

FILED  
YAMHILL COUNTY, OREGON  
OCT 6 1 25 PM '89  
CHARLES STERN  
COUNTY CLERK  
DEPUTY

INDEXED

89-745

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 an Ordinance )  
Amending the Yamhill County )  
Comprehensive Plan, 1974, and )  
Amending the Comprehensive Plan )  
Map Thereof to Allow an Expan- )  
sion of the Urban Growth Boun- )  
dary of the City of Sheridan to )  
Include Approximately 18 Acres )  
of a 22.3 Acre Parcel Consist- )  
ing of Tax Lots 5626-4400 and )  
5626-4500, as Requested by )  
George and Joyce Killinger, to )  
Resolve a Health Hazard, Planning )  
Docket PA-2-89, and Declaring an )  
Emergency )

ORDINANCE NO. 494

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in regular session on October 4, 1989 at 10:00 a.m., Commissioners Ted Lopuszynski, David E. Bishop, and Dennis L. Goecks being present.

WHEREAS, George and Joyce Killinger have applied to the Department of Planning and Development in order to expand the Urban Growth Boundary of the City of Sheridan to include approximately 18.3 acres of a 22.3 acre parcel identified as Tax Lots 5626-4400 and 5626-4500 currently plan designated very low density residential and zoned VLDR-5 acre minimum; and

WHEREAS, on July 6, 1989 the Yamhill County Planning Commission held a public hearing to consider the application and thereafter voted unanimously to recommend to the Board that the Board amend its comprehensive plan to allow the expansion of the urban growth boundary as requested; and

WHEREAS, on September 27, 1989 the Board held a public hearing on the application; and

WHEREAS, the findings of fact and conclusionary findings for approval attached hereto as Exhibit "A" and by this reference incorporated herein provide a sufficient basis to grant the application of George and Joyce Killinger as set forth above; and

WHEREAS, Statewide Planning Goal 14 requires that the procedures and requirements of Goal 2 for goal exceptions be

followed whenever an urban growth boundary is amended to include rural land and the findings set forth in Exhibit "A" demonstrate compliance with Goal 14; and

WHEREAS, the attached Exhibit "A" demonstrates that an amendment to the Yamhill County Comprehensive Plan, 1974, and the Comprehensive Plan Map and an amendment to the Sheridan Urban Growth Boundary are in the best interests of the citizens of Yamhill County; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the Yamhill County Comprehensive Plan, 1974, and the Comprehensive Plan Map are hereby amended as follows:

- a. To allow the expansion of the Urban Growth Boundary of the City of Sheridan to include the approximate 18.3 acres of a 22.3 acre parcel owned by George and Joyce Killinger and identified as Yamhill County Tax Lots 5626-4400 and 5626-4500 as more particularly identified on the attached map identified as Exhibit "B" and incorporated herein by this reference; and
- b. To designate the parcel referred to in this section as "future urbanizable" on the Yamhill County Comprehensive Plan Map.

Section 2. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County and an emergency having been declared to exist shall become effective upon passage hereof.

DONE at McMinnville, Oregon this 4th day of October, 1989.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

*Ted Lopuszynski*  
Chairman TED LOPUSZYNSKI

By: *Elaine Pearcy*  
Deputy ELAINE PEARCEY

*DAVE Bishop*  
Commissioner DAVID E. BISHOP

FORM APPROVED BY:  
*John M. Gray Jr.*  
JOHN M. GRAY, JR.  
Yamhill County Counsel

*Dennis L. Goecks*  
Commissioner DENNIS L. GOECKS

EXHIBIT "A"

PLANNING STAFF REPORT

FILM 49 PAGE 1287  
RECEIVED  
JUL 06 1989  
YAMHILL COUNTY DEPT. OF  
PLANNING AND DEVELOPMENT  
RECEIVED  
JUN 30 1989  
Am'd.....

To: Sheridan Planning Commission  
From: Mark Buscher, City Planner  
Date: July 10, 1989  
Subject: Killinger Urban Growth Boundary Amendment

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I. PROPOSAL DATA

Applicant: George and Joyce Killinger ✓  
Request: An amendment to the acknowledged Urban Growth Boundary (UGB) in order to eliminate a documented health hazard  
Location: The subject property is located north of Hill Street, Tax Lots 7, 8 and 19, Map T5S R6W Section 26.  
Site Size: 22.3 Acres

II. BACKGROUND INFORMATION

George and Joyce Killinger have initiated this amendment to the acknowledged Urban Growth Boundary (UGB) in order to eliminate a documented health hazard on their property. The subject property is presently divided by the UGB. The southwestern corner (approximately 4-acres) of the subject property is currently within the UGB. The northern portion of the property, which contains the residence, is outside of the UGB. The property is currently the site for one single family home. The health hazard is caused by contaminated surface water entering the private well which provides the residence with its water.

The subject property proposed to be included in the UGB is developed with only the one single family home presently being occupied by the applicants. It is a steep south facing slope. It also lies outside of the South Yamhill River flood plain. The site can be characterized as rural residential land.

2. Surrounding Land Uses

**Subject Property:** The 22.3 acre site is covered mostly with hardwood trees. A single family home is located on the northern half of the site.

<b>North:</b>	Wooded hillside
<b>South:</b>	Developed and undeveloped urban residential lots
<b>East:</b>	Wooded hillside
<b>West:</b>	Wooded hillside

3. Topography

The site slopes steeply to the south. The proposed UGB amendment will require no modification to the existing site topography.

4. Soils

According to the Soil Survey of Yamhill County, the soil type for the subject property is classified as Steiwer silty clay loam (StE). Steiwer silty clay loam is a Class VI soil.

o Steiwer Series

The Steiwer series consists of well drained soils that formed from old alluvium and colluvium. These soils range in slope from 5 to 50-percent. The ground elevation ranges from 250 to 650 feet. Slopes on the subject property average between 20 and 30-percent. Steiwer soils are used primarily for grain, hay and pasture. They are also used for recreation, wildlife habitat, water supply and homesites.

## 5. Vegetation

The subject property is covered primarily with hardwoods and grass. Several non-productive fruit trees are also located on the northern portion of the property near the residence.

## 6. Drainage and Runoff

The site is located within the watershed of the South Yamhill River, one of the principal drainage systems in Yamhill County. The site slopes steeply to the south. Storm-water drains off the site towards the City of Sheridan through the wooded southern portion of the property. The surface water runoff from the site and higher ground to the north is the cause for the health hazard condition which exists on the property.

The Flood Insurance Rate Map produced by the Federal Emergency Management Agency that includes the subject property (Community Panel #410257 0002 C) shows that the subject property is located outside of the 100-year and 500-year flood plain of the South Yamhill River.

## C. Comprehensive Plan and Zoning Designations

The subject property, as well the property to the immediate north, west and east is currently designated Very Low Density Residential on the Yamhill County Comprehensive Plan Map and zoned Very Low Density Residential (VLDR-5). The property to the south is designated Residential on the City of Sheridan Comprehensive Plan Map and zoned Restricted Residential (R-1). No Comprehensive Plan Map or Zone Change amendments are proposed at this time.

1. Accessibility

Access to the site is from Hill Street. A private gravel driveway links the existing single family home to Hill Street. The proposed UGB amendment will create no increase in trips to and from the subject property because no additional residences are planned, nor would they be permitted on the subject property.

2. Water and Sewer

Water for the single family home is currently provided by a 30-foot surface well. According to Dennis Allen, Environmental Specialist with the Yamhill County Health Department, the well cannot be approved as an acceptable potable water supply due to the presence of unacceptable levels of coliform and fecal coliform bacteria. Sewage disposal is accomplished through use of an on-site in-ground septic system.

3. Fire Protection

The subject property is located within the service area of the Sheridan RFPD. Since the proposed UGB amendment will not result in the construction of any additional residences, no increased demand for fire protection service is anticipated.

4. Police Protection

The subject property is technically within the jurisdiction of the Yamhill County Sheriff's Office. Currently, the Sheridan Police Department is patrolling properties within the city limits immediately south of the subject property as well as the subject property and other incorporated properties in the area per a mutual aid agreement with Yamhill County. No increased demand for police protection is anticipated to occur as a result of the proposed UGB amendment due

to the fact that no additional residences on the subject property will be permitted as a result of this action.

**5. Schools**

The project site is located in the Sheridan School District. The District operates Faulconer Grade School, Chapman Grade School, and Sheridan High School. The proposed UGB amendment will have no impact on the school system because no additional residents will be attracted to the area.

**6. Miscellaneous Services**

Electricity, telephone, and solid waste services are all available at the subject property. No change to the level of demand for these services is anticipated.

**IV. REVIEW CRITERIA**

The City of Sheridan and Yamhill County have adopted an Intergovernmental Agreement to govern the management and change of the acknowledged Sheridan UGB. The Intergovernmental Agreement states that change of the UGB shall be based upon consideration of the following factors:

1. Demonstrated need to accommodate long-range urban growth requirements;
2. Need for housing, employment opportunities, and liveability;
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 until needed for development; and,

7. Compatibility of proposed urban uses with nearby agricultural activities.

#### V. DEVELOPMENT POTENTIAL

This UGB amendment is being proposed at this time in order to eliminate a documented health hazard on the subject property. No other Annexation or Comprehensive Plan or Zone change actions are proposed because several development limitations in the general area and on the subject property do not make urban development possible at this time. These development limitations include:

- o Steep slopes; and,
- o Inadequate road access for additional residences above what is presently planned for.

Once the subject property is included within the City's UGB, the owners of the property may pursue Annexation, and Comprehensive Plan and Zone changes. The property within the City limits immediately south of the subject property is planned "Residential" and zoned Restricted Residential (R-1). Therefore, any future Annexation, Comprehensive Plan, and Zone change request would likely be the same as these designations.

The City of Sheridan Annexation Ordinance (Ordinance No. 1980-1) provides the standards and procedures for the annexation of land into the City of Sheridan. The ordinance specifies that annexation to the City may be permitted only if:

1. The site abuts the city limits of Sheridan;
2. The site is within the Urban Growth Boundary. Property outside the Urban Growth Boundary may be annexed upon inclusion of such property into the Urban Growth Boundary.
3. The proposed use for the site complies with the Sheridan Comprehensive Plan.

4. The capacity exists to provide the site with urban services that will not unduly tax the public facility and service resources of the City.
5. The site contains land which is physically suitable for urban use.

The staff finds that the development limitations associated with the subject property do not make it physically suitable for urban development at this time or in the foreseeable future. Hill Street is also not capable of handling increased traffic loads at this time. Support of any future annexation proposals on the part of the City should only be given once the development limitations listed above have been mitigated through improvements to the transportation system and demonstration that slopes on the site are stable enough to support urban development.

## VI. CONCLUSIONARY FINDINGS AND RECOMMENDATION

### A. Findings

This section contains findings to address the seven factors for a UGB amendment.

#### Factor 1: Demonstrated need to accommodate long-range urban growth requirements.

The southern edge of the subject property abuts the Sheridan City Limits. Approximately 4-acres of the subject property is already within the acknowledged UGB. The property to the west is also within the UGB. The remaining 18-acres outside of the UGB is developed with a single family home. A documented health hazard exists on the subject property. These conditions illustrate:

- o The subject property is closely tied to the Sheridan urban area as a result of its close proximity to the adjacent designated and developed urban areas; and

- o The health hazard that exists on the property has the potential of causing off-site impacts within the urban area because the contaminated well is a potential source of communicable diseases which could be spread through the community.

The most efficient means of solving the health hazard problem, and protecting long range urban growth requirements in this area of the City is to include the entire property within the UGB so it may be served with the necessary and adequate urban services. Given the fact that the site is bordered on three sides by urbanizing and designated urban lands, this proposed addition to the UGB will not have a negative impact on the resource land base of Yamhill County.

**Factor 2: Need for housing, employment opportunities, and liveability;**

The proposed UGB amendment will ensure the long term viability of the subject property as a safe and healthful residential lot. Topographic conditions clearly limit the potential of the subject property to develop further. The current health hazard directly impacts the subject property and indirectly impacts properties already within the City by virtue of their topographic position with the subject property. The proposed amendment to the UGB is warranted in order to protect and enhance the liveability of the subject property and adjacent urban areas.

**Factor 3: Orderly and economic provision of public facilities and services.**

A City water-line is adjacent to the southern edge of the subject property. The property can be served without expansion of the City's water system. Extension of a water-line to the existing home will be accomplished at the owners expense.

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

The proposed UGB amendment will allow for the continued healthful and safe use of an existing residence. No additional development is contemplated or permitted by this amendment. All other properties in the area, and all existing urban services will continue to function at their present levels.

The proposed amendment is a logical extension of the Urban Growth Boundary because it would allow for the efficient and healthful use of a developed residential lot.

**Factor 5: Environmental, energy, economic, and social consequences;**

**a. Environmental Consequences**

The proposed UGB amendment will solve a documented health hazard problem by allowing an existing residence to use public water. The contaminated surface well will be capped.

**b. Energy**

The proposed amendment will have no impact on energy consumption. The amendment would allow for the continued healthful use of an existing single family home. Energy consumption levels for the home will not be altered by the proposed amendment.

**c. Economic and Social Consequences**

The proposed amendment will add value to the property because it will have access to clean water. There will be no adverse economic impacts to the City because extension of a water-line to the house will be at the owners expense. No public funds will be

necessary. The proposed amendment will have a positive social impact to the City because it will provide the means to eliminate a health hazard in the community. The possibility for the spread of diseases linked to coliform and fecal coliform will be reduced.

**Factor 6: Retention of agricultural land until needed for development.**

The subject property is not prime resource land. The soil is a Class VI soil. Steep slopes make agricultural production difficult. The size of the parcel, approximately 22-acres coupled with its close proximity to the City of Sheridan make management of the property as a wood lot undesirable.

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

The adjacent properties are either urban residential lots or un-managed wood lots. No agricultural activities are proximate to the subject property. No changes in land use on the subject property will occur as a result of this request. Therefore, the proposed UGB amendment should have no impact on agricultural activities in this portion of Yamhill County.

**B. Conclusions**

The Urban Growth Boundary Amendment described in this report represents a logical extension of the City's UGB in order to provide for an efficient and healthful use of the subject property. The amendment has been shown to be necessary in order to eliminate a documented health hazard. It has also been illustrated that the topography of the subject property significantly limits the ability of the property to support additional residential uses beyond the existing home now or in the foreseeable future.

Therefore, no additional annexation or Comprehensive Plan amendments are being considered with this request. The UGB amendment is warranted only to provide the means necessary to eliminate a health hazard on the subject property.

Given that UGB amendment is necessary for the efficient and healthful use of an existing single family residence, it is appropriate for the Sheridan Planning Commission and Yamhill County Planning Commission to recommend approval of an amendment to the Sheridan Urban Growth Boundary so it may include the entirety of the 22.3 acre subject property, Tax Lots 7, 8 and 19, Map T5S R6W Section 26.

COMPREHENSIVE PLAN AMENDMENT

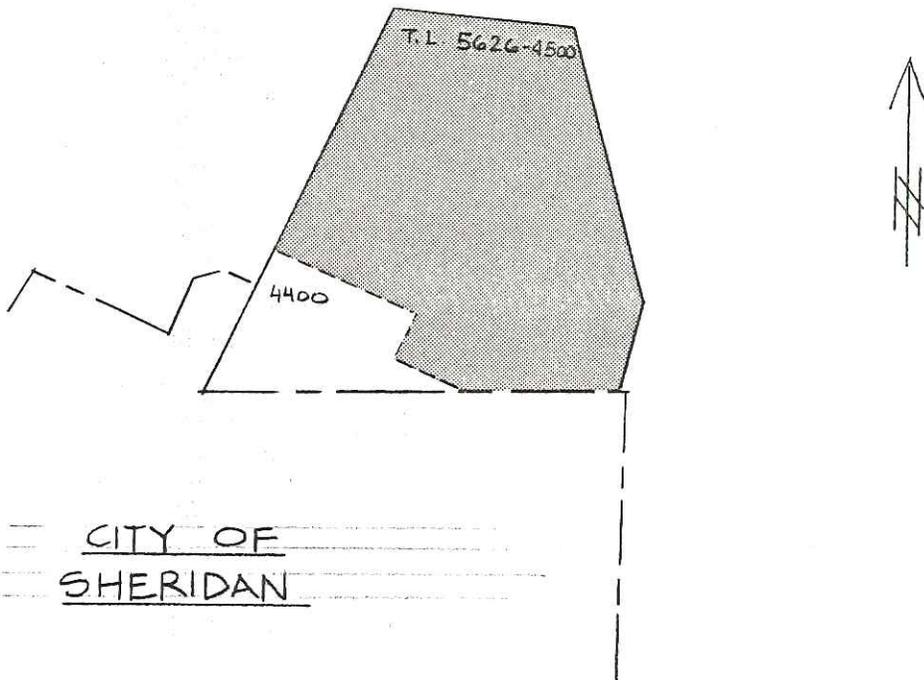
EXHIBIT "B" FOR ORDINANCE NO. 494

TO AMEND THE URBAN GROWTH BOUNDARY OF  
THE CITY OF SHERIDAN

BY YAMHILL COUNTY BOARD OF COMMISSIONERS

ON OCTOBER 4, 1989

FILM 49 PAGE 1298



The amendment pertains to the shaded area. Tax Lot 5626-4500

Sketch prepared by Yamhill County Department of Planning & Development