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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Approval of a Request for a)
 McMinnville Urban Growth Boundary Amendment,)
 and Affirmation of the McMinnville Urban Area)
 Growth Management Commission's Decision to)
 Approve a Zone Change, PAZ-03-99, and the Site)
 Design Review for Expansion of the Captain Michael)
 King Smith Evergreen Education Center Museum on)
 Tax Lots 4423-600 and -700; Planning Docket)
 SDR-14-99; Applicant Captain Michael King Smith)
 Evergreen Education Center; Declaring an Emergency.)

ORDINANCE 678

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in formal session on February 10, 2000, Commissioners Ted Lopuszynski, Thomas E. E. Bunn, and Robert Johnstone being present.

WHEREAS on December 15, 1999, the McMinnville Urban Area Management Commission ("MUAMC") unanimously approved the application by Captain Michael King Smith Evergreen Education Center for site design review to expand the Captain Michael King Smith Evergreen Education Center building on tax lots 4423-600 and 4423-700 located on the north side of Highway 18, in Planning Docket SDR-14-99, as well as the attendant zoning change and Urban Growth Boundary amendment contained in application PAZ-03-99, and

WHEREAS on January 13, 2000, the Board held a duly noticed public hearing on the application. Mr. Terry Naig, Senior Manager for Evergreen Agricultural Enterprises, Inc., spoke in favor of the application. No persons spoke in opposition. One letter in opposition from Mark Davis of McMinnville was received into the record. After receiving evidence and considering testimony, the Board began deliberations, and

WHEREAS the Board concluded its deliberations and voted 3-0 to affirm the McMinnville Urban Area Management Commission's decision. NOW, THEREFORE:

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

The McMinnville Urban Growth Boundary and Urban Growth Boundary Map, as amended, are hereby amended as specified in the attached Exhibit "B" incorporated into this ordinance by reference; and the McMinnville Urban Area Management Commission's approval of the site design review and zoning change contained in application SDR-14-99/PAZ-03-99 is affirmed, for the reasons stated in the Findings for Approval attached and incorporated into this Board Order as Exhibit "A."

Emergency Clause. 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.

B.O. # 00-117

DONE at McMinnville, Oregon this 10th day of February, 2000.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN

County Clerk

not available

Chairman

TED LOPUSZYNSKI

By:

Deputy

Carol Ann White

Thomas E.E. Bunn

Commissioner

THOMAS E.E. BUNN

FORM APPROVED BY:

Rick Sanai

Rick Sanai

Assistant County Counsel

Robert Johnstone

Commissioner

ROBERT JOHNSTONE

EXHIBIT "A"

FINDINGS FOR APPROVAL

Application PAZ-03-99/SDR-14-99

NATURE OF THE REQUEST: To amend the McMinnville Urban Growth Boundary (UGB) and "trade" approximately 3.61 acres outside of the existing UGB for approximately 4.66 acres within the existing UGB. The amendment is to allow for the construction of the Captain Michael King Smith Evergreen Education Center building (also known as the AirVenture Museum). The building's relocation is being proposed to avoid its placement on unstable and unconsolidated fill material. The 4.66 acres currently inside the UGB is plan designed Urban and zoned C-3 General Commercial. The request is to remove the 4.66 acres from the UGB and change the plan designation from Urban to Agricultural/Forestry Large Holding. The zoning on the 4.66 acres would also be changed from C-3 General Commercial to EF-80 Exclusive Farm Use. The request also includes adding approximately 3.61 acres to the UGB and changing the plan designation from Agricultural/Forestry Large Holding to Future Urbanizable and a zone change from EF-80 Exclusive Farm Use to PAI Public Assembly Institutional. The request also involves a site design review of the Captain Michael King Smith Evergreen Education Center building.

APPLICANT: Evergreen Aviation Educational Center

TAX LOTS: 4423-600 and 4423-700

LOCATION: On the north side of Highway 18, west of the Olde Stone Village mobile home park.

APPROVAL CRITERIA: McMinnville Urban Area Management Agreement; Statewide Planning Goals; Yamhill County Comprehensive Plan Goals and Policies Section IV, Goal I and Policy Section IV.B.1.; the Oregon Administrative Rules; Sections 402, 1101.02, and 1208.02 of the Yamhill County Zoning Ordinance; Three Mile Lane Planned Development Overlay Ordinance.

A. Background Facts:

1. Reason for request: As indicated in the application, during site investigation of the property an area of unconsolidated and unstable fill was discovered to the south of the ravine. The application states that this area would be unsuitable for building without incurring prohibitive engineering costs (engineering reports detailing the unsuitability of the original site were presented and are contained in the applicant's concurrent annexation application to the City of McMinnville, hereby incorporated into these findings by reference). This new information led the applicant to shift the building to the only other suitable location, to the south and west.

2. Access: Three Mile Lane (Highway 18) via Maynard Lane.

3. On-site Land Use: The subject property is currently the site of Evergreen Agricultural Enterprises, Inc. (EAE) and has historically been utilized for agricultural purposes (grains and hay). Until recently there were several agricultural related structures located within the northwest portion of the site, as well as some agricultural equipment. Recent construction of the Air Venture Museum has caused the removal of these structures; construction of the building pad, access road, and installation of some utilities are now occurring

on the site. Topographically, the site is relatively flat; a steeply banked ravine runs in a southeast-northwest direction through the northern midsection of the site, connecting to the South Yamhill River. Mature trees (mostly Oak and Douglas Fir) line this ravine, and extend along the most northern portion of the site's western edge. Access to the site currently exists from Three Mile Lane (Highway 18) via Maynard Lane, a private gravel road. Maynard Lane is directly opposite Armory Way, a public street that serves the existing Evergreen office complex, Armory building, and Airport Park. (Finding incorporated from the City of McMinnville's planning staff report).

4. Water and sewer: City of McMinnville.

5. Surrounding Land Use and Zoning: South of the site, across Highway 18, is the Captain Michael King Smith Memorial. It is located within the city limits and is zoned M-2 General Industrial. The rest of the surrounding area is zoned EF-80 Exclusive Farm Use.

6. Fire Protection: McMinnville Rural Fire District

7. Soils: Sheet 35 of the Yamhill County Soil Survey shows that the majority of the parcel is made up of Amity and Willakenzine soils, which are rated as Class II high-value farmland. The application contains more specific information which states:

Land Area	Class II Soil Acres	Class III Soil Ares	Class IV Soil Acres	Total Area Acres
Existing EF-80 land to be taken in to the UGB	3.19	0.28	0.00	3.47
Existing C-3 land to be excluded from UGB	3.69	0.00	0.97	4.66

There will be no net loss of agricultural land in general, nor of high quality agricultural land in particular. A total of 4.7 acres will be removed from the UGB, and 3.5 acres added back in. In terms of High Value Class II and II agricultural soils, 3.47 acres will be included and 3.69 acres will be removed. In summary, the proposed museum and parking area will use urban land more efficiently, resulting in a small net gain in Yamhill County's agricultural land base.

8. Previous Actions: In November of 1998, the McMinnville City Council approved a Comprehensive Plan amendment and zone change for the 32-acre site from Mixed Use-Agricultural Holding (AH) and county EF-80 to Commercial (C-3) to allow the AirVenture Museum. The Council also approved a conceptual design for the AirVenture Museum, with conditions, through the planned unit development process. In May of 1999, the citizens of McMinnville voted overwhelmingly to annex the site (a portion of the site - 6.2 acres - was already in the City. The May annexation included the remaining 23.8 acres.) to the City, specifically for the purpose of construction of the proposed museum.

9. Procedure: The McMinnville Urban Area Growth Management Agreement governs the procedures for processing a UGB amendment. The application first went before the McMinnville Urban Area Management Commission (MUAMC) for a public hearing on December 15, 1999. The MUAMC unanimously approved the application and forwarded its decision to the McMinnville City Council and the Board of County Commissioners. The agreement states "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." The Yamhill County Board of County Commissioners nonetheless held a duly announced public hearing on January 13, 2000. Mr. Terry Naig, Senior Manager for Evergreen Agricultural Enterprises, Inc., spoke in favor of the application. No persons spoke in opposition. A single letter in opposition, from Mark Davis of McMinnville, was received into the record. The Board of County Commissioners then voted unanimously to approve the application.

10. Issues raised by opponents: only one person opposed this application, Mr. Mark Davis of McMinnville. The objections were:

A. The McMinnville Urban Growth Boundary Management Agreement § I. B(3)(h) ("Urban Growth Boundary Amendment Policies") states that Amendments to the Urban Growth Boundary shall be partly based upon consideration of eight Department of Land Conservation and Development criteria, including a "demonstration that there are no alternative locations within the area which could better be used for the proposed use(s)." The opponent alleges the applicant has not made a sufficient showing.

County response to this objection: A requirement that a certain factor be "considered" does not make it a binding decision-making criterion. Keudell v. Union County, 19 Or LUBA 394 (1990), Shirley v. Washington County, 20 Or LUBA 127 (1990). "Considering" one factor among many does not make that factor determinative or controlling.

Second, the county retains the right to interpret its own ordinances and determine their meaning. The Oregon Supreme Court has held that a local government's interpretations should be sustained, unless clearly contrary to the law in question. Clark v. Jackson County, 313 Or 508, 836 P.2d 710 (1992), Smith v. Clackamas County, 313 Or 519, 836 P.2d 716 (1992). Yamhill County has interpreted § I. B(3) of the McMinnville Urban Growth Boundary Management Agreement to mean that the enumerated LCDC criteria are considerations to be kept in mind, and no one factor or subset of factors are binding decision-making rules.

Third, the county is satisfied that construction of the museum must necessarily occur where indicated in the application, due to the discovery of unstable and unsuitable fill material in the land previously considered for the site (*see* Application introduction, page 3; Application §§I.A.C., I.A.D., pages 3-4; construction diagrams and engineering reports submitted to the planning departments of both the City of McMinnville and Yamhill County, herein incorporated by reference; Application §II.I, page 24; Application §IV.B.2, pages 44-45; City of McMinnville Planning Department Staff Report pages 2-3; Yamhill County Planning Department Staff Report pages 2 and 8; minutes of the December 15, 1999 meeting of the McMinnville Urban Area Management Commission, testimony of Evergreen Agricultural Senior Manager Terry Naig, page 2).

Opponent's second argument: The opponent further argues that the McMinnville Urban Growth Boundary Management Agreement forbids the zoning change from EF-80 Exclusive Farm Use to PAI Public Assembly Institutional. The opponent bases this argument upon language in the "General Policies" section of the McMinnville Urban Growth Boundary Management Agreement.

County's response: First, vague and aspirational language should not be confused with concrete zone change criteria. Aspirational or hortatory language regarding future goals or intentions is not mandatory. Wissusik v. Yamhill County, 20 Or LUBA 246 (1990). The "General Policies" recitals were written twenty years ago as broad guidelines to be implemented by the specific policies that follow.

Second, the county retains the right to interpret its own ordinances and determine their meaning. The Oregon

Supreme Court has held that a local government's interpretations should be granted deference, unless clearly contrary to the law in question. Clark v. Jackson County, 313 Or 508, 836 P.2d 710 (1992), Smith v. Clackamas County, 313 Or 519, 836 P.2d 716 (1992). Yamhill County has interpreted the "General Policies" recitals of the McMinnville Urban Growth Boundary Management Agreement as a set of general considerations to be kept in mind, not rules that bind the parties (the binding rules are found in the section labeled "Specific Policies").

The General Policies language cited by the opponent is unclear and subject to several interpretations: "Lands within the McMinnville Urban Growth Boundary but outside the City limits shall be designated as FUL (Future Urbanizable Lands) on the County Comprehensive Plan Map. Until such time as FUL-designated lands are annexed into the City, the existing County zones shall apply." The County interprets this "shall be designated" language as a statement of future intent, a recitation of the parties' plans at the time of the agreement (June, 1981). From the context of the statements, it becomes clear that the McMinnville Urban Growth Boundary Management Agreement was *not* intended to bar zoning changes like the one the applicant proposes. The Agreement mentions prohibited zone changes, explicitly barring zone changes to "densities greater than 20-acre minimum lot sizes" - and nothing else. Had McMinnville and Yamhill County intended to prohibit other types of zone changes, the parties would have included it in the Agreement. In fact, both McMinnville and Yamhill County support the zone change the applicant seeks, as does the public; the citizens of McMinnville voted overwhelmingly to support the construction of this museum by annexing the site to the City (McMinnville City Ordinance No. 4662, May, 1999).

Urban Area Growth Management Agreement Provisions

1. Page 6 of the Urban Area Growth Management Agreement states that amendments of the UGB shall be treated as a map amendment to both the city and county Comprehensive Plans. The county does not have any specific approval criteria for Comprehensive Plan map amendments.

2. The Management Agreement contains a list of eight factors which must be considered for a UGB amendment. The following factors are intended to address the standards which must be considered under Statewide Planning Goal 14, Urbanization, for changing a UGB. The factors to be considered are:

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 VI the lowest priority; and

g. Compatibility of the proposed urban uses with other adjacent uses; and

h. Demonstration that there are no other alternative locations within the area which could better be used for the proposed use(s).

3. The request is to alter the Urban Growth Boundary (UGB) in such a manner as to reduce the amount of land in McMinnville's UGB by approximately one acre. None of the property is zoned for residential use. Presently neither the property within the city limits or outside of the city limits is zoned for residential use. This minor alteration of the UGB shall have no adverse affect on urban population growth. Thus the request is in compliance with factor (a), a need to accommodate long-range urban population growth requirements consistent with LCDC goals.

4. Regarding the need for housing, employment opportunities, livability, and the orderly and economic provision for public facilities and services; the City of McMinnville has done extensive review regarding the proposed use. The City reviewed and approved a planned unit development for the museum which considered the orderly and economic provision for public facilities and services. Regarding employment opportunities and livability, it appears that the museum will provide employment for approximately 50 workers. This would increase and diversify the employment opportunities currently available in the McMinnville area.

5. Regarding maximum efficiency of land uses within and on the fringe of the existing McMinnville urban area and demonstrating there are no other alternative locations within the area which could better be used for the proposed use: this use is unique, due to the focal point of the museum, the HK-1 Hughes Flying Boat. This is by far the largest aircraft ever built, anywhere. Due to the dimensions of the flying boat, a large museum needs to be built to accommodate the aircraft. Additionally the building needs to be large enough to accommodate the other aircraft of Evergreen Aviation's large collection. Due to the historic nature of the aircraft collection and the anticipated number of visitors that a museum of this sort will bring into the area it was determined that it would be best located near a major transportation route. These factors, in addition to the existing location of Evergreen Aviation, led the applicant to request constructing the museum in this location. Based on these and other factors, including the unsuspected landfill making building out in other directions impossible, there are no other locations which could better accommodate the use.

6. Regarding factor (e), (f) and (g), the request is to "trade" approximately 3.61 acres outside of the existing UGB for approximately 4.66 acres within the existing UGB. As indicated in Finding A.7, the quality of the soils on both of the areas is almost identical. The main difference is an additional 0.4 of an acre of Class II soil will be removed from the UGB and returned to an exclusive farm zone. The soil classifications are close enough and the capability of the land to be used for farm use appears to be sufficiently similar so that there will be no significant adverse effect on farm use in the area. Additionally, regarding criterion (g), the question is not whether the museum is allowed in the city limits; it clearly is allowed. The question is whether the location of the use may be shifted over to avoid the unconsolidated fill dirt on the site. Therefore, the compatibility of the proposed use, which has already been evaluated and approved by the City, is the same as in the original location. The use is compatible with other adjacent uses.

C. Goal Exception Requirements

1. OAR 660-04-010(1)(c)(B) states:

When a local government changes an established urban growth boundary it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning", Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate

compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

(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 uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

2. Regarding factors (i through iv), as indicated above the request is to "trade" approximately 3.61 acres outside of the existing UGB for approximately 4.66 acres within the existing UGB. Factor (i) was addressed in Section B above. Factor (ii) and (iii) was addressed in Finding B.5 and 6. Factor (iv) was addressed in Finding B.6.

D. Zone Change and Plan Amendment Provisions and Analysis

1. Approval of a request for a zone change must be based on compliance 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, the applicant has extensively addressed the Yamhill County Comprehensive Plan goals and policies. The proposed Comprehensive Plan and Zoning Map amendments, the de-annexation proposal, and the UGB amendment are consistent with the applicable goals and policies of the Yamhill County Comprehensive Plan, as discussed below.

Section I. Urban Growth And Change And Economic Development

A. URBAN AREA DEVELOPMENT GOAL STATEMENT

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

POLICIES

- a. *Yamhill County will, in cooperation with the cities and special districts of the county, encourage urban growth to take the form of a series of compact, balanced communities, each with its own business and community center and each related to industrial areas and other centers of employment.*
- b. *Yamhill County will cooperate and coordinate with each of the cities in the development of urban growth boundaries and will adopt an urban area growth management agreement with each city which outlines a growth management plan for unincorporated areas within the boundary and the means by which the boundary can be modified.*
- c. *Yamhill County will recognize the lands within established urban growth boundaries as the appropriate and desired location for urban development.*

GOAL STATEMENT

2. *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.*

POLICIES

- a. *Yamhill County will continue to seek full cooperation and coordination among the cities, the school districts, other special-purpose districts of the county and the county itself in jointly planning and programming all land use, urban services and facilities and other public improvements having an impact on the rate and direction of urban growth.*

County Findings: For reasons stated under the Statewide Planning Goal 14 discussion, the proposed UGB will consume less farm land and provide for a more efficient transition from rural to urban use in this portion of the McMinnville UGB. The existing "T" shaped UGB extends some 1,830 feet north of Three Mile Lane. By moving the UGB 200' to the south, the extension of urban land into productive agricultural land will be somewhat decreased. Moreover, it will be more efficient to extend urban facilities and services to a more compact UGB that will result from this amendment. The McMinnville School District has publicly stated its support for this educational facility.

D. CITY GROWTH AND DEVELOPMENT POLICIES

- a. *All urban growth boundaries in the county will be delineated as shown on the plan map and no extension of urban land uses or city water and sewer services beyond the designated urban growth boundaries will be undertaken without concurrent amendments to both the respective city and county comprehensive plans.*
- b. *Yamhill County will encourage major land uses or functional areas and domestic water supply and sanitary sewer service areas in the cities to develop progressively outward and to be extended on a staged basis until they become coextensive with and fully service the designated urban area.*

County Findings: The proposed UGB amendment is necessary to facilitate the extension of urban land uses (the AirVenture Museum) and necessary urban sewer and water services. Land immediately to the south of

this "T" shaped portion of the urban growth area has already developed for airport-related uses (the McMinnville Municipal Airport and the corporate headquarters of Evergreen Aviation. The development of the AirVenture Museum, especially within a more compact UGB, will continue the progressive outward development envisioned by this (almost 20-year old) policy.

d. 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:

County Findings: Policy "d" was written in the early 1980s, almost 20 years ago. The "time being" is now past. Full urban use of the subject property – such as proposed in this application for the AirVenture Museum – is now appropriate and consistent with the airport-related development pattern in the Three Mile Lane area.

- 1) 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.*
- 2) Both Yamhill County and the City of McMinnville will look favorably upon mixed urban development projects; that is, integrated designs for commercial, industrial and residential uses will be encouraged.*

County Findings: In 1998, the McMinnville City Council found that the AirVenture Museum was an appropriate use for this site, when it approved a conceptual design plan through the PUD process. Access to the site will be limited by ODOT and the City to a single driveway, located approximately 1,600 feet to the west of Armory Way. Armory Way will be used for construction and occasional transport of airplanes to the museum. The planned unit development concept is being utilized for this revised proposal, as discussed in Section II.D. The proposed non-profit AirVenture Museum is integrally related to the airport uses across Three Mile Lane.

- 3) 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.*

County Findings: As noted above, only one public entrance will be provided to the site from Three Mile Lane. The site will be served by a dedicated frontage road as indicated in the Highway 18 Corridor Plan, which will connect to the private driveway serving the museum and parking area. As shown on the Revised Site Plan (Map D), the museum structure and parking area will be located approximately 1,000

feet back from Three Mile Lane. The area around the museum and between the museum and Highway 18 will be landscaped.

- e. 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.*

County Findings: The City of McMinnville has adopted an annexation policy and criteria consistent with this policy. In 1998, the City Council voted to annex the subject property consistent with adopted annexation criteria. In 1999, the voters of McMinnville overwhelmingly approved annexation of the subject property. De-annexation of the northern 200 feet of the property is proposed at this time, to enable expansion of the UGB to the south and west. This will result in more efficient provision of urban services and a more compact urban growth form.

F. ECONOMIC DEVELOPMENT GOAL STATEMENT

- 1. To maintain a rate and pattern of economic growth sufficient to prevent recurring high levels of unemployment and under-employment in the county, balance the real property tax base of the various cities, and strengthen local economic bases. (92) R*

POLICIES

- a. Yamhill County will, in cooperation with the cities, the local chambers of commerce and affiliated industrial promotion groups, and State agencies concerned with State and regional economic development, encourage a diversified employment base, the strengthening of trade centers, and the attraction of both capital and labor intensive enterprises, consistent with the needs of each community and the county as a whole.*
- b. Yamhill County will encourage economic development projects which do not conflict with the predominant timber and agricultural character of the county.*

County Findings: The museum will eventually provide an estimated 50 new jobs and will draw additional tourism and education dollars to the region. The proposed museum project will not conflict with the predominant timber or agricultural character of the county, because forest land will not be affected and the agricultural land base will be slightly increased. The reconfigured UGB will have less impact on existing agricultural practices than the existing UGB, for reasons stated in Section IV of this Exhibit.

Section II. The Land and Water

A. AGRICULTURAL LANDS GOAL STATEMENT

- 1. 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.*

POLICIES

- a. Yamhill County will provide for the preservation of farm lands through appropriate zoning, recognizing comparative economic returns to agriculture and alternative uses, changing ownership patterns and management practices, changing market conditions for agricultural produce, and various public financial incentives.
- b. Yamhill County shall provide for the protection of farmland in large blocks through minimum lot sizes of 20, 40, and 80 acres, as appropriate, on the Comprehensive Plan and official zoning maps. Any proposal to reduce the minimum lot size on a farm or farm/forest parcel shall be shown to be appropriate to maintain the existing commercial agricultural enterprise in the area.
- c. Yamhill County recognizes that certain areas of the county are characterized by such a mixture of farm and forest use that the agricultural lands and forest lands goals of this Plan are both applicable. Farm and forest resources within these areas shall be protected through mixed-use zoning that recognizes both types of use. Any proposal to change the zoning designation of a parcel from a farm or forest classification to a mixed-use zone shall include a demonstration that the use of the parcel is such a mixture that neither the farm nor forest land goals can be exclusively applied.
- d. Yamhill County will provide for the conservation of farm lands through various plan implementation measures and the review of any public or private land use determinations subject to county jurisdiction, including urban development activity and the location and construction of highways and utility transmission lines which disturb the soil cover and natural drainage pattern, and increase storm runoff, erosion and sedimentation.

County Findings: As indicated in the table directly below, this UGB amendment will result in a net gain of 1.2 acres of agricultural land in general, and a net gain of 0.2 acres of high value farm land in particular. The reconfigured UGB will reduce impacts on existing agricultural practices by reducing by 200 feet the "T" shaped extension of the UGB into land reserved for Exclusive Farm Use. The existing ravine and tree grove serve as appropriate buffers from farm land to the north.

Land Area	Class II Soil Acres	Class III Soil Ares	Class IV Soil Acres	Total Area Acres
Existing EF-80 land to be taken in to the UGB	3.19	0.28	0.00	3.47
Existing C-3 land to be excluded from UGB	3.69	0.00	0.97	4.66

- k. Any Comprehensive Plan or zone map amendment that would reduce the minimum lot size on property within an Exclusive Farm Use or Agriculture/Forestry designation shall not be granted final approval by Yamhill County until the amendment has been considered and approved by the Land Conservation and Development Commission pursuant to ORS 215.780(2). The zoning ordinance shall provide a process for conditional approval by Yamhill County, concurrence by the Land Conservation and Development Commission and final approval by Yamhill County in applications subject to this subsection.

County Findings: A boundary line adjustment was submitted prior to submittal of this land use application. Prior to submittal of the October 1999 BLA, the 32-acre urban site was comprised of portions two tax lots: TLs 600 and 700. The BLA resulted in the reconfiguration of TL 1600, such that all of this tax lot (31 acres) is now within the UGB. TL 1700 was reconfigured such that all of this tax lot is now outside the UGB (except for 180 feet immediately north of Highway 18). The minimum lot size in this area is 80 acres (EF-80). The revised TL 1700 will have more than 80 acres.

GOAL STATEMENT

2. *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.*

POLICIES

- a. *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.*
- b. *Yamhill County will continue to support ASCS soil conservation measures and SWCD best management practices designed to protect and improve forest and agricultural land productivity and to prevent unnecessary losses through excavation, stripping, erosion and sedimentation.*
- c. *Yamhill County will establish an ordinance to control erosion and sedimentation in subdivision developments and both public and private roadway construction.*
- d. *Yamhill County will require that construction permits contain provisions to protect sites from soil erosion.*

County Findings: As shown in the Table, there will be a net gain (0.2 acres) of land zoned for Exclusive Farm Use as a result of this proposal. All excavation and soil removal associated with construction of the AirVenture Museum will occur within the revised UGB, and will be subject to City and County erosion control requirements.

Section III. Transportation, Communications and Public Utilities

A. TRANSPORTATION GOAL STATEMENT

1. *To provide and encourage an efficient, safe, convenient and economic transportation and communication system, including road, rail, waterways, public transit and air, to serve the needs of existing and projected urban and rural development within the county, as well as to accommodate the regional movement of people and goods and the transfer of energy, recognizing the economic, social and energy impacts of the various modes of transportation.*

POLICIES

- a. *Yamhill County will encourage the establishment of a transportation system supportive of a geographically distributed and diversified industrial economy for the county including coordination with all city comprehensive plans.*
- b. *All transportation-related decisions will be made in consideration of land use impacts including but not limited to adjacent land use patterns, both existing and planned, and their designated uses and densities.*
- c. *Yamhill County will cooperate and establish close liaison with the State Department of Transportation, the cities of the county, the Tri-County Metropolitan Transportation District of Oregon (Tri-Met), the Southern Pacific Railroad, the Federal Aviation Administration, Federal Highway Administration, and private utility companies operating in the county, in respect to matters relating to the location, design and programming of roads, railroads, public transit facilities, airports, transmission lines, pipelines, waterways, energy corridors and communications*

- facilities to guide and accommodate the emerging development patterns of the county.*
- d. *Yamhill County will, in cooperation with the State Highway Division and the cities of the county, establish a comprehensive list of recommended road improvements throughout the county, establish a suitable review mechanism for arriving at and amending priorities on a continuing basis and work towards the creation of an on-going capital improvement program closely coordinated with all agencies of government responsible, including cities for road location, construction, finance and maintenance.*
 - e. *Yamhill County will cooperate with and support the State Highway Division, the Mid-Willamette Valley Council of Governments, and any other county or regional transportation agency in an effort to establish a viable and productive regional transportation planning process and operations system geared to identifying, prioritizing and resolving both present and future transportation needs, with special reference to our county and regional network.*

County Findings: The design and construction of access from Highway 18 to the AirVenture Museum has been fully coordinated with and approved by ODOT, consistent with the provisions of the *Highway 18 Corridor Plan* and the McMinnville Comprehensive Plan.

- j. *Yamhill County will require new development to:*
 - 1) *Limit access points on highways designated as arterials when alternative access points are feasible.*
 - 2) *Provide a frontage setback requirement of 50 feet from the public right-of-way of all designated arterials within the county for commercial and industrial development; and*
 - 3) *Minimize direct access points onto arterial right-of-ways by encouraging the utilization of common driveways.*

County Findings: ODOT has required that the primary access (the only public access) to the AirVenture Museum occur approximately 1,600 feet to the west of Armory Way. Construction access (and the occasional movement of airplanes across Highway 18) will be allowed at Armory Way, via a gated, non-public driveway.

- k. *All county transportation-related decisions will be made in particular consideration of energy efficiency and conservation.*
- o. *All transportation-related decisions will be made in support of the efficient and economic movement of people, goods, and services throughout the region, and will be based on the location and adequacy of facilities for such goods and services.*

County Findings: The decision to reconfigure the UGB at this location will have a small positive impact on energy conservation, because vehicles will have a slightly shorter distance to drive to the museum parking lot from Highway 18.

Section V. Environmental Quality

A. AIR, WATER AND LAND RESOURCES QUALITY GOAL STATEMENT

- 1. *To conserve and to protect natural resources, including air, water, soil and vegetation and wildlife, from pollution or deterioration which would dangerously alter the ecological balance, be detrimental to human health, or compromise the beauty and tranquility of the natural environment.*

County Findings: The reconfiguration of the UGB at this location will reduce impacts on the existing wetland and ravine at the northeast corner of the site and will reduce the number of Oak trees that must be removed to enable museum and parking area construction.

Regarding criterion (B) and (D) above, as indicated in Finding B.5 there is an existing demonstrable need for the proposed PAI zone at this location to accommodate the museum. This is based on the unique characteristics of what will be featured in the museum and its location near other amenities needed by the museum. The museum itself is the only allowed use in the PAI zone - the proposed gift shop, cafe, and/or theater will *not* be sited in the PAI zone.

Regarding criterion (C) above, as indicated in Finding B.6, the use has been found by the City of McMinnville to be appropriate through the adoption of Ordinance No. 4662. This ordinance also found that the site could be served by utilities and services likely to be needed by the anticipated uses. Since the request is only to shift the location of the museum to avoid construction of it on unconsolidated fill material, the use should have no greater adverse impact on the surrounding area.

Regarding criterion (E) above, the applicant addressed compliance with the Oregon Administrative Rules in Section IV of the application. These findings are incorporated by reference.

E. Site Design Review Criteria

1. Section 1101 for Site Design Review requires consideration of the following factors in the review of site development plans:

- (a) *Characteristics of adjoining and surrounding uses;*
- (b) *Economic factors related to the proposed use;*
- (c) *Traffic safety, internal circulation and parking;*
- (d) *Provision for adequate noise and/or visual buffering from incompatible uses;*
- (e) *Retention of existing natural features on site; and*
- (f) *Problems that may arise due to development within potential hazard areas.*
- (g) *Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.*

A public notice has been mailed by Yamhill County to surrounding property owners and printed in the local newspaper. There have been no adverse comments from adjacent and vicinity property owners regarding the request. A single opposing letter was received from a city resident, Mark Davis, but he lives nowhere near the applicant's site. Therefore, as of the writing of this staff report there is nothing to address under criterion (g). **The rest of the criteria are adequately addressed in Section I, C and D of the application.** These findings are incorporated by reference. Additionally, the City of McMinnville has extensively reviewed this request and approved it pursuant to Ordinance 4662. The standards used by the city appear to be more extensive than the Yamhill County standards for site design review. Therefore, the county will defer to the city on imposition of conditions for the site design review.

CONCLUSIONS FOR APPROVAL:

The request is to amend the McMinnville Urban Growth Boundary (UGB) and "trade" approximately 3.61 acres outside of the existing UGB for approximately 4.66 acres within the existing UGB. The amendment is to allow for the construction of the Captain Michael King Smith Evergreen Education Center building. The buildings relocation is being proposed to avoid its placement on unconsolidated fill material. The 4.66 acres currently inside the UGB is plan designed Urban and zoned C-3 General Commercial. The request is to remove the 4.66 acres from the UGB and change the plan designation from Urban to Agricultural/Forestry Large Holding. The zoning on the 4.66 acres would also be changed from C-3 General Commercial to EF-80 Exclusive Farm Use. The request also includes adding approximately 3.61 acres to the UGB and changing the plan designation from Agricultural/Forestry Large Holding to Future Urbanizable and a zone change from EF-80 Exclusive Farm Use to PAI Public Assembly Institutional. The request also involves a site design review of the Captain Michael King Smith Evergreen Education Center building.

The applicant has demonstrated that the request satisfies the Yamhill County Comprehensive Plan goals and policies.

Referrals were mailed to the Surveyor, Public Works, City of McMinnville, McMinnville Rural Fire Department, Department of Land Conservation and Development and the Oregon Department of Transportation. To date, no comments in opposition to the request have been received.

The request complies with the zone change and site design review criteria found in Sections 1101.02 and 1208.02 of the Yamhill County Zoning Ordinance.

The request complies with the Oregon Administrative Rules.

Section IV: Compliance With Statewide Planning Goals, Including Goal 2 Exception

Comprehensive Plan Map amendments, including the proposed UGB trade, are subject to the Statewide Planning Goals. The subject 32-acre property is currently designated "Commercial", which contemplated urban development of the site, subject to compliance with the Three Mile Lane Ordinance No. 4131 and the Planned Development chapter of the McMinnville Zoning Ordinance (MZO Chapter 17.51). Compliance with Ordinance No. 4131 and MZO Chapter 17.51 is documented in Section II, above. The proposal is to reconfigure the UGB, in order to facilitate the relocation of the museum/exhibition hall use. This requires changing plan designations, as indicated above.

A. Inapplicable Statewide Planning Goals

- Statewide Planning Goal 4 (Forest Lands) is not applicable because the site is entirely within the acknowledged McMinnville Urban Growth Boundary.
- Statewide Planning Goal 5 does not apply because the site has no inventoried Goal 5 resources.
- Statewide Planning Goal 10 does not apply because no housing is proposed on the subject property.
- Statewide Planning Goals 15-19 do not apply because the site is not within the Willamette River Greenway (Goal 15) or affected by the Coastal Planning Goals (Goals 16-19).

B. The Statewide Planning Goals

1. Statewide Planning Goal 1: Citizen Involvement

Statewide Planning Goal 1, Citizen Involvement, is met through compliance with Ordinance No. 4125, which has been acknowledged by the LCDC and which includes procedures for ensuring effective citizen involvement in the plan amendment process.

Yamhill County has held a duly noticed public hearing prior to adoption of this minor Comprehensive Plan amendment and UGB adjustment.

2. Statewide Planning Goal 2: Land Use Planning

Statewide Planning Goal 2 requires consideration of alternatives and implementation of ultimate policy choices through effective zoning regulations. The commercial plan designation allows for museum/exhibition hall uses – as implemented through the City C-3 General Commercial zone and the County PAI Public Assembly Institutional zone.

Goal 2, Part II–Exceptions, provides that a local government may adopt an exception to a goal when:

1. *Reasons justify why the state policy embodied in the applicable goals should not apply;*
2. *Areas which do not require a new exception cannot reasonably accommodate the use;*
3. *The long-term environmental, economic, social and energy consequences resulting from the use of 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*
4. *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

OAR 660-004-0020 implements the intent of Goal 2 and provides substantively identical criteria. These criteria are specifically addressed below.

OAR 660-004-0020(a)

Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.

County Findings: Approximately 3.5 acres of resource land is required in order to site the AirVenture Museum, as shown on the Map D. However, the loss of this resource land is fully compensated for by removing approximately 4.7 acres from the UGB. As shown in *Table 1* below, the change will result in a net gain of agricultural land and no net loss in high value farm land (Class II or III soils).

Table 1

Land Area	Class II Soil Acres	Class III Soil Acres	Class IV Soil Acres	Total Area Acres

Existing EF-80 land to be taken in to the UGB	3.19	0.28	0.00	3.47
Existing C-3 land to be excluded from UGB	3.69	0.00	0.97	4.66

OAR 660-004-0020(b)

- Areas which do not require a new exception cannot reasonably accommodate the use":*
- (A) *The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;*
 - (B) *To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:*
 - (i) *Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?*
 - (ii) *Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural center, or by increasing the density of uses on committed lands? If not, why not?*
 - (iii) *Can the proposed use be reasonably accommodated inside an urban growth boundary; If not, why not?*

County Findings: The AirVenture Museum must locate near the McMinnville Municipal Airport with access to Highway 18, and has already been approved by the City at the subject location. The exception to Goal 3, Agricultural Lands, is necessary to shift the location of the approved Museum slightly to the southwest (to avoid an unconsolidated fill and to align the entrance of the Museum with the Michael K. Smith Memorial on the south side of Highway 18). There is no non-resource land in the vicinity that could reasonably accommodate the expansion of the Museum. The "T" shape of the UGB in this location makes it difficult to reasonably accommodate the proposed use without expansion of the UGB.

However, the applicant recognizes that the Museum could be re-designed in a manner that would avoid conversion of agricultural land to an urban use. Although this alternative would involve substantial costs and would compromise the design objectives of this AirVenture Museum, it is possible. For this reason, a trade is proposed, whereby 3.5 acres of EF-40 to the south and west of the site is exchanged for 4.7 acres of Commercial land within the UGB at the north end of the site. In this manner, Yamhill County's agricultural land base will be increased - not decreased.

OAR 660-004-0020(c)

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 other areas requiring a Goal exception.

County Findings: The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site are less adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. From a practical standpoint, the AirVenture Museum has already been approved at this location; the purpose of the proposed map amendments is to allow a slight shift – to the south and west – in the location of the building and parking area. Thus, these findings examine the comparative impacts of alternative directions for relocating the museum building and parking area.

- From an environmental perspective, moving to the south and west has the least impact, because (a) more Oak trees can be preserved in the existing Oak Grove, and (b) impacts on the ravine in the northeast corner of the property will be reduced.
- From an economic perspective, construction costs for the museum and parking area will be slightly reduced by moving the building to the south and west, because less pavement will be needed for the driveway access and building construction near the unconsolidated fill area will be avoided.
- From a social perspective, there will be an aesthetic benefit from moving the building to south and west, because it will create a symmetrical relationship between the existing Michael K Smith Memorial south of Highway 18 and the new AirVenture Museum entrance.
- From an energy perspective, there will be a slight benefit, because vehicle travel distances from Highway 18 to the museum parking area will be slightly reduced.

OAR 660-004-0020(d)

"The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

County Findings: Adjacent uses include agriculture to the north, east and west and urban airport-related uses to the south. The proposed UGB locational adjustment will maintain a larger buffer from agricultural land to the north by better preserving an existing Oak tree grove and ravine at the north end of the site. The UGB amendment will have no impact, one way or the other, on agricultural land currently owned by Evergreen Agriculture. The impact on airport-related uses to the south (McMinnville Municipal Airport and Evergreen Aviation International) will be positive, because these airport-related uses will be closer to one another.

3. Statewide Planning Goal 3: Agricultural Lands

County Findings: The proposal complies with Statewide Planning Goal 3, Agricultural Lands, because there will be a net gain (1.2 acres) in the area of land zoned for Exclusive Farm Use and a net gain in the area of high value farm land (0.2 acres) protected by EFU zoning.

4. Statewide Planning Goal 6: Air, Water and Land Resources Quality

County Findings: Statewide Planning Goal 6, applied in this context, requires that air, land and water resource quality not be degraded as a result of a proposed plan amendment. The proposed plan amendment will have virtually no impact on resource quality, except that: (a) vehicle miles traveled will be slightly reduced (thus reducing air pollution) and (b) impacts on the ravine and associated wetland may be slightly reduced, thus reducing impacts on water quality.

5. Statewide Planning Goal 7: Natural Hazards

County Findings: Statewide Planning Goal 7 requires safeguards against natural disasters and hazards. The proposed plan amendment and UGB adjustment has no impact on any identified hazard area. There are no flood or slope hazards identified in the Comprehensive Plan for this site. However, the Comprehensive Plan does include policies to preserve natural drainageways. The reconfigured UGB will have slightly lower impact on the ravine at the northeast corner of the site.

6. Statewide Planning Goal 9: Economy of the State

County Findings: Statewide Planning Goal 9, Economy of the State, requires that every city maintain sufficient buildable land within its urban growth boundary to accommodate long-term commercial land needs and that suitable sites be designated to meet the needs of identified commercial land uses. Although the site size will be slightly reduced (from 32 to 31 acres), this site is more than sufficient to accommodate the AirVenture Museum and related uses.

7. Statewide Planning Goal 11: Public Facilities & Services

County Findings: Statewide Planning Goal 11 requires that adequate public facilities and services be available to support anticipated commercial development on the site. The land use application, supported by the detailed construction plans submitted by WRG Design, demonstrate that adequate public facilities can be provided to the site in compliance with Goal 11.

8. Statewide Planning Goal 12: Transportation

County Findings: The Transportation Impact Statement (TIS) provided in support of the 1998 application demonstrated compliance with the adopted *Highway 18 Corridor Refinement Plan*. Since then, ODOT has granted an access permit from Highway 18 to the subject property. There are no level-of-service problems associated with construction of the proposed museum at this location, and no differences in transportation impacts resulting from the proposed UGB adjustment, when compared with the existing UGB location.

9. Statewide Planning Goal 13: Energy Conservation

County Findings: Statewide Planning Goal 13 requires that energy conservation be considered in deciding appropriate plan designations and the location of the UGB. Under this proposal, the UGB will become more compact. Relocation of the building (allowed by the Comprehensive Plan and Zoning Map amendments) will reduce vehicle miles traveled and energy consumption.

10. Statewide Planning Goal 14: Urbanization

Goal 14 requires changes in a city's urban growth boundary to be based upon the following seven 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 of 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 land with Class VI soils being the lowest priority; and*
- (7) *Compatibility of the proposed urban uses with nearby agricultural activities.*

Factor No. 1: *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.*

Factor No. 2: *Need for housing, employment opportunities, and livability.*

County Findings: The need for the AirVenture Museum, as well as additional Commercial land, was demonstrated in the 1998 Comprehensive Plan, Zone Change and Annexation application, approved by the McMinnville City Council through adoption of Ordinance No. 4662. The proposed amendments do not adversely affect the City's ability to meet the identified museum need; rather, the amendment allows the museum need to be met within a smaller land area, and therefore results in more efficient land use. (See Factor No. 4 discussion below.)

Factor No. 3: *Orderly and economic provision of public facilities and services.*

County Findings: The City's ability to provide public facilities and services to the site in an orderly and economic fashion has been demonstrated. The UGB will be slightly more compact as a result of this application; thus allowing the museum to be sited closer to other urban uses and public facilities located along/below Highway 18. The reconfigured UGB will, therefore, result in slightly more economic provisions of sanitary sewer, water, storm drainage and transportation services necessary to serve this needed urban use.

Factor No. 4: *Maximum efficiency of land uses within and on the fringe of the existing urban area.*

County Findings: The UGB adjustment will increase land use efficiency by reducing (by 1.2 acres) the area of land necessary to accommodate the proposed museum use. Maximum efficiency of land use is also facilities by the PUD overlay zone applicable to the entire Three Mile Lane area.

Factor No. 5: *Environmental, energy, economic and social consequences.*

County Findings: Each of these consequences of amending the Urban Growth Boundary have been discussed in preceding sections of these findings. Findings regarding the same types of consequences identified in Factor No. 5 are made in preceding findings addressing Goals 6, 7, 9, 10, 11, 12 and 13.

Factor No. 6: *Retention of agricultural land as defined, with Class I being the highest priority for retention and land with Class VI soils being the lowest priority.*

County Findings: The proposed UGB adjustment will reduce the area of land that will be converted from agricultural to urban uses by 1.2 acres. Moreover, the area of high value agricultural land that will be protected as a result of this UGB trade will increase by 0.2 acres.

Factor No. 7: *Compatibility of the proposed urban uses with nearby agricultural activities.*

County Findings: Adjacent uses include agriculture (wheat) to the north, east and west and urban airport-related uses to the south. The proposed UGB locational adjustment will maintain a larger buffer from agricultural land to the north by better preserving an existing Oak tree grove and ravine at the north end of

the site. The UGB amendment will have no impact, one way or the other, on agricultural land currently owned by Evergreen Agriculture. The impact on airport-related uses to the south (McMinnville Municipal Airport and Evergreen Aviation International) will be positive, because these airport-related uses will be closer to one another.

C. Goal 14 Conversion Factors

Statewide Planning Goal 14 conversion policies 1-4 require efficient urbanization of land within urban growth boundaries. Ordinance No. 4131 spells out exactly how land in the Three Mile Lane area is to be converted to urban uses and efficiently developed through the planned development review process. Compliance with Ordinance 4131 (Three Mile Lane) and the MZO Chapter 17.31 (Planned Developments) is demonstrated in Section II of this Exhibit and in the 1998 application.

D. ORS197.298 Priorities

ORS 197.298 describes the priorities for including land within an urban growth boundary. This statute reads as follows:

197.298 Priority of land to be included in urban growth boundary.

(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

County Findings: McMinnville has not designated any urban reserve land, so first priority land for urban growth boundary expansion under ORS 197.298(1)(a) is not available.

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710

County Findings: The purpose of this amendment is to allow the approved AirVenture Museum to be relocated 50 feet to the south and 80 feet to the west. There are no second priority lands within the vicinity of this use available to meet this specific need.

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).

County Findings: Yamhill County is not a "marginal lands county". Therefore, there are no third priority lands available to meet the identified need to relocate the museum.

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

County Findings: The only land adjacent to the existing museum site that is capable of meeting the need to relocate the museum is agricultural land. Recognizing this fact, the applicant proposes to trade land that is

currently under agricultural production (wheat) within the UGB for land that is also under production outside the UGB. In this manner, there will be no net loss of agricultural land.

(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

County Findings: The applicant recognizes that the proposed trade must consider the agricultural capabilities of the soils involved. For this reason, as indicated in Table 2 on the following page, there will be a net increase in protected high value (Class II and III) agricultural soils, as defined in OAR Chapter 660, Division 33. Although this half-acre increase will be off-set by a quarter acre decrease in protected Class III soils, overall, there will be a net increase of 1.2 acres of land designated as Agriculture (EF-40) on the Yamhill County Comprehensive Plan Map.

Table 2 Net Impact on Agricultural Soils by Classification

Land Area	Class II Soil Acres	Class III Soil Acres	Class VI Soil Acres	Total Area Acres
Existing EF-40 Land to be Included within UGB	3.19	0.28	0.00	3.47
Existing C-3 Land to be Excluded from UGB	3.69	0.00	0.97	4.66
Net Impact (Increase or Decrease in EFU Land)	+0.5	-0.28	+0.97	1.19

- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:*
- (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;*
 - (b) Future urban services could not reasonably be provided to the higher priority due to topographical or other physical constraints; or*
 - (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.*

County Findings: As indicated above, there is a specific type of identified land need that can only be met on agricultural land – the need to relocate the existing museum building and parking area at the subject location. Although this need probably would be insufficient to justify a net loss of agricultural lands, it is a reasonable basis upon which to justify a UGB trade – especially when the result is an increase in the land protected by EF-80 zoning – as is this case with this UGB adjustment.

END

EXHIBIT "B" FOR ORDINANCE No.: 678

Amendment of the McMinnville Urban Growth Boundary to "trade" approximately 3.61 acres outside the existing UGB for approximately 4.66 acres within the existing UGB.

The plan designation on the 4.66 acres, currently inside UGB, shall be amended from URBAN to AGRICULTURE/FORESTRY LARGE HOLDING and the zoning designation shall be amended from C-3 to EF-80 EXCLUSIVE FARM USE

The plan designation on the 3.61 acres, currently in the County, shall be amended from AGRICULTURE/ FORESTRY LARGE HOLDING to FUTURE URBANIZABLE LAND and the zoning designation shall be amended from EF-80 EXCLUSIVE FARM USE to PAI PUBLIC ASSEMBLY INSTITUTIONAL

