

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)
 Map to Amend the Urban Growth Boundary)
 for the City of Sheridan to Add to the UGB)
 and Plan Designate as "Future Urbanizable" and)
 "Residential" 16.26 Acres of Land Known as Tax)
 Lots 5635-700, 800 and 900; Taking an Exception)
 to Statewide Goal 3; Applicant City of)
 Sheridan; Planning Docket PAZ-3-98; and)
 Declaring an Emergency.)

ORDINANCE 659

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in formal session on September 3, 1998, Commissioners Ted Lopuszynski, Robert Johnstone, and Thomas E.E. Bunn being present.

WHEREAS, the City of Sheridan has made application in Docket PA-03-98 to amend the City of Sheridan Urban Growth Boundary (UGB) to add to the UGB 16.26 acres of land (Tax Lots 5635-700, 800 and 900) which is designated "AFLH" (Agriculture/Forestry Large Holding) and "P" (Public) on the Yamhill County Comprehensive Plan Map, and to take an exception to Statewide Goal 3 for tax lots 5635-700 and 900; and

WHEREAS, the County action will involve amending the Comprehensive Plan map to plan designate the subject property as "Future Urbanizable" with the City's "Residential" Plan designation and maintain the current "EF-80" (Exclusive Farm Use) on tax lots 5635-700 and 900 and "PAI" (Public Assembly Institutional) zoning designation on tax lots 5635-800; and

WHEREAS, this UGB amendment 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 July 7, 1998 the Sheridan Planning Commission and the Yamhill County Planning Commission conducted a joint public hearing regarding the application, received testimony and evidence, and upon deliberation voted to recommend that the City Council and the Board of Commissioners approve the application; and

WHEREAS, on August 3, 1998, the City of Sheridan City Council held a duly noticed hearing and adopted Ordinance 1998-10, approving the UGB amendment, designating the subject property as Residential on the City Comprehensive Plan, and taking an exception to Goal 3, based on written findings, and submitted it to the County for adoption; and

WHEREAS, on August 20, 1998, based upon the facts and record presented containing the justification for the proposed UGB amendment, attached hereto and incorporated herein as Exhibit "A", the Board deliberated and voted unanimously to grant tentative approval for the proposed UGB amendment

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and Goal 3 exception, and directed staff to prepare written findings for approval of the application; 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 Sheridan UGB; and

WHEREAS, the attached findings and agreement demonstrate that approval of this amendment to the City of Sheridan 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 Yamhill County Comprehensive Plan (1974) Map, as amended, is hereby amended to add to the City of Sheridan Urban Growth Boundary, and plan designate as "Future Urbanizable," and "Residential", land known as Tax Lots 5635-700, 800 and 900, as more particularly set forth in Exhibit "B" attached hereto and made a part of this ordinance by reference.

Section 2. In adopting the UGB amendment specified in Section 1, the County hereby takes an exception to Statewide Planning Goal 3.

Section 3. The findings attached as Exhibit "A", and incorporated herein by reference, are hereby adopted in support of this ordinance.

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 3rd day of September, 1998.

ATTEST


CHARLES STEVENSON
County Clerk
By: 
Deputy CAROL ANN WHITE

YAMHILL COUNTY BOARD OF COMMISSIONERS


Chairman TED LOPUSZYNSKI


Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:


JOHN C. PINKSTAFF
Assistant County Counsel


Commissioner THOMAS E.E. BUNN

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Exhibit "A"

ADOPTED BY BOARD OF COMMISSIONERS:

September 3, 1998

DOCKET: County Docket PAZ-03-98; City Planning File 98-05-14

REQUEST: Expansion of the City of Sheridan Urban Growth Boundary to include the Green Crest Memorial Cemetery, and change the Comprehensive Plan map designation from the county Agriculture/Forestry Large Holding and Public designations to the city Residential Plan Designation, and take an exception to Statewide Goal 3.

APPLICANT: City of Sheridan

OWNER: Green Crest Memorial Park Association

TAX LOT: 5635-700, 800, and 900

LOCATION: 27234 SW Ballston Road, on the south side of Highway 18

REVIEW CRITERIA: Sheridan Urban Area Growth Management Agreement; OAR 660-04, Exception Process; the Yamhill County Comprehensive Plan; City of Sheridan Comprehensive Plan.

FINDINGS:

A. Background Facts:

1. Property size: 16.26 acres total. Lot 700 is 3.39 acres, lot 800 is 5 acres and lot 900 is 7.87 acres.
2. Access: Ballston Road
3. On-site Land Use: Lot 700 is triangular in shape and contains a caretaker's residence in the southern corner. Lot 800 is developed as a cemetery. A creek runs through lot 900, and there is a large pond used for irrigation of the cemetery.

4. Current Zoning: Lots 700 and 900 are zoned EF-80 Exclusive Farm Use, lot 800 is zoned PAI Public Assembly Institutional.
5. Surrounding Land Use: The three lots are bordered on the north by Highway 18, on the east by the city sewage lagoons, and on the south by the federal prison. To the west, across Ballston Road, are large agricultural parcels.
6. Soils: Sheets 48 and 54 of the Yamhill County Soil Survey shows that the parcels are made up almost entirely of Amity silt loam, which is Class II high-value farmland. Areas along the creek are Cove Class III, and there are small areas of Terrace Escarpment, which is Class VI.
7. The City's Ordinance 1998-10, amending the comprehensive plan map to expand the UGB and establish the "Residential" designation on the City's Comprehensive Plan and taking an exception to Goal 3, contains City Council Findings in support of the application. The Board agrees with those findings and hereby adopts the city's findings and incorporates them herein by this reference.

B. Urban Area Growth Management Agreement Provisions

1. Section VII 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 seven factors which must be considered for a UGB amendment. The seven factors are identical to the factors which must be considered under Statewide Planning Goal 14, Urbanization, for changing a UGB. The Board concurs with the findings in the City application addressing these factors.

C. Goal 3 Exception Requirements

1. Tax Lot 5635-800 has been zoned PAI since at least 1976. Consequently it has never been subject to the requirements of Statewide Planning Goal 3, Agricultural Lands, and an exception is not required for tax lot 800.
2. Tax Lots 5635-700 and 900 are zoned EF-80, so are subject to protection under Goals 3 and 4. The policy of Goal 3 is to preserve and maintain agricultural lands. In order to take an exception to this Goal, the county and city must determine that the land is either physically developed or irrevocably committed to non-agricultural uses, or that there are reasons which justify the land should be used for purposes other than

agriculture. Thus, both lots are irrevocably committed because adjacent uses make agricultural use of the lots impracticable. For these and the reasons contained in the City's findings accompanying City Ordinance 1998-10, the Board finds that an exception to Goal 3 on lots 700 and 900 is justified.

3. OAR 660-04-028 requires the following factors to be addressed to demonstrate that the land is irrevocably committed:

- (a) *The characteristics of the exception area;*
- (b) *The characteristics of the adjacent lands;*
- (c) *The relationship between the exception area and the lands adjacent to it;*
- (d) *Existing adjacent uses;*
- (e) *Existing public facilities and services (water and sewer lines, etc.);*
- (f) *Parcel size and ownership patterns of the exception area and adjacent lands;*
- (g) *Neighborhood and regional characteristics;*
- (h) *Natural or man-made features or other impediments separating the exception area from adjacent resource land;*
- (i) *Physical development; and*
- (j) *Other relevant factors.*

4. The lots are bordered on the north, east and south by the city limits of Sheridan. Lot 700 is only 3 acres in size and contains the cemetery caretaker's residence. The lot is bordered by the city sewage lagoons to the east, the federal prison facility across the creek to the south, the cemetery to the west, and the highway interchange to the north. These factors make farm use of the lot impracticable. Lot 900 is less than 8 acres in size, and like lot 700 is bordered by the sewage lagoons, prison, and cemetery. Ballston Road separates the lot from the large agricultural parcels to the west. Natural and man-made features, including a creek and large pond used for irrigating the cemetery take up the majority of the parcel. Both lots 700 and 900 are under the same ownership as the cemetery on lot 800. They contain uses that are accessory to the cemetery, and are retained for future cemetery expansion. The Board finds that these factors make lots 700 and 900 committed to non-agricultural use.

CONCLUSIONS:

1. The application is to add 16.26 acres to the Urban Growth Boundary of the city of Sheridan, and to change the Comprehensive Plan map to the city Residential designation.
2. An exception to Goal 3 is justified because the lots are irrevocably committed to uses associated with the Green Crest Memorial Park.
3. The findings in the city application, as supplemented by these findings, justify how the request complies with the seven factors for a UGB amendment found in the Urban Area Growth Management Agreement.

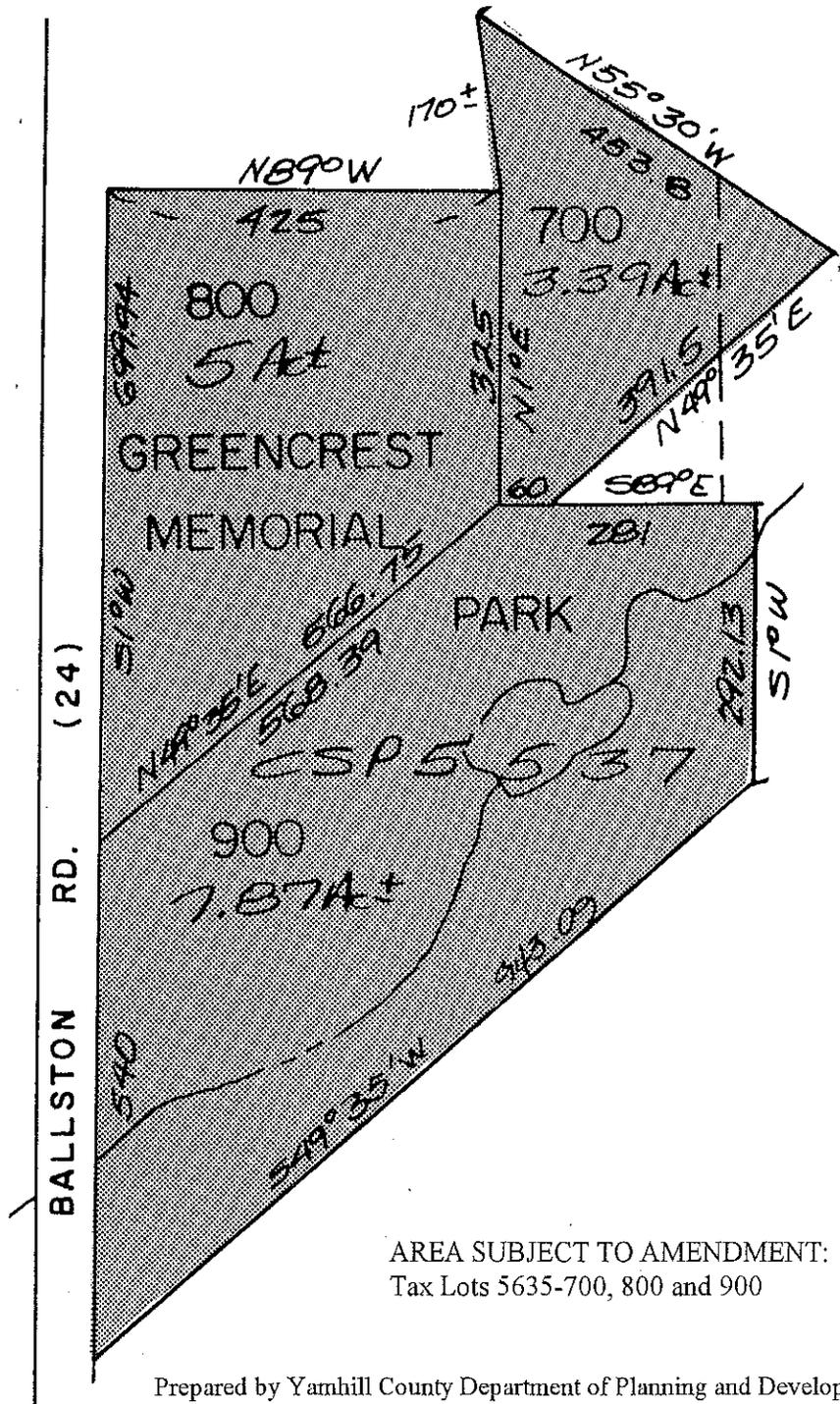
DECISION:

Based on the findings in the City application and these supplemental findings, the Board hereby approves the request by the City of Sheridan for an Urban Growth Boundary amendment to add Tax Lots 5635-700, 800 and 900 to the City of Sheridan UGB, including taking an exception to Statewide Planning Goal 3.

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EXHIBIT "B" FOR ORDINANCE No. 659

EXPANSION OF THE CITY OF SHERIDAN URBAN GROWTH BOUNDARY,
and COMPREHENSIVE PLAN MAP AMENDMENT FROM THE
COUNTY AGRICULTURE/FORESTRY LARGE HOLDING AND PUBLIC
DESIGNATIONS TO THE CITY RESIDENTIAL DESIGNATION



Prepared by Yamhill County Department of Planning and Development