Garrettson concurs with staff.

Mike Brandt stated, for clarification, the partitioning cannot be done without the zone change.

**MOTION: Alan Halstead moved to recommend to the Board of Commissioners PAZ-02-08/P-02-08 according to the finding and conditions in the staff report with the limited use overlay. Seconded by Matt Dunckel. Passed unanimously 7 - 0.**

**New Business:**

Daryl Garrettson stated the need to consider an interim Vice-Chair.

**MOTION: David Polite moved to nominate Alan Halstead as the interim Vice-Chair. Seconded by Marjorie Ehry. Passed unanimously by voice vote 7 - 0.**

**Adjourn:** The meeting adjourned at 7:50 p.m.

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