

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" 1.38 Acres of Land Known as Tax Lot 5635-300; Taking an Exception to Statewide Goal 3; Applicant City of Sheridan; Planning Docket PAZ-4-98; and Declaring an Emergency. )

ORDINANCE 660

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-04-98 to amend the City of Sheridan Urban Growth Boundary (UGB) to add to the UGB 1.38 acres of land (Tax Lot 5635-300) which is designated "AFLH" (Agriculture/Forestry Large Holding) on the Yamhill County Comprehensive Plan Map, and to take an exception to Statewide Goal 3 therefor; 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 take an exception to Statewide Goal 3, while maintaining the current "EF-80" (Exclusive Farm Use) zoning designation on the property; 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 1998-9, approving the proposed UGB amendment, designating the subject property as "Residential" on the City Comprehensive Plan, and taking an Exception to Statewide 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 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 (UGB), and plan designate as "Future Urbanizable," and "Residential" land known as Tax Lot 5635-300, 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 STERN  
County Clerk

By: Carol Ann White  
Deputy CAROL ANN WHITE

FORM APPROVED BY:

John C. Pinkstaff  
JOHN C. PINKSTAFF  
Assistant County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Not available for signature.  
Chairman TED LOPUSZYNSKI

Robert Johnstone  
Commissioner ROBERT JOHNSTONE

Thomas E.E. Bunn  
Commissioner THOMAS E.E. BUNN

lu\paz4-98

**ORDINANCE 660**  
**Exhibit "A"**

**ADOPTED BY BOARD OF COMMISSIONERS:**

**September 3, 1998**

**DOCKET:** County Docket PAZ-04-98; City Planning File 98-05-13

**REQUEST:** Expansion of the City of Sheridan Urban Growth Boundary to include a 1.38 acre parcel, and change the Comprehensive Plan map designation from the county Agriculture/Forestry Large Holding to the city Residential Plan Designation, and take an exception to Goal 3.

**APPLICANT:** City of Sheridan

**OWNER:** Gerald, Mary and Terry Cannady, Ora and Katie Garver

**TAX LOT:** 5635-300

**LOCATION:** Between West Valley Highway (business 18) and the Yamhill River, on the east side of Sheridan

**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: 1.38 acres
2. Access: West Valley Highway
3. On-site Land Use: The parcel contains a narrow, level area adjacent to the highway, then slopes steeply down to the Yamhill River. The property contains scattered trees and brush.
4. Current Zoning: EF-80 Exclusive Farm Use

- 5. Surrounding Land Use: The Yamhill River is to the south. There are four small lots along the highway west of lot 300, each developed with a single family dwelling. To the north is a larger agricultural parcel.
- 6. Soils: The small size of the parcel and the small scale of soils maps makes it difficult to classify the soils. However, the parcel appears to be made up of Stoney Land (SL) on the terrace adjacent to the highway and Chehalem (CeC) soil on the sloping river bank.
- 7. The City's Ordinance 1998-9, 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 Statewide 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. The parcel is zoned EF-80, so is subject to protection under Goal 3. 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. In this case, an exception can be justified because the parcel is both physically developed and irrevocably committed so that agricultural use of the lot is impracticable.
- 2. Half of the parcel is a steep riverbank, which is unsuitable for farming. The remainder of the parcel is less than 100 feet wide, and contains a trunk sewer line and three manholes. The parcel is also adjacent to a highly traveled road (West Valley

Highway), which serves as a physical barrier between lot 300 and the larger farm parcel to the north. These physical developments make lot 300 unavailable for farming.

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 lot is on a narrow strip of land between West Valley Highway and the Yamhill River. To the west are four small residential lots lying between lot 300 and the city limits. (Staff suggested to the city that these lots be included in the UGB amendment, but apparently two of the property owners were opposed to being included.) The parcel to the east is an even narrower strip of land between the road and river. Lands on the south side of the river are in both the city and county, and are zoned for residential use. As stated previously, the road separates the parcel from the agricultural parcels to the north. For these reasons, and the reasons contained in the City's findings accompanying City Ordinance 1998-9, the Board finds that these factors make farm use of the lot impracticable, and that an exception to Statewide Goal 3 is justified.

**CONCLUSIONS:**

1. The application is to add 1.38 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 Goals 3 is justified because the lots are both physically developed and irrevocably committed so that agricultural use is not practicable.
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.

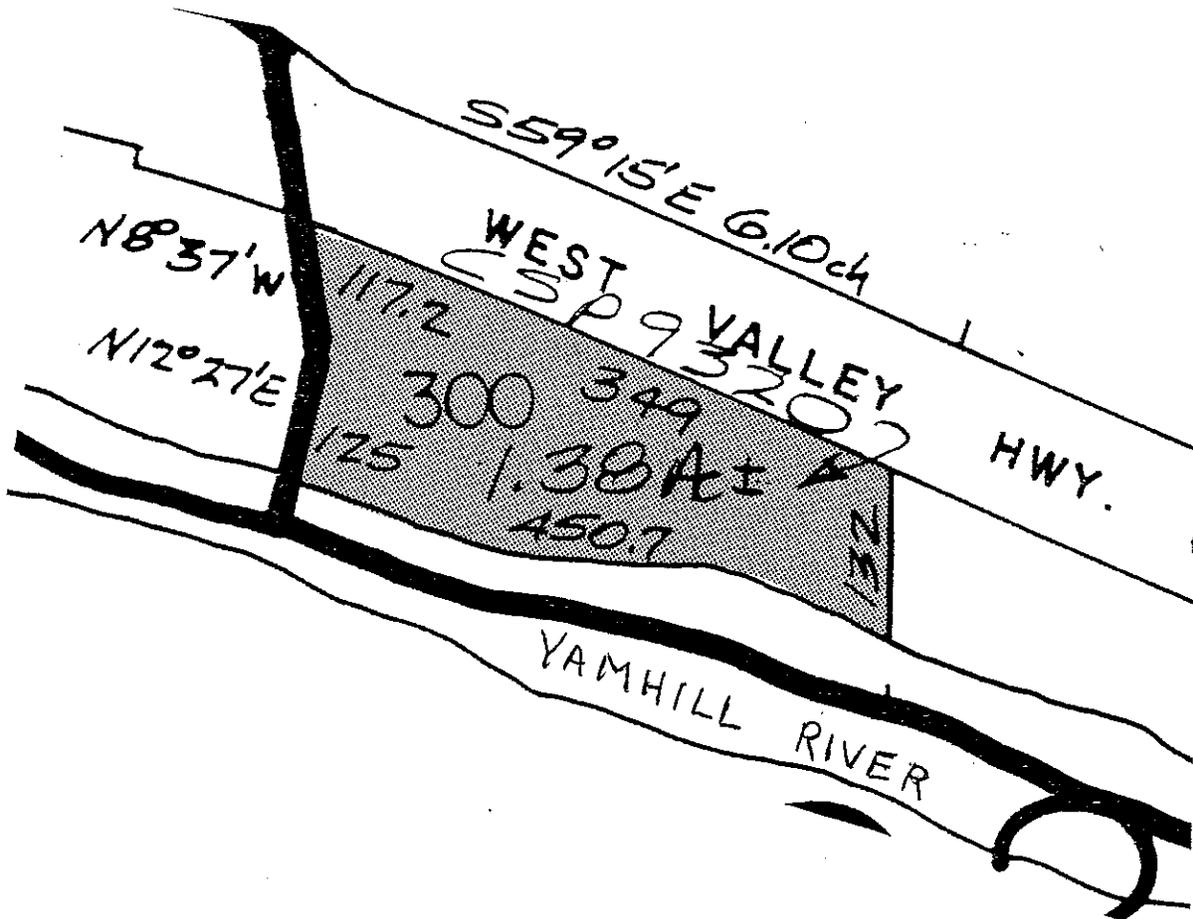
**RECOMMENDATION:**

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 Lot 5635-300 to the UGB, including taking an exception to Statewide Planning Goal 3, be approved.

F:\admin\pinkstj\lu\paz498ff.wpd

# EXHIBIT "B" FOR ORDINANCE No. 660

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



AREA SUBJECT TO AMENDMENT:  
Tax Lots 5635-300

Prepared by Yamhill County Department of Planning and Development

ORDINANCE 660  
Exhibit "B"