

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

FILED
YAMHILL COUNTY, OREGON
97 FEB 28 AM 10:11
CHRISTOPHER
COUNTY CLERK

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending the)
Yamhill County Comprehensive Plan Map)
and Official Zoning Map to Amend the Urban)
Growth Boundary For the City of Yamhill to)
Remove from the UGB and City Limits 13 Acres)
of Land (Part of Tax Lot 3404-1300), and to Add)
to the UGB 13.5 Acres of Land (part of Tax Lot)
3404-1000, and Tax Lots 3404-1100 and)
3404BD-1400); Applicant City of Yamhill;)
Planning Docket PAZ-06-96; and Declaring)
an Emergency.)

ORDINANCE 622

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on February 26, 1997 Commissioners Thomas E. E. Bunn, Robert Johnstone, and Ted Lopuszynski, being present.

WHEREAS, the City of Yamhill has made application in Docket PAZ -06-96 to amend the City of Yamhill Urban Growth Boundary (UGB), to remove from the UGB and city limits 13 acres of land (part of tax lot 3404-1300), and to add to the UGB 13.5 acres of land (part of tax lot 3404-1000 and tax lots 3404-1100 and 3404BD-1400); and

WHEREAS, the County action will involve Comprehensive Plan map and zoning map amendments to designate the 13 acres being removed from the UGB to the county's Exclusive Farm Use (EFU) comprehensive plan designation and the EF-80 Exclusive Farm Use zoning district; and

WHEREAS, the City action will involve a Comprehensive Plan map amendment to designate the 13.5 acres being added to the UGB as Residential. Annexation of this area is not proposed at this time; and

WHEREAS, the UGB amendment adding the 13.5 acres to the UGB must comply with the seven factors of Statewide Land Use Planning Goal 14 ("Urbanization") and the standards required by Goal 2, Part II(c) ("Land Use Planning", Part II, Exceptions"); and

WHEREAS, on October 24, 1996, the City council of the City of Yamhill held a public hearing on the foregoing proposal, and approved an order setting a time within which the citizens of the City of Yamhill would have the right to file requests for an election to any such annexation decision on or before December 11, 1997. To date, no requests for an election have been received by the City of Yamhill; and

WHEREAS, on October 31, 1996, the City of Yamhill submitted the proposed UGB amendment to the County for adoption; and

WHEREAS, on December 10, 1996, the Yamhill Urban Area Management Commission held a hearing pursuant to section VII of the Urban Area Growth Management Agreement between the City of Yamhill and Yamhill County, which states that amendments to the UGB shall be treated as map amendments to both the city and county comprehensive plans, and the Urban Area Management Commission voted unanimously to recommend approval of the request; and

WHEREAS, on January 5, 1997, the Board held a public hearing at which time the Board received public testimony and the findings of fact submitted by the applicant containing the justification for the proposed UGB amendments, attached hereto and incorporated herein as Exhibit "A", and following the close of hearing, the Board deliberated and voted unanimously to grant tentative approval for the proposed UGB amendments, subject to the City of Yamhill and the County reaching an agreement regarding the classification and development standards to be applied to Moores Valley Road, and directed staff to prepare written findings for approval of the application; and

WHEREAS, the City and the County have reached an agreement regarding Moores Valley Road, and the City has represented that it intends to adopt a city ordinance to approve this UGB amendment after the County has adopted this ordinance; and

WHEREAS, the Board finds that adoption of the proposed UGB amendment will comply with the seven factors of Statewide Land Use Planning Goal 14 ("Urbanization") and the standards required by Goal 2, Part II(c) ("Land Use Planning", Part II, Exceptions"), and that the ordinance is necessary to allow the change in the City of Yamhill UGB; and

WHEREAS, the attached findings and agreement demonstrate that approval of this amendment to the City of Yamhill UGB is in the best interests of the citizens of Yamhill County; Now Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The findings attached as Exhibit "A" and Exhibit "B", and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 2. The Road Agreement between Yamhill County and the City of Yamhill respecting Moores Valley Road, attached as Exhibit "C", and incorporated herein by reference is hereby accepted and approved and made a part of this ordinance by reference.

Section 3. The Yamhill County Comprehensive Plan (1974) Map, as amended, and the Yamhill County Official Zoning Map, as amended, are hereby amended as set forth in Exhibits "D" and "E" attached hereto and made a part of this ordinance by reference.

Section 4. This ordinance being necessary for the health, safety, and welfare of the

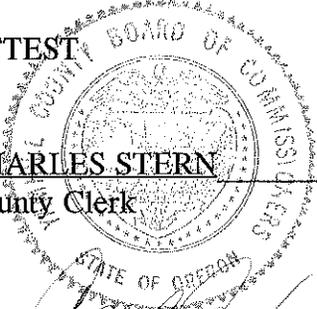
citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE at McMinnville, Oregon this 26th day of February, 1997.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Thomas E. E. Bunn
Chairman THOMAS E. E. BUNN

By: *Carol White*
Carol White

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

Robert Johstone
Commissioner ROBERT JOHSTONE

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Exhibit "A"

**PROPOSED PROPOSED FINDINGS: City of Yamhill UGB
Amendment**

NOV 19 1996

Applicant: City of Yamhill

- Proposal:**
- (1) Remove from the Yamhill Urban Growth Boundary (UGB) and de-annex from the Yamhill City Limits 13 acres of Residential property adjacent to the new sewage treatment plant and rezone this property County Exclusive Farm Use (EF-40); and
 - (2) Add to the Yamhill UGB 13 acres of EFU land south of Main Street and re-designate this land as Residential on the Yamhill Comprehensive Plan.

Legal Description: There are two undeveloped properties involved in this UGB trade. Both are owned and farmed by Theresa and Steven Dumdi.

- (1) **Property to be removed or Tract A:** Township 3 South, Range 4 West, Section 4 -- south portion of Tax Lot 1300 located within the current UGB and abutting the existing sewage treatment plant (STP);
- (2) **Property to be included or Tract B:** Township 3 South, Range 4 West, Section 4 -- north portion of Tax Lot 1000, Tax Lot 1100 (Dumdi residence) and the developed First Christian Church property, abutting the City Limits south of Main Street.

Date: Revised November 18, 1996*

***Note:** These proposed findings replace and supersede the draft findings dated October 21, 1996.

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Proposed Urban Growth Boundary Amendment/Trade City of Yamhill December 1996

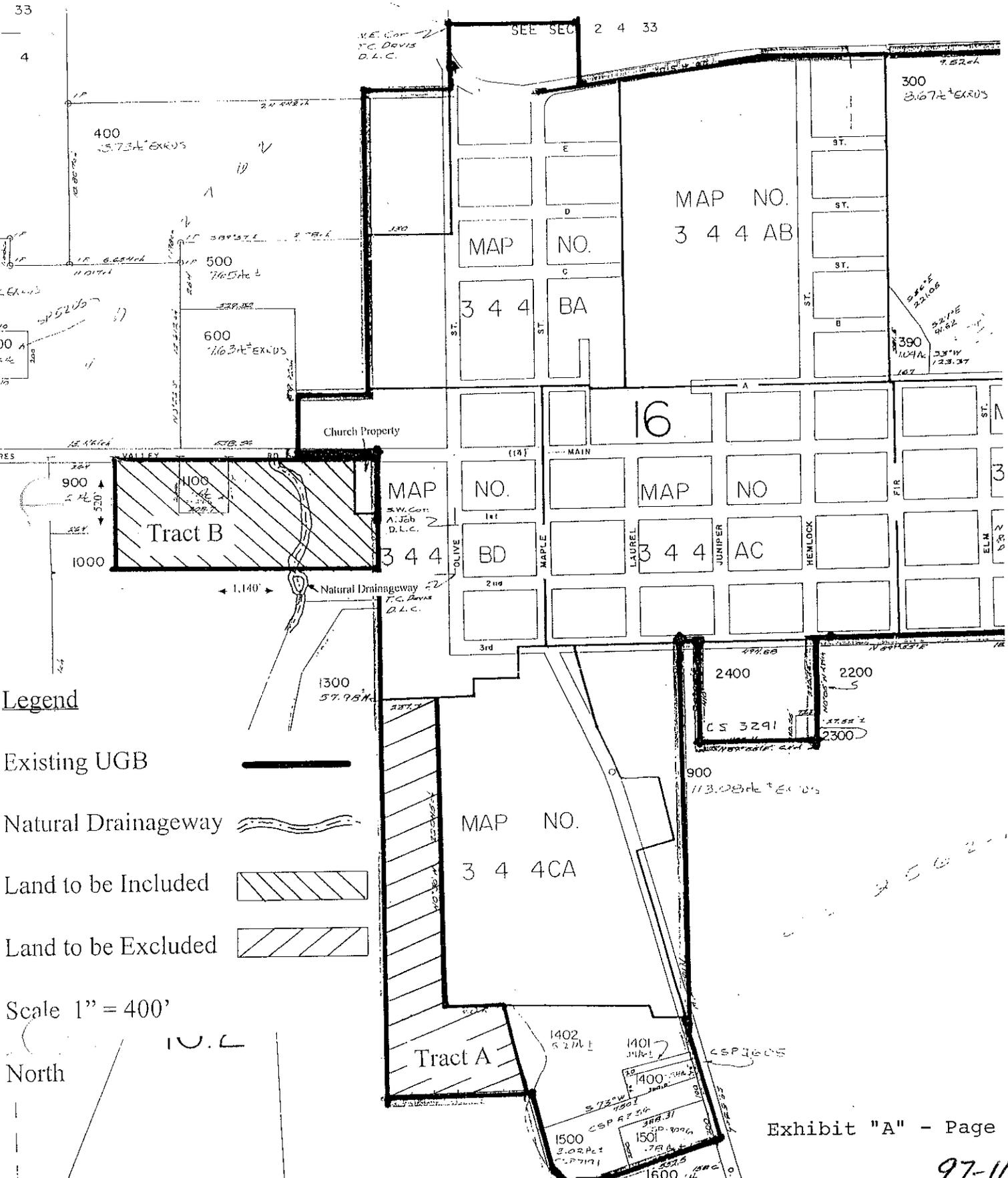


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I. Introduction

The City of Yamhill proposes to amend the Yamhill Comprehensive Plan and Urban Growth Boundary (UGB) to exclude approximately 13 acres of predominantly Class II agricultural soils (Tract A) and to include approximately 13 acres of predominantly Class III agricultural soils (Tract B) and an intervening one-half acre developed parcel owned by the First Christian Church. Both Tracts A and B are under the same ownership and abut the western portion of the UGB.

In 1994, the city of Yamhill condemned residentially-designated property within the current Yamhill UGB to accommodate a new sewage treatment plant. The property owners, Steven and Theresa Dumdi, contested this condemnation in Yamhill County Circuit Court. The property owners contended that the agricultural value of their farm, and the value of 13 acres of residential land remaining inside the UGB (Tract A), would decrease as a result of the construction of a sewage treatment plant on the Dumdi property.

The need for the proposed UGB amendment arose from a settlement agreement reached between the city of Yamhill and Steven and Theresa Dumdi. This settlement agreement specifies that the city of Yamhill will initiate an trade: 13 acres of the Dumdi's farm property that is currently under farm tax deferral inside the UGB, in exchange for 13 acres of less productive agricultural land outside the UGB.

The only reason to include the one-half acre, developed church property is that it lies between Tax Lot 1000 and the Yamhill City Limits.

II. Applicable Statewide Planning Goals and Administrative Rules

The following criteria apply to this UGB amendment:

- Statewide Planning Goal 1: ***Citizen Involvement***
- Statewide Planning Goal 2: ***Land Use Planning***
- Statewide Planning Goal 14: ***Urbanization***
- OAR Chapter 660, Division 4: ***Interpretation of Goal 2, Part II Exceptions Process***

In Part III of these findings, the "need" or "reasons" for the UGB trade are demonstrated. Part IV explains why proposed trade better meets Goal 2: Exceptions; Goal 14: Urbanization; Goal 11: Public Facilities and Services; and Goal 12: Transportation locational and suitability criteria

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III. Citizen Involvement & Intergovernmental Coordination

Proposed Findings: The *Urban Area Growth Management Agreement* with Yamhill County recognizes the need for citizen involvement and inter-governmental coordination of UGB amendments.

Article VI of this UGA agreement establishes an "Urban Area Management Commission" (UAMC) as a "hearings officer" to review proposals to amend the UGB. UAMC consists of a Yamhill County Commissioner, a Council representative, Planning Commission members from both the City and County, and a citizen representative. UAMC members are responsible for holding one or more public hearings, approving findings and presenting its recommendation to the City Council and County Board of Commissioners for review. This public review process provides for public participation in the quasi-judicial comprehensive plan amendment process.

Article VII of the UGA agreement states that UGB amendments may be initiated by the City Council. The City Council has initiated this UGB and Comprehensive Plan map amendment. In accordance with Article VII, Section 1 of the UGA agreement, Section IV of these findings addresses demonstrated need to accommodate long-term population growth requirements in accordance with LCDC goals, including the need for housing, employment opportunities and livability. Section V of these findings addresses the orderly and economic provision of public facilities and services; maximum efficiency of land uses within and on the fringe of the existing urban area; environmental, social, economic and energy consequences; retention of higher priority agricultural land; and compatibility of the proposed urban residential uses with nearby agricultural activities.

This application has been filed with the City Recorder and the consultant Planning Director and has been forwarded to the Yamhill County Planning and Development Department. Notice of the public hearing before UAMC was provided at least 10 days in advance of the public hearing. DLCD was notified of the final public hearing before the Yamhill County Board of Commissioners at least 45 days in advance of that hearing. No public hearing is required by either the County Board of Commissioners or the Yamhill City Council. The decision of these two governing bodies was based on the UAMC record before them.

IV. Reasons for the UGB Adjustment

Goal 14: Urbanization

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.

OAR 660-04-010(1)(B):

- (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).*

Proposed Findings: These criteria require municipalities to justify the *expansion* of an acknowledged UGB based on the need for population growth, housing, employment opportunities and livability. In this case, the city of Yamhill does not propose to expand the UGB. Rather, the City proposes to trade 13 acres of predominantly Class II agricultural soils for 13 acres of predominantly Class III agricultural soils.

The area to be excluded is planned and zoned for residential use, but will be redesignated for exclusive agricultural use. The land to be included is zoned EF-40, but will be redesignated for residential use. Thus, the "exchange" of 13 acres inside the UGB (needed for expansion of the sewer treatment facility) for the inclusion of another 13 acres to the UGB represents no net increase in the amount of land available for urban residential uses.

The Yamhill Comprehensive Land Use Plan describes a need for "as much as 28 acres of developable land by the year 2000," excluding needed streets and public facilities. However, excluding the school district's 19-acre parcel, the UGB has only 11 acres of "undeveloped land." (Land Use and Urbanization, page 45) Assuming that 25% of Tract B will be devoted to streets and stream conservation, approximately nine developable acres will be added to the UGB, yielding a total of 20 developable acres.

As noted in Part IV below, Tract B is better suited for urban residential use than is Tract A. Due to transportation limitations and Tract A's unfortunate location adjacent to the sewage treatment plant, Tract A cannot be counted on to meet long-term residential growth needs. In contrast, Tract B has direct access to Main Street.

With regard to "livability," DLCD's 1987 Periodic Review Report, Factor 3, Requirement 1, states:

DEQ is aware that the city disposes some of its sewage effluent through a spray irrigation system onto city owned property and an adjacent parcel.

Exhibit "A" -Page 6

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The Department recommends that the city spread the chlorinate effluent over a larger area in order to protect the water quality within the creek that transects the property. It is the Department's understanding that during the summer months the creek is unable to handle all of the effluent. In addition, the city should locate residential land uses and schools away from the area receiving effluent.

Tract A (the 13 acres that is currently within the UGB) is located adjacent to the new sewage treatment plant, which is inconsistent with the last sentence of the Department of Environmental Quality's Periodic Review comment. Unlike Tract A, Tract B (the 13 acres proposed for inclusion) will be located approximately 2,100 feet north and upwind of the new sewage treatment plant. Because of its greater distance from the sewage treatment plant, Tract B residential land is much more "livable" than Tract A.

Conclusion: The proposed trade will not change the amount of agricultural land within the UGB. However, Tract B (the land to be included within the UGB) is better suited to meet the City's long-term residential development needs than the Tract A (the land to be excluded for the UGB). Not only does Tract A have higher quality agricultural soil, its location adjacent to the new sewage treatment plant and poor street access makes Tract A undesirable for residential development. In contrast, the southern boundary of Tract B is located over one-third mile from the sewage treatment plant and has access to both Main and Third Streets.

V. Location and Suitability Considerations

Goal 14: **Urbanization**

Goal 11: **Public Facilities and Services**

Goal 12: **Transportation** (Including the Transportation Planning Rule)

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

The proposed 13-acre addition to the UGB (Tract B) can be provided with public facilities and services more efficiently than can Tract A (the land proposed for exclusion), for reasons stated below:

1. Streets:

Tract A

- At this time, Tract A is unsuitable for urban development, because it is effectively land-locked. In order to access the site through Dumdi farm

Tract B

- Vehicular access to Tract A is excellent. The property proposed for inclusion within the UGB is bordered to the north by Moores Valley Road (West Main

- land outside the UGB, a separate Goal 2, Part II exception is required.
- Inside the UGB, a street could be extended south from Third Street, through a parcel under separate ownership, to reach the north portion of Tract A.
- Thus, unless a street is extended through a property under separate ownership to the north, or a Goal exception is approved, Tract A is undevelopable due to lack of access.

2. Sanitary Sewer:

Tract A

- Tract A can be readily served by sanitary sewer, by extending a line south to connect with the new sewage treatment plant.
- However, DEQ recommends against residential construction in the area adjacent to the sewage treatment plant. Tract A is currently used (and may be used in the future) for sludge drying.

- Street).
- Moores Valley Road is designated as a Collector Street in the City of Yamhill Comprehensive Plan, and serves as Yamhill's only east-west connector.
- At the time of development, the property owners are willing to connect their street system to the City's existing grid system if requested by the City.

Tract B

- Tract B is well-served by sanitary sewer. Existing sewer lines extend west from Olive Street in the Moores Valley Road right-of-way, and south from Moore Valley Road in the Olive Street right of way ending at the Third Street Intersection.
- The residential land adjacent to Tract B to the west is served by existing Sewer lines.
- Proximity to existing sewer lines and increased City sewer capacity allow for the efficient and economical provision for sewer service to Tract B.

3. Water:

Tract A

- Water lines do not currently extend to Tract A. The closest water line runs within the Third Street right-of-way, approximately 80' north of the property line.
- However, the cost of extending a water line through this elongated property to serve development would be relatively high.

Tract B

- Water service is currently available to Tract B (the property proposed for inclusion within the UGB) from mains that extend west from Olive Street in the Main Street (Moores Valley Road) right-of-way.
- The church to the east of Tract B (also proposed for inclusion within the UGB) is currently served by City water.

Conclusion: Tract A is effectively land-locked, whereas Tract B has excellent access to Main Street and allows for the extension of the City's existing grid street system. Both Tracts A and B can be served efficiently by sanitary sewer, although DEQ recommends against residential development on Tract A due to

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proximity to the sewage treatment plant. Both sites can be served efficiently by water, although the elongated shape of Tract A makes it difficult to develop relative to Tract B.

Goal 14: Urbanization

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

Proposed Findings: Tract A (the 13-acre parcel proposed for exclusion) cannot be efficiently developed for urban residential use, due to its elongated shape and lack of vehicular access. Tract A is only 237 feet wide for a distance of 1300 feet and would require lots to be single, rather than double-loaded along the required public street. To serve this site, a minor street of greater than 1800 feet would be required; the Yamhill Subdivision Ordinance requires a 60-foot right-of-way in such situations (Section 28(2)). The Yamhill Zoning Ordinance requires lots of 90 feet in depth for single family lots. (Ordinance 350) The narrow width of the property would result in lots with substandard lot depths (88.5 feet), unless a variance were granted or the street served only one row of lots for this 1300 feet distance. Moreover, as noted above, it is questionable whether a street could be extended through (a) another owner's property from the north (Third Street), or (b) the sewage treatment plant property to the east (Highway 47). Finally, it is doubtful that urban residential development would occur on Tract A in any case, due to its proximity to the new sewage treatment plant.

In contrast, Tract B is can be efficiently developed due to its rectangular (excluding the church property in the northeast corner) shape, excellent access and distant location from the sewage treatment plant and sludge drying area. Tract B will be bordered on the north by Main Street, which allows for direct access to the City's business district. The approximately 520 by 1,140 foot rectangular-shaped site allows for efficient urban development because streets can be laid out in a grid system, and, in most cases double-loaded. Rowland Creek, which flows through the site, can be included in the rear or side of single-family lots and protected through conservation easements. In this manner, urban residential densities can be achieved on Tract B.

Conclusion: Tract A's elongated and irregular shape, poor site access and location adjacent to the sewage treatment plant render the site inefficient and inappropriate to develop at urban residential densities. In contrast, Tract B's rectangular shape, excellent access and location 0.4 miles from sewage treatment plant means that this site can be efficiently developed at urban residential uses.

Goal 14: Urbanization

C. Factor 5: Environmental, energy, economic and social consequences.

OAR 660-04-010(1)(B)(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

1. Environmental Consequences:

Tract A

- Tract A (the land proposed to be removed from the UGB) is located adjacent to the new sewage treatment plant.
- This location does not provide a desirable or healthy environment for residential development.
- Tract A's location in the flood plain could contribute to decreased stream water quality should the site be developed and flooding occur.

Tract B

- Tract B (the land proposed for inclusion within the UGB) is well drained by Rowland Creek which bisects the site.
- Through the use of conservation easements, residential development will be designed to avoid the stream, floodway and the small pond in the southern portion of the site.

2. Energy Consequences:

Tract A

Tract A is located further from the City Center. From reasons stated above under "Streets," it would be difficult to extend the City's efficient grid street system to this site. Single-loading of the required "minor street" extension would inefficiently use petroleum resources necessary for street construction.

Tract B

Tract B can be served directly by Main Street (Moores Valley Road), which minimizes out-of-direction travel and thereby conserves energy. Tract B is also located within walking distance of the City Center. Thus, the opportunity for non-auto trips is increased, and petroleum resources are conserved.

3. Economic Consequences:

Tract A

- Tract A's cumulative site development constraints (lack of access, elongated shape, floodplain location next to sewage treatment plant) make it unlikely that this site will develop for urban residential use.

Tract B

- In contrast, Tract B can be economically served and is likely to develop at urban densities.
- The value of Tract B for urban development is therefore much greater than Tract A.

- Thus, the site's economic value will decrease. Moreover, the public costs to serve this site at lower densities would be relatively high.

4. Social Consequences:

Tract A

- The social consequences of developing Tract A for urban residential purposes are negative, due to the site's location adjacent to the sewage treatment plant.
- Moreover, this site is not likely to produce affordable housing opportunities for Yamhill residents, due to its documented development constraints.

Tract B

- In contrast, Tract B provides an excellent site for housing development.
- The site is close to urban services and readily accessible to the city center.
- The Rowland Creek greenway will provide an excellent natural amenity that will help maintain the rural feeling that is highly valued in Yamhill.

Goal 14: Urbanization

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

OAR 660-04-010(1)(B):

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

Proposed Findings: Tract A (the 13-acre parcel to be removed from the UGB) has 5% Class III agricultural soils and 95% Class II agricultural soil. In contrast, Tract B has 25% Class III agricultural soils and 75% Class II soils. When compared to the property removed from the UGB, the site proposed for inclusion has a greater proportion of lower priority Class III soil. By including Tract B within the UGB, and excluding Tract A, higher priority agricultural soils are retained for agricultural use, and lower priority agricultural soils will be developed for urban uses.

The Settlement Agreement between Mr. and Mrs. Dumdi and the city of Yamhill requires that the UGB trade occur on the Dumdi's farm property. Mr. and Mrs. Dumdi do not own land adjacent to the UGB that is within an exception area. The trade will not result in the net loss of any agricultural land to urban development, because 13 acres of currently-farmed land inside the UGB will be exchanged for 13 acres outside the UGB.

Conclusion: The proposed UGB adjustment will result in no net loss in agricultural land. As noted above, lower quality agricultural land in Tract B is proposed for

inclusion within the UGB, and higher quality agricultural land in Tract A is proposed for exclusion.

Goal 14: Urbanization

E. Factor 7: *Compatibility of the proposed urban uses with nearby agricultural activities.*

OAR 660-04-010(1)(B):

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

Proposed Findings: Nearby agricultural activities include cattle ranching, grazing and grain production. Adverse impacts on such agricultural practices from residential development include roaming pets that frighten or kill livestock, vandalism to farm products and property from children, and complaints regarding agricultural practices. To reduce these adverse impacts, it is important to:

- (a) minimize the length of the boundary line between urbanizable and agricultural land, especially intensive agricultural activities; and
- (b) provide effective buffers between urbanizable land and agricultural land.

Effective buffers include:

1. Major roads, because they form a barrier that limits access to farm land from pets and children, and increase the distance from farm activities and residential land uses.
2. Large tract rural residential uses, which typically include small-scale agricultural activities; the owners of such properties are more likely to be sympathetic to abutting agricultural activities and less likely to complain about them.

Tract A

- Tract A (the 13-acre site that to be removed from the UGB) is located at the southwest corner of the Yamhill UGB.
- Tract A abuts the UGB to the east and north.
- Tract A abuts agricultural land for a distance of approximately 4,140 linear feet or just over 0.78 miles.
- Tract A has approximately 1,230 linear feet of unbuffered border with agricultural land to the west.
- A major conflict exists between the new sewage treatment plant (an

Tract B

- Tract B (the 13-acre site proposed for inclusions within the UGB) is located at the northwest corner of the Yamhill UGB.
- Tract B abuts the UGB to the east and northeast.
- Tract B abuts agricultural land for a distance of approximately 2,450 linear feet, or just over 0.46 miles.
- Tract B has approximately 600 feet of unbuffered border with agricultural land to the west and south.
- There is no conflict between the new sewage treatment plant and urban

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- allowed use in the EF-40 zone) and urban residential development on Tract A.
- There is no effective way to mitigate this conflict, because Tract B abuts the new STP. However, Tract B has historically been used as for the drying of sewage sludge.
 - Major Road: Tract A has no major road buffer.
 - Large tract rural residential lots are located between Tract A and larger agricultural parcels for a distance of approximately 380 feet.
 - residential development on Tract B, because Tract B is located over a quarter mile and upwind from the new STP.
 - Tract B is separated from an intensive agricultural activity (cattle barns and feeding areas) by 320 feet of low-intensity pasture, which minimizes conflicts between future residential activities and the more intensive barn and feeding area. The property owners agree to fence this pasture area from the rear property lines of abutting residential lots. The Dumdi cattle operation has operated efficiently in its current location on the west side of the Yamhill City Limits for many years.
 - Major Road: Main Street (Moores Valley Road) serves as effective buffers from agricultural land for a distance of approximately 790 linear feet.
 - A large tract rural residential lot (Tax Lot 900) is located between Tract B and larger agricultural parcels for a distance of approximately 330 feet.

Conclusion: Tract B has fewer conflicts with adjacent agricultural activities than Tract A, and Tract A has more conflicts with adjacent urban uses than Tract B, because:

1. Tract A, due to its elongated and irregular shape, borders agricultural land for almost 1.7 times the distance as Tract B.
2. Tract A, because it is not bordered by a major street, has about twice the unbuffered boundary with agricultural land as Tract B.
3. Tract A, as residential land, is incompatible with the adjacent sewage treatment plant; however, Tract A as agricultural land provides an alternative location for sludge drying.
4. Tract B is buffered from adjoining agricultural activities by Main Street and by a neighbor's two-acre farm residence.

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EXHIBIT "B"
Ordinance 622

FILM **61** PAGE **1081**

APPROVAL AND ADOPTION OF ORDINANCE
BY BOARD OF COMMISSIONERS:

February 29, 1997

DOCKET: PAZ-6-96

REQUEST: Alteration of the City of Yamhill Urban Growth Boundary (UGB) to remove 13 acres of land adjacent to the sewage treatment plant from the UGB and city limits, and add 13.5 acres of land along Moores Valley Road/Main Street to the UGB.

County action will involve zoning map and Comprehensive Plan map amendments to designate the 13 acres being removed from the UGB to the county's EF-80, Exclusive Farm Use District, Exclusive Farm Use plan designation.

City action will involve a Comprehensive Plan map amendment to designate the 13.5 acres being added to the UGB to Residential. Annexation of this area is not proposed at this time.

Addition of the 13.5 acres to the UGB must comply with the seven factors of Goal 14 ("Urbanization") and also the standards required by Goal 2, Part II(c) ("Land Use Planning", Part II, Exceptions"), and that this action will promote the welfare of the citizens of Yamhill County

APPLICANT: City of Yamhill

OWNERS: Steven and Theresa Dumdi, Yamhill Christian Church

TAX LOTS: Removing from the UGB and city limits 13 acres of land (part of tax lot 3404-1300), and adding to the UGB 13.5 acres of land (part of tax lot 3404-1000 and tax lots 3404-1100 and 3404BD-1400).

LOCATION: West and Southwest of the City of Yamhill

REVIEW CRITERIA: Yamhill Urban Area Growth Management Agreement; OAR 660-04; Statewide Planning Goals 14 and 2; Section 1208 of the Yamhill County Zoning Ordinance; City of Yamhill and Yamhill

County Comprehensive Plans; City of Yamhill Ordinance 330;
Section 17 of City of Yamhill Zoning Ordinance 350.

FINDINGS:

A. Background Facts

1. **Background:** The proposed changes to the Yamhill UGB are the result of a settlement between the city and the Dumdis as part of the condemnation of a portion of the Dumdi property for the city sewage treatment plant (see Memorandum from Walter Gowell, dated December 2, 1996). The proposal also includes adding the western 110' of Tax Lot 3404BD-1400, owned by Yamhill Christian Church, to the UGB, since it lies between the Dumdi property and the city limits.
2. **On-Site Land Use:** Both areas are currently in agricultural use. There is a dwelling on Tax Lot 3404-1100, adjacent to Moores Valley Road. Most of the 13 acre area which is proposed to be removed from the city limits is within a flood hazard area associated with Yamhill Creek and the North Yamhill River. There is a smaller flood hazard area associated with a creek bisecting the 13 acre area proposed to be added to the UGB.
3. **Surrounding Land Use and Zoning:** The unincorporated area is farm land zoned EF-80. There are a few dwellings along Moores Valley Road. The area inside the city limits is developed with urban uses.
4. **Taxes:** Tax Lot 3404-1100, which is one acre in size and contains a residence, is taxed at market value. Tax Lots 3404-1000 and 1300 are receiving a farm deferral.
5. **Soils:** Sheet 13 of the Yamhill County Soil Survey shows that the area that is proposed to be removed from the UGB is composed almost entirely of Wapato silty clay loam (Wc), which is agricultural Class III and is not high-value farmland. The area that is proposed to be added to the UGB is composed of approximately 75% Woodburn silt loam (WuB, WuC), which is agricultural Class II and is high-value farmland. The remainder of the soils in this area are a combination of Cove (Cs) and Wapato (Wc), both of which are Class III and not high-value farmland.
6. **Previous Actions:** In 1995 a flood plain development permit and site design review for city sewage lagoons (Docket SDR-8-95, CFP-3-95) were approved on a portion of Tax Lot 3404-1300 lying directly south of the 13 acres which is proposed to be removed from the UGB.

B. Urban Area Growth Management Agreement Provisions

1. Section VII of the Urban Area Growth Management Agreement between the City of Yamhill and Yamhill County states that amendments of the UGB shall be treated as a map amendment to both the city and county Comprehensive Plans.

2. The Urban Area Growth Management Agreement contains a list of seven factors which must be considered when an application for a UGB amendment is made. The seven factors are identical to the factors which must be considered under Statewide Planning Goal 14, Urbanization, for changing a UGB. The factors to be considered are:
 - "(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 VI the lowest priority; and,*

 - "(7) *Compatibility of the proposed urban uses with nearby agricultural activities.*"

3. The consultants for the property owners submitted findings addressing these factors, which are set forth in Exhibit A. The Board agrees with, and adopts, these findings by reference, except as they pertain to soil type - the findings indicate that the 13 acres to be removed from the city is predominantly Class II soils. The Yamhill County Soil Survey shows that this area is predominantly Wapato Class III. Since the area to be added to the UGB is approximately 75% Class II soils, the area to be added to the UGB has better agricultural soils than the area to be removed from the city limits/UGB. Since the UGB amendment involves a straight trade of equal areas of farm land, the difference in soil classes is not significant.

C. Goal Requirements for UGB Amendments

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."*

3. The Board finds that these criteria are satisfied based upon the Findings submitted by the applicant on behalf of the City addressing these requirements (see Exhibit A).

D. Zone Map and Comprehensive Plan Map Amendments

1. The 13 acres to be removed from the city limits and UGB must be zoned to a county zoning designation. The proposed zoning is EF-80, since that is the zoning designation of all of the surrounding unincorporated land and because the area contains Class III agricultural soils and is being farmed as part of a larger agricultural operation. The appropriate county Comprehensive Plan designation is Exclusive Farm Use.

2. The 13.5 acres to be added to the UGB is not proposed to be annexed at this time, so the zoning will remain EF-80 on the Dumdi property and PAI, Public Assembly Institutional on the church property.

CONCLUSIONS:

1. The request is for amendments to the Yamhill County Comprehensive Plan and Official Zoning Map for the purpose of alteration of the City of Yamhill Urban Growth Boundary (UGB) to remove 13 acres of land adjacent to the sewage treatment plant from the UGB and city limits, and add 13.5 acres of land along Moores Valley Road/Main Street to the UGB, and to designate the 13 acres being removed from the UGB to the county's EF-80, Exclusive Farm Use District, Exclusive Farm Use plan designation.
2. The request complies the requirements of Yamhill Urban Area Growth Management Agreement; OAR 660-04; Statewide Planning Goals 14 and 2; Yamhill County Comprehensive Plan; and Section 1208 of the Yamhill County Zoning Ordinance.

DECISION:

Based on the above findings, analysis, and conclusions, the Board hereby approves the request by the City of Yamhill in Docket PAZ -06-96 to amend the City of Yamhill Urban Growth Boundary (UGB), to remove from the UGB and city limits 13 acres of land (part of tax lot 3404-1300), and to add to the UGB 13.5 acres of land (part of tax lot 3404-1000 and tax lots 3404-1100 and 3404BD-1400).

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Exhibit C

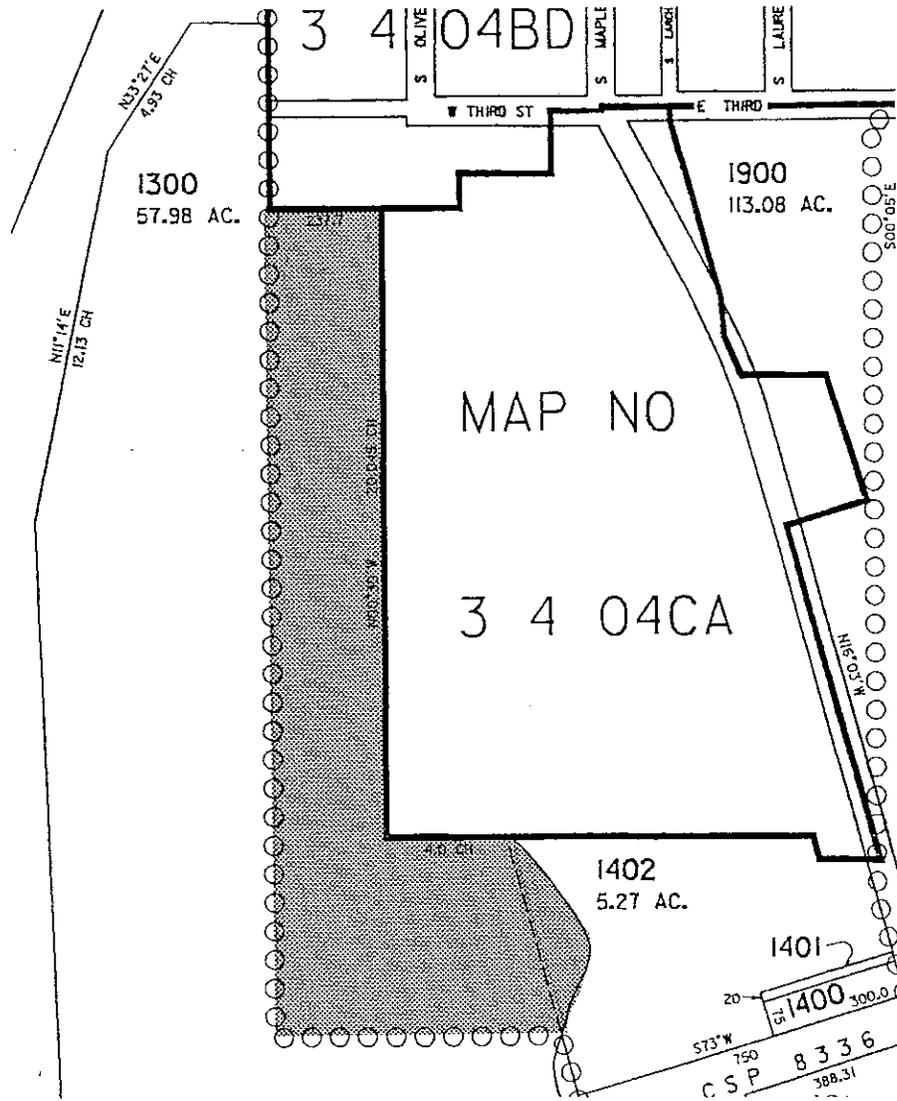
ROADWAY AGREEMENT

This Roadway agreement shall become effective upon passage of the Urban Growth Boundary Amendment Ordinances by the City of Yamhill, Oregon, and Yamhill County, Oregon. The City and the County agree as follows:

1. Prior to annexation of the affected area into the corporate limits of the City, Moore's County Road will retain its present classification as a County road, subject to existing county road classifications and roadway and related standards as the same may now exist or hereafter be amended by the County.
2. As a condition to annexation and development of all or any part of the affected area, the City will require, to the extent legally permissible, that the land developer improve the affected portion of Moore's Valley Road to a condition in compliance with City building codes and standards, including but not limited to street, underground utility, curb and gutter, sidewalk and control devices.
3. The City and County agree to cooperate in the maintenance of Moore's Valley Road upon completion of half street improvements and prior to completion of full width street improvements on Moore's Valley Road.
4. Upon completion and approval by the City of full width improvements to Moore's Valley Road in full compliance with City roadway and related standards, the City agrees to accept a transfer of jurisdiction over the improved roadway area to the City.
5. This Agreement is not intended nor should it be construed as a precedent, and pertains only to the future treatment of roadway adjacent to a particular property.

EXHIBIT "D" FOR ORDINANCE No. 622

ZONING MAP AMENDMENT TO DESIGNATE AN AREA
BEING REMOVED FROM THE CITY LIMITS OF YAMHILL
TO "EF-80", EXCLUSIVE FARM USE DISTRICT
AND
COMPREHENSIVE PLAN MAP AMENDMENT TO
DESIGNATE THE AREA EXCLUSIVE FARM USE



AREA SUBJECT TO ZONING AND
COMPREHENSIVE PLAN MAP AMENDMENT
(The eastern 13 acres of Tax Lot 3404-1300)

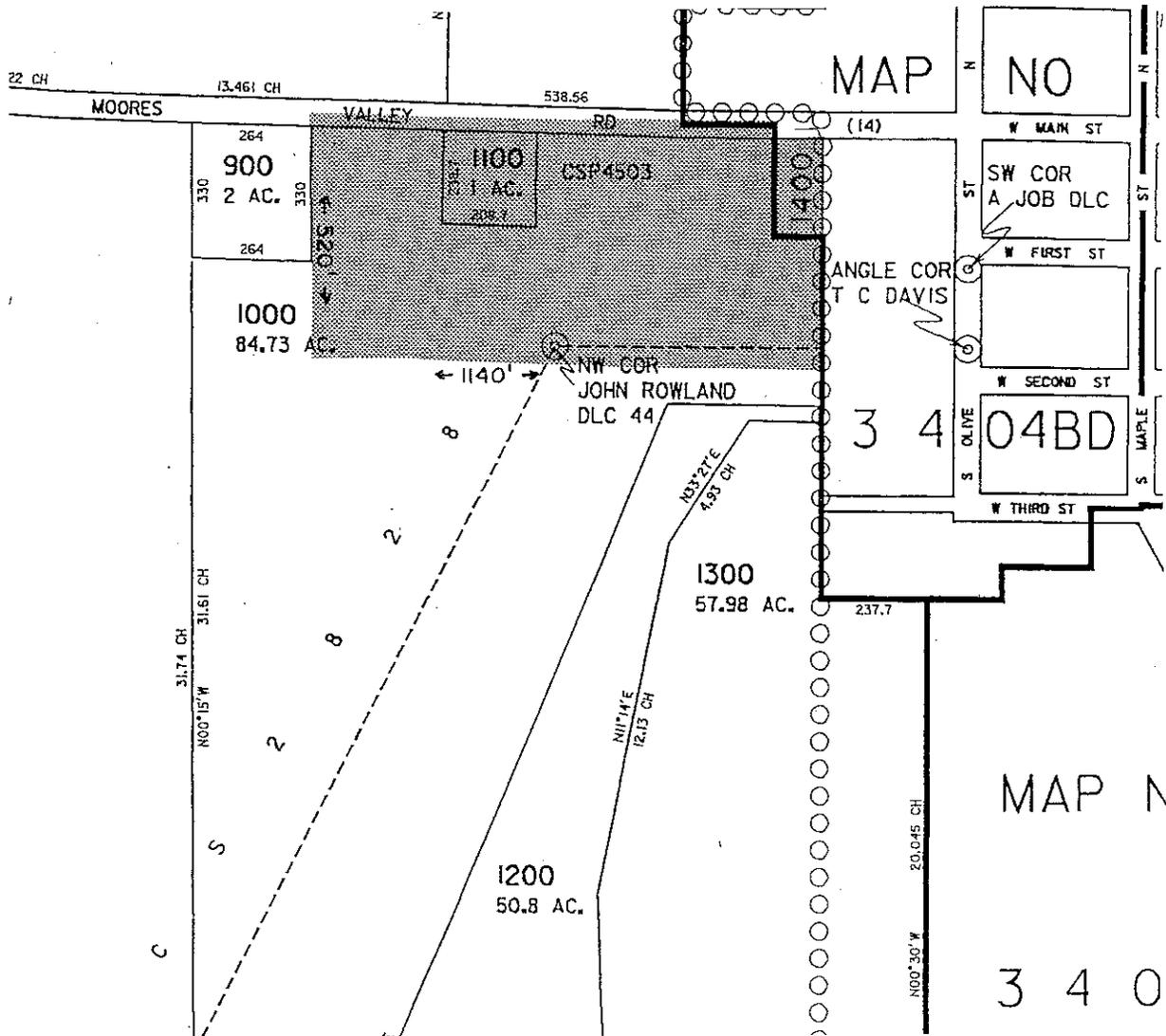
Prepared by Yamhill County Department of Planning and Development

ORDINANCE 622
Exhibit "D"

97-111

EXHIBIT "E" FOR ORDINANCE No. 622

ZONING AND COMPREHENSIVE PLAN MAP AMENDMENTS
TO ADD 13.5 ACRES TO THE URBAN GROWTH BOUNDARY
OF THE CITY OF YAMHILL



AREA SUBJECT TO UGB AMENDMENT
(Tax Lots 3404BD-1400, 3404-1100 and a portion of 3404-1000)

Prepared by Yamhill County Department of Planning and Development

ORDINANCE 622
Exhibit "E"

97-111