

BEFORE 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 Amendment to the Lafayette)
Urban Growth Boundary to include Approximately) Ordinance 892
51.29 Acres (32.16 Net Buildable Acres) for)
Residential Use)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on July 16, 2015, Commissioners Allen Springer, Mary Starrett and Stan Primozech being present.

IT APPEARING TO THE BOARD that the City of Lafayette has adopted an ordinance to expand the Lafayette Urban Growth Boundary by 51.29 acres, 32.16 (net buildable acres) for future residential use for Tax Lots 1301, 1302, 1303, 1304, 1305, 1500, and 1501; and

IT APPEARING TO THE BOARD that this matter came before the Board on June 25, 2015, at which time a public hearing was held to determine whether to approve the City's request that the county concur with the city to the requested Urban Growth Boundary Amendment; and

IT APPEARING TO THE BOARD that the city's request is consistent with the Yamhill County Comprehensive Plan as detailed in the Findings attached as Exhibit "A" and incorporated into this ordinance by reference; and

IT APPEARING TO THE BOARD that testimony was received at the hearing on June 25, 2015 to the effect that the city should consider incorporating additional land within its UGB, identified as a portion of Tax Lot 4401-1707, owned by John and Avon Rock. The county concurs, and urges the city to give special attention to consideration of the suitability of bringing a portion of the property into the UGB. It is also requested that the city assist in negotiations with the developer of the neighboring (eastern) parcel that is being brought into the UGB to allow access suitable for residential development of the eastern portion of the Rock property; NOW, THEREFORE

IT IS HEREBY ORDAINED BY THE BOARD AS FOLLOWS:

Section 1. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance. This ordinance is also supported by Exhibit A to City of Lafayette Ordinance No. 623, dated May 14, 2015 and labeled "Exhibit A: City of Lafayette Urban Growth Boundary Expansion; Population Forecast; Housing Needs Analysis; Buildable Land Inventory; Analysis of Lands Suitable for Urbanization; Findings of Fact" (also dated May 14, 2015) which is incorporated into the county's findings by this reference.

Section 2. The maps attached as Exhibit "B" (labeled "Proposed Expansion Area") and incorporated herein by reference are adopted as the approved expansion areas, consistent with City of Lafayette Ordinance No. 623, dated May 14, 2015.

DONE this 16th day of July, 2015, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN

County Clerk

Chair

ALLEN SPRINGER

By:

Deputy Lucy Flores Mendez

(voted "no")

Commissioner

MARY STARRETT

FORM APPROVED BY:

Commissioner

STAN PRIMOZICH

Timothy S. Sadlo

Senior Assistant County Counsel

ORDINANCE 892

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Accepted by Yamhill County
Board of Commissioners on

7.16.15 by Board Order

15-245

EXHIBIT A
ORDINANCE 892
LAFAYETTE UGB EXPANSION
FINDINGS IN SUPPORT OF APPROVAL

DOCKET NO.: PA-02-14

REQUEST: (as revised through the City of Lafayette's hearing process:) For approval of a Comprehensive Plan amendment to expand the Lafayette Urban Growth Boundary by 51.29 acres 32.16 (net buildable acres) for future residential use.

APPLICANT: City of Lafayette

TAX LOTS: In Study Area 2 (north of the city limits and west of Abbey Road), the 40 acre property immediately north of the city. The Assessor's Office tax map: Tax Map T4S, R4W, Section 1, Tax Lots 300. In Study Area 4 (east of the city limits, south of Stoller Road and north of the dairy), the 5 properties west of Henry Creek are proposed to be added. The Assessor's Office tax map and lot numbers follow: Tax Map T4S, R3W, Section 6, Tax Lots 1301, 1302, 1303, 1304, 1305, 1500, and 1501. (See Exhibit B map.)

PLAN DESIGNATION: All of Area 2 proposed for inclusion is "Exception Area," which is designated in the Yamhill County Comprehensive Plan as Very Low Density Residential (VLDR). Most of Area 4 is also "Exception Area," designated in the Yamhill County Comprehensive Plan as VLDR, but the eastern 1.3 acres of Tax Lot 1303 and the eastern 1.1 acres of Tax Lot 1501 (zoned Exclusive Farm Use - EF-40) are also proposed to be added.

CRITERIA: Yamhill County Comprehensive Plan Goals and Policies, Lafayette Urban Area Management Agreement, Statewide Planning Goals, Oregon Revised Statute 197.298 and the Oregon Administrative Rules, including OAR 660-012 and 660-024.

FINDINGS:

A. Background Facts:

1. *Site Characteristics and Zoning:* A detailed analysis of the two areas for inclusion are found in the city's report dated May 14, 2015, which is exhibit "A" to City of Lafayette Ordinance No. 623. The 51.29 acres included by this Ordinance 892 in the Lafayette Urban Growth Boundary (UGB) will be referred to as the "subject sites" or as "proposed Area 2" or "proposed Area 4." The zoning of the property is as noted in the city's findings with the exception of Tax Lot 4401-300. While the property was adopted as "Exception Area" as part of Exceptions Statement II, adopted by the Board of Commissioners on April

23, 1980, and given a comprehensive plan designation of VLDR Very Low Density Residential, the property is actually zoned EF-40 Exclusive Farm use. In spite of the EF-40 zone, the property is still "Exception" land and is considered a high priority for inclusion in the UGB.

2. *Water and sewer:* City of Lafayette.
3. *Surrounding Zoning:* The land surrounding the proposed Area 2 has VLDR 2.5 zoning to the north, city zoning to the south, EF-40 zoning to the east and EF-80 zoning to the west. As for the Proposed Area 4, the land contains EF-40 zoning to the north and east, and city zoning to the south and west.
4. *Fire Protection:* Lafayette Rural Fire District.
5. *Soils:* From the standpoint of the administrative rules, the soils on agricultural land are those that are not exception land. Only the 2.15 acres, made up of the eastern portions of Tax Lots 4306-1303 (1.13 ac) and 4306-1501 (1.02 ac), is designated by the comprehensive plan as farm land and is considered for inclusion in the UGB. Approximately 0.5 acres of this 2.15 acre area contains WuB, Woodburn silt loam with an agricultural rating of Class II, high-value (prime) farmland. The remainder of the 2.15 acres is Te, Terrace Escarpments, Class VI, non-high-value soil.
6. *Flood Hazard Overlay:* In Area 2, approximately 0.18 acres of the southwest of Tax Lot 4401-300 is in the Flood Hazard Overlay, FIRM 41071C0213D. In Area 4, approximately 0.25 acres of the southeast of Tax Lot 4306-1303 is in the Flood Hazard Overlay, FIRM 41071C0426D.
7. *Coordinated Population Projection:* ORS 195.036 requires the County to establish population forecasts for use in maintaining and updating comprehensive plans, and to coordinate the forecast with each of the cities in the County. Statewide Planning Goal 14 requires a 20-year population forecast for UGB amendments. In 2012 the Yamhill County Planning Department coordinated with Portland State University and the ten municipalities within Yamhill County to adopt a county wide population projection. On November 8, 2012 the Board of Commissioners adopted Ordinance 878 which the city has used in developing their buildable lands inventory and findings to justify the Urban Growth Boundary expansion. The population forecast for the city of Lafayette in 2030 is 5,349, and the forecast for 2035 is 5,797. The city proposes to use a 2033 projection of 5,640. The population projection is discussed further in Exhibit A of the application.
8. *Procedure:* The application was reviewed and recommended for approval at the November 20, 2014 Planning Commission hearing. The Lafayette Urban Area Management Agreement requires a hearing and recommendation by the Lafayette Urban Area Management Commission.

The county concurs with the city's analysis and conclusions provided in Exhibit "A" to the city's Ordinance No. 623, and adopts these findings to augment those findings and to address county Comprehensive Plan provisions.

B. Urban Area Growth Management Agreement Provisions

1. Criteria to be addressed in UGB amendment requests include the Lafayette Urban Area Growth Management Agreement, the statewide planning goals, and the City and County Comprehensive Plans. These review standards are detailed in Exhibit A of City Ordinance No. 623.

Even though the majority of the Yamhill County Goals and Policies are aspirational and are not to be mistaken for, or treated as, approval criteria it is important that they be considered. It is a fact that some of the goals and policies conflict with one another. They are simply to be used as a guide to aid decision makers. For example, where goals or policies conflict the decision makers need to weigh the evidence and decide which goal or policy the request satisfies. Therefore, in each case, the Board decides whether the subject site and exclusion site are more appropriate to be preserved as farm land or it is better suited for orderly urban development. The following goals and policies are part of this determination.

2. The Yamhill County Comprehensive Plan, Section I.A., Goal 1, directs the County:

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.

and, Section II, Goal 1, states:

To conserve Yamhill County's farm land 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.

To ensure there is an efficient transition from rural to urban land uses there needs to be a demonstration of the need for additional urban land and a determination of the most suitable location for land of that identified need. Based on the city's current available housing and the projected population forecast, the city determined the need for future residential land to be included in the city's UGB. The city identifies an estimated 60.60 gross acres and 48.94 buildable acres of residential land and public infrastructure as necessary to meet the housing needs of the community by the year 2033. After identifying the need, the next step is to evaluate the best locations/alternatives for locating the use. The first alternative is to look inside the existing UGB. If land is not available, the next step is to look at land outside of the UGB and to go through the priority list of lands available for expansion.

The city's application does a thorough job of evaluating the available land and has focused its expansion on existing exception land, which has the highest priority for inclusion in the UGB. The only portion that is not exception land is 2.15 acres found in Area 4, which has a comprehensive plan designation of AFLH Agriculture/Forestry Large Holding. This is made up of the eastern portions of Tax Lots 4306-1303 (1.13 ac) and 4306-1501 (1.02 ac)

which are zoned EF-40. The western portions of these tax lots are zoned VLDR Very Low Density Residential. The zoning and plan designation follows the donation land claim line rather than the parcel boundaries. While 2.15 acres of these properties are zoned for resource use, the majority of the soils have an agricultural rating of Class VI, non-high value soils. The findings for including the resource portions of these lots is found on pages 60-64 of Exhibit A of the city's findings. Those findings are accepted and relied upon by the county in the adoption of this ordinance.

Based on the evidence in the record, it appears that the UGB amendment is necessary and the subject sites are the best location compared with the other alternatives. Based on the findings and evidence in the record, the request would be an efficient transition from rural to urban use.

3. The Yamhill County Comprehensive Plan, Section II, Goal 2, Policy a. states:

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.

As noted above, the addition of the subject sites appears to provide the best opportunity for orderly development of property by providing needed area for urban expansion adjacent to the city, where services are available or can be readily extended and avoiding, to the maximum extent possible, those properties zoned for farm and/or forest use that include Class I through IV soils. Based on the findings provided in the application, it appears that the city made every effort to ensure minimal loss of higher agricultural class soils.

4. The Yamhill County Comprehensive Plan, Section I. E, Goal 1, Housing directs the County:

To assure the provisions of safe, sanitary and decent housing for all residents of the county at a reasonable cost.

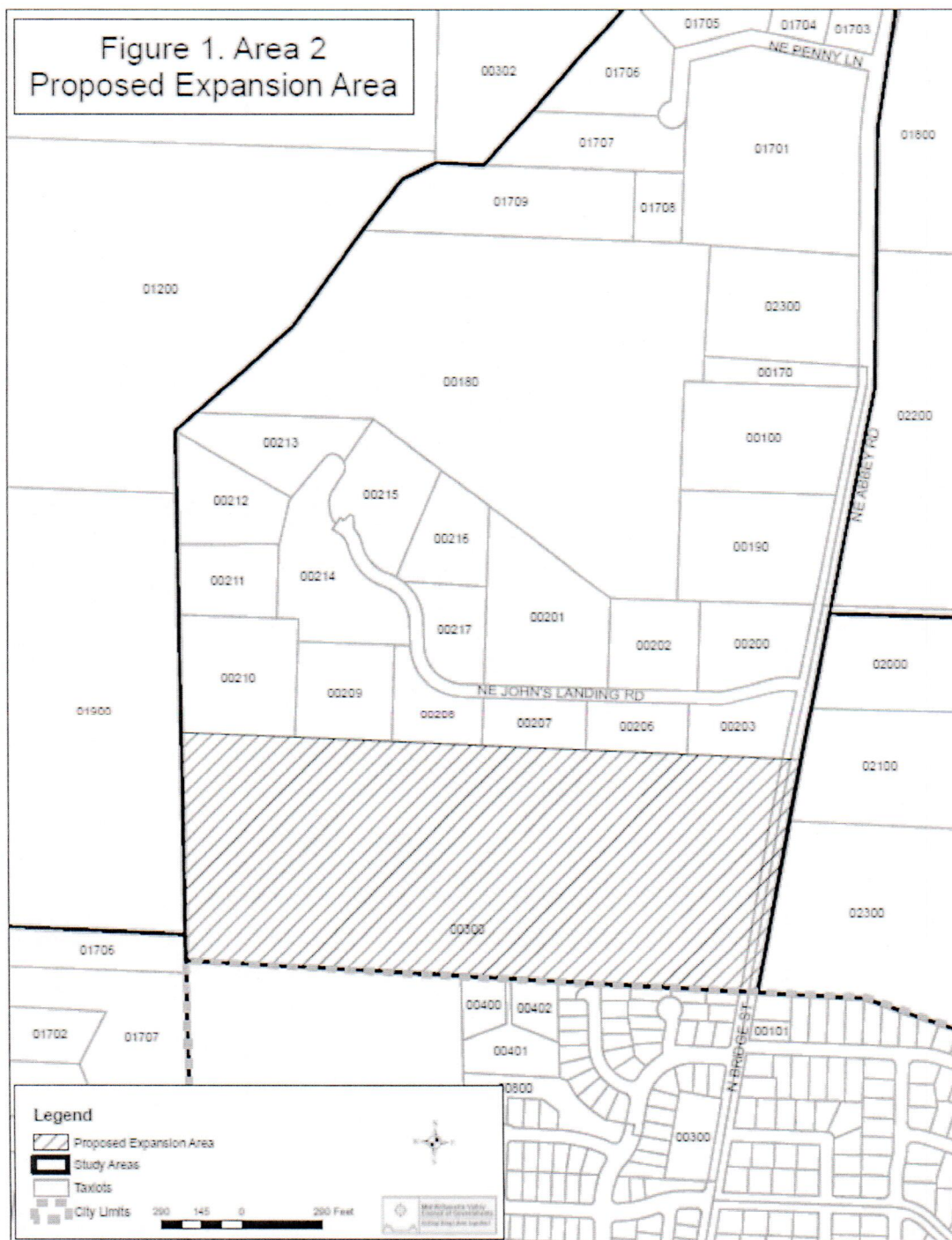
The proposed UGB expansion will provide additional housing opportunities for citizens of the community and encourage establishment of housing within an urban area, thereby, minimizing the impact on property designated as resource land.

CONCLUSIONS:

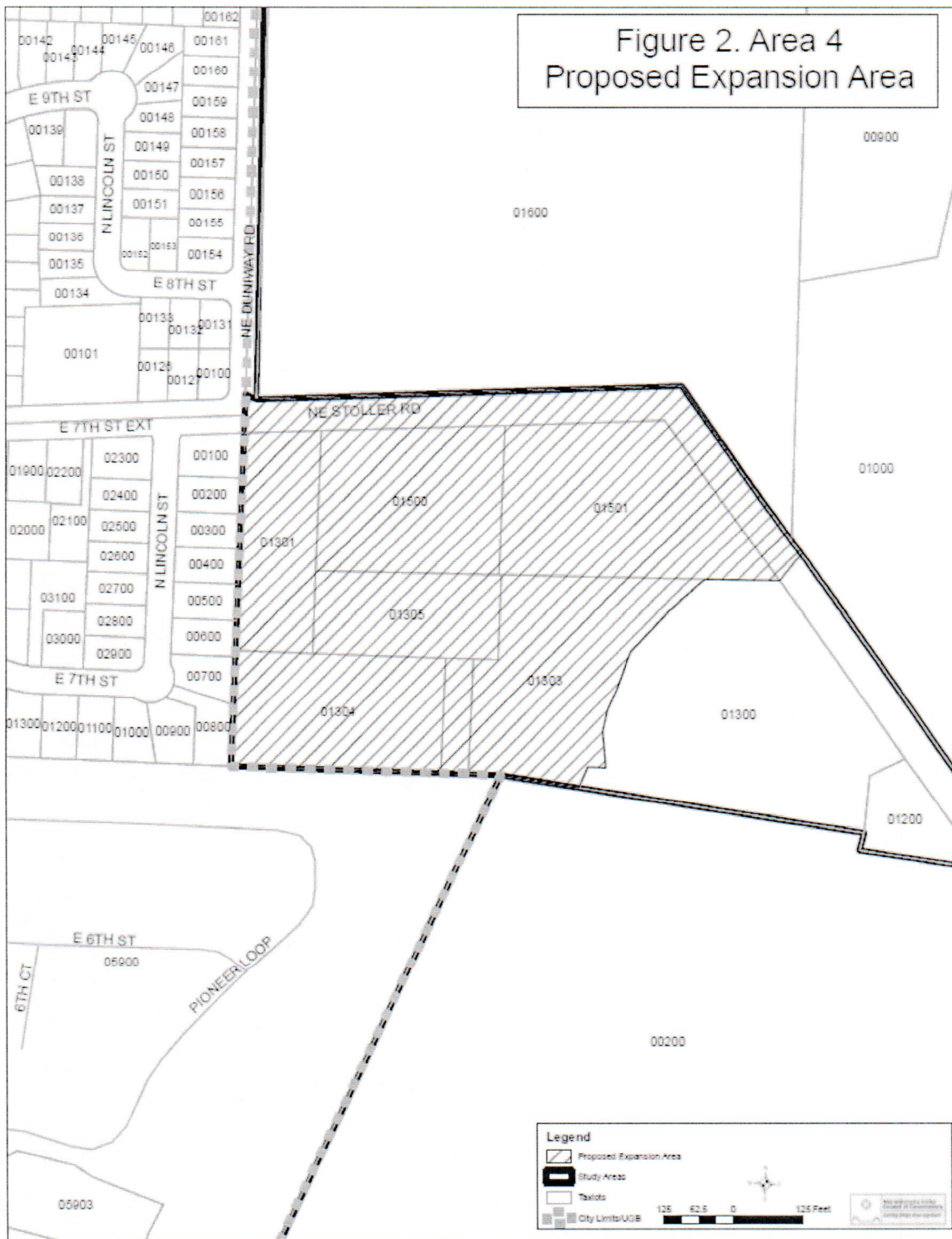
1. The request is to amend the Lafayette Urban Growth Boundary (UGB) to add approximately 51.29 acres of land, resulting in 32.16 net buildable acres for residential use.
2. The applicant has demonstrated that the request satisfies the Yamhill County Comprehensive Plan goals and policies.
3. Yamhill County has reviewed the proposed UGB amendment against the County's comprehensive plan goals and policies and finds that the proposal is consistent with the

comprehensive plan. Based on the evidence in the record, the county believes that City Ordinance No. 623, dated May 14, 2015, represents an efficient transition from rural to urban use.

EXHIBIT -B- MAP FOR ORDINANCE NO. 892
ADOPTED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS
JULY 2, 2015
DOCKET PA-02-14,
APPROVAL OF AN URBAN GROWTH BOUNDARY AMENDMENT
TO CHANGE THE COMPREHENSIVE PLAN MAP FROM
VERY LOW DENSITY RESIDENTIAL (VLDR) AND
AGRICULTURE/FORESTRY LARGE HOLDING (AFLH)
TO FUTURE URBANIZABLE



B.O. 15-245



CHANGE APPLIES TO THE SHADED AREAS AS IDENTIFIED ABOVE.

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