

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

FILE 65 PAGE 1451

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 Amity to Add a Parcel of 4.632 acres)
 Known as Tax Lot 5420-1600 to the UGB, to)
 Change the Plan Designation from Agriculture/)
 Forestry Large Holding to Residential (Future)
 Urbanizable); Taking an Exception)
 to Statewide Goal 3; Applicant Amity School)
 District; Planning Docket PAZ-3-97; and)
 Declaring an Emergency.)

ORDINANCE 664

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in formal session on November 5, 1998, Commissioners Ted Lopuszynski, Robert Johnstone, and Thomas E.E. Bunn being present.

WHEREAS, the Amity School District has made application in Docket PA-03-97 to amend the City of Amity Urban Growth Boundary (UGB) to add to the UGB 4.632 acres of land (Tax Lot 5420-1600) which is designated "AFLH" (Agriculture/Forestry Large Holding) on the Yamhill County Comprehensive Plan Map and zoned Exclusive Farm Use EF-80, and to take an exception to Statewide Goal 3; and

WHEREAS, the County action will involve amending the Comprehensive Plan map to plan designate the subject property as Residential (Future Urbanizable); 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 May 18, 1998, the Amity Urban Area Management Commission held a hearing and recommended approval of the application, and on July 23, 1998, the Amity Planning Commission held a public hearing and voted to recommend approval of the request, and on August 4, 1998 and September 1, 1998, the Amity City Council held public hearings and voted to approve the request, and on October 6, 1998 the City Council adopted Resolution No. 98-7 approving the UGB amendment, designating the subject property as Residential (Future Urbanizable) 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 October 22, 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 preliminary 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 Amity UGB; and

WHEREAS, the attached findings and agreement demonstrate that approval of this amendment to the City of Amity 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 Amity Urban Growth Boundary, and plan designate the subject property as Residential (Future Urbanizable) as more particularly set forth in Exhibit "B" attached hereto and made a part of this ordinance by reference.

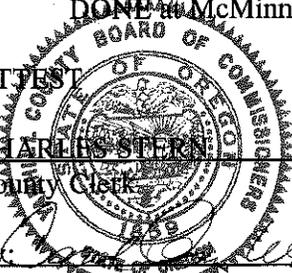
Section 2. In adopting the UGB amendment specified in Section 1, the County hereby takes an exception to Statewide Planning Goal 3.

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 5th day of November, 1998.

ATTEST


CHARLES STERN
County Clerk

By: 
Deputy CAROL ANN WHITE

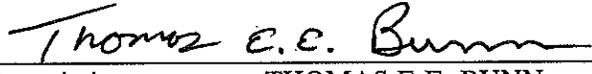
YAMHILL COUNTY BOARD OF COMMISSIONERS


Chairman TED LOPUSZYNSKI


Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:


JOHN C. PINKSTAFF
Assistant County Counsel


Commissioner THOMAS E.E. BUNN

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ORDINANCE 664
Exhibit "A"**ADOPTED BY BOARD OF COMMISSIONERS:****November 5, 1998****DOCKET:** PAZ-03-97**REQUEST:** Approval of an Urban Growth Boundary (UGB) amendment to add 5 acres to the Amity UGB. This requires taking an exception to Statewide planning goal 3, compliance with Goal 14 and satisfaction of standards required by Goal 2, Part II(c).**APPLICANT:** Amity School District 4J**TAX LOT:** 5420-1600**LOCATION:** On the north side of Amity Road, adjacent to the east edge of the Amity city limits.**REVIEW CRITERIA:** Amity Urban Area Growth Management Agreement; Statewide Planning Goals 3, 14 and 2; the Yamhill County Comprehensive Plan.**FINDINGS:****A. Background Facts:**

1. **Property size:** The Tax Assessors show the lot is 5 acres in size, although survey information submitted by the school district indicates that the lot is 4.632 acres.
2. **Access:** Amity Road.
3. **On-site Land Use:** The parcel is relatively flat and is being farmed in conjunction with the lot to the west. Crops appear to be grass or grain. There are no buildings or other improvements.
4. **Current Zoning:** EF-80.
5. **Surrounding Land Use:** To the west is a 6.6 acre farm parcel also owned by the school district, which is adjacent to the high school track and playing fields. To the north is the city sewage treatment plant. To the east and southeast the area is in agricultural use. The area to the southwest is inside the city limits and is residential.

6. Surrounding Zoning: Zoning to the east is EF-80. On the north, west and south the parcel is bordered by the Amity city limits, so city zoning applies.
7. Water: No current water supply. City water would presumably be available if the parcel is annexed.
8. Sewage Disposal: None existing. City sewer would presumably be available if the parcel is annexed.
9. Fire Protection: Amity Rural Fire District
10. Soils: Sheet 50 of the Yamhill County Soil Survey shows that the parcel is made up almost entirely of Amity silt loam, which is Class II high-value farmland.
11. Taxes: Farm deferral
12. Previous Actions: None.
13. Description of Proposal: The subject parcel and Tax Lot 5420-1503, which is adjacent to the west, were purchased by the school district as part of their long range plans for construction of a new school to handle expanding student enrollment. Lot 1503, which is inside the city limits, is not large enough by itself to accommodate a new school. OAR 660-33-130 would not allow construction of a new school on the subject parcel since it is zoned EF. Consequently, the school district is requesting that the parcel be annexed into the city. A UGB amendment is required prior to annexation.
14. Procedure: The Amity Urban Area Growth Management Agreement governs the procedures for processing a UGB amendment. The application must first go before the Amity Urban Area Management Commission (AUAMC) for a public hearing. The AUAMC must make findings and forward its decision to the Amity City Council and the Board of County Commissioners. The Board of Commissioners and City Council "shall then make a determination based upon the facts and record presented at the AUAMC hearing and shall not be required to hold a public hearing thereon."

A concurrent application was filed with the city for annexation, Comprehensive Plan map amendment and zone change. The city will follow its own procedures to consider this part of the application. The Board of Commissioners will be asked for its recommendation on the city annexation proposal.

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. . These 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:
 - a. *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*
 - b. *Need for housing, employment opportunities, and livability;*
 - c. *Orderly and economic provision for public facilities and services;*
 - d. *Maximum efficiency of land uses within and on the fringe of the existing urban area;*
 - e. *Environmental, energy, economic and social consequences;*
 - f. *Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and*
 - g. *Compatibility of the proposed urban uses with nearby agricultural activities.*
3. The city has no known adopted long-range population projection. Because of its small size, the city is not subject to the buildable lands inventory requirements of ORS 197.296. Consequently, it is difficult to make fact-based findings regarding livability and the need to accommodate growth as required by factors (a) and (b). However, population information in the county's Transportation System Plan (TSP) indicates that the city has had an average annual growth rate of 1.95% since 1940. The TSP indicates that by the year 2014, the city will have a population of 1757. This is an increase of 562 from the July 1, 1996 estimated population (from Portland State University's Center for Population Research and Census and the U.S. Census Bureau). The school district states in its application that the existing elementary and high schools have both reached capacity and have had to add rooms or lease modular classrooms. The Board finds that this demonstrates that there will be a need for additional school capacity to accommodate the projected population growth of the city, in compliance

- with factor (a). Since schools are directly tied to the livability of a community, the Board finds that the request also complies with factor (b).
4. Regarding factor (c), there is residential development on both sides of Amity Road up to the city limits adjacent to the subject parcel, and the existing high school is adjacent to the west. The Board finds that extension of city utilities and services to the parcel would therefore occur in an orderly and economic fashion.
 5. The Board finds that the request complies with criterion (d) because siting a new school at this location would allow the sharing of school playing fields and other facilities with the existing high school. This will maximize the efficiency of land uses on the parcels, especially in comparison to the alternative of building a new school with separate facilities at another location.
 6. Regarding criterion (e), the Board finds that there are no known environmental consequences of approving the UGB amendment or related to the proposed school. Consolidating school facilities will save energy and transportation costs since more students would be bussed or driven to one location rather than two. Economically, the consolidated school facilities will also save money over building an entirely separate new school. The loss of 5 acres of farmland, which has historically been used for growing grass or grain, will not cause a significant loss to the farm economy of the area, nor will it have any significant social consequences.
 7. Regarding factor (f), Tax Lot 5420-1600 is composed almost entirely of Amity soils, which are Class II high-value farmland. The Yamhill County Soil Survey shows that the entire area surrounding the city is made up of either Class II or Class III soils, with the exception of narrow strips of Terrace Escarpments along Salt Creek and Ash Swale. The Board finds that while factor (f) indicates that the Class II soils are of higher priority for retention than Class III soils, the other considerations outlined in these findings outweigh the need to retain the five acre parcel as agricultural land.
 8. The Board finds that the applicant has satisfied criterion (g). The school district indicates that, in the short term, the property will be used for high school FFA and for vocational agricultural classes. This will be compatible with the adjacent agricultural uses on the parcel to the east. The school district also asserts that use of the property for school facilities will have less impact on agricultural uses in the area than if the adjacent area that was also purchased by the district was developed for residential use, as allowed by the existing R-1 zoning.

C. Goal 3 Exception Requirements

1. Tax Lot 5420-1600 is currently zoned EF-80, Exclusive Farm Use district. Consequently it is subject to the requirements of Statewide Planning Goal 3, Agricultural Lands. The policy of Goal 3 is to preserve and maintain agricultural lands. In order to take an exception to Goal 3, the county and city must determine that there are reasons which justify the use of resource land for school facilities. The types of reasons that may be used to justify why the state policy embodied in Goal 3 should not apply are found in OAR 660-04-022(1), as follows:
 - (a) *There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either*
 - (b) *A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or*
 - (c) *The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.*
2. The Board finds that the application satisfies factor (a). The applicant indicated that there is a need for a school expansion because the school district has experienced enough growth to exceed the existing capacity of the schools. They state that cost factors led to the decision to build a new school rather than enlarge the existing schools.
3. The Board finds that the application satisfies factor (b). The proposed school facilities are not necessarily dependent upon being adjacent to the existing high school, as required by factor (b). However, a new school normally includes special features, such as sporting fields, cafeterias, parking lots and special transportation needs that could be shared with the existing high school, thus saving the school district money.
4. The Board finds that the application satisfies factor (c). There is an additional reason stated by the school district which adds justification for the exception, related to the small size of Tax Lot 5420-1600. The majority of the area that would be used for a new school is already inside the city limits, and the UGB amendments would add only five acres. A much larger area would likely be required if a new school were to be built in a different location.

D. Goal 14 and Goal 2 Requirements

1. To amend an urban growth boundary, a jurisdiction must demonstrate compliance with the seven factors of Goal 14, and must meet the standards required by Goal 2, Part II(c). 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:

- (1) *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):*
 - (2) *Areas which do not require a new exception cannot reasonably accommodate the use;*
 - (3) *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*
 - (4) *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*
2. The Board finds that factor (1) is satisfied based upon the consideration of the seven factors of Goal 14 which were addressed in Section B of these findings.
 3. The Board finds that factor (2) is satisfied. This factor requires an analysis of whether other lands that are already exception areas could reasonably accommodate new school facilities. Since the purpose of the school is to accommodate students primarily from the city of Amity, the required review of the availability of other lands should be limited to areas within a close proximity to Amity. A review of the unincorporated areas within two miles of the city limits shows only one exception area that might possibly be used for a new school. The area is zoned AF-10, and is located adjacent to the western edge of the city, between Highway 99W and Salt Creek, just south of Ash Swale. The exception area consists of three tax lots, 5429-1200 and 1300 and 5429BA-

4200, each between 13 and 14 acres in size. A portion of the three lots is within the 100-year floodplain of Salt Creek and Ash Swale, which takes up about a third of the area of lots 1200 and 4200 and the majority of 1300. OAR 660-04-020(2)(b)(C) states that: *"Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding."* Therefore, because no party raised the issue at the UAMC hearing, it is not necessary to make specific findings regarding whether the proposed site or the AF-10 zoned area identified above can more reasonably accommodate the use.

4. The Board finds that factor (3) is satisfied. The Board finds that locating new school facilities at the proposed site will be *less* rather more significantly adverse than locating a new school elsewhere when considering environmental, economic, social and energy consequences. This is because the site is adjacent to the existing high school, which will allow a sharing of some facilities, playing fields, transportation, etc.
5. The Board finds that factor (4) is satisfied. The existing high school is compatible with surrounding uses, and expansion of school facilities or construction of a new school can be designed in a manner that will remain compatible with the surrounding area. It will be up to the city to consider compatibility when an application is made to construct any new facilities.

E. Comprehensive Plan Map Amendment:

1. The Urban Area Growth Management Agreement indicates that the city must adopt a Comprehensive Plan map designation for properties that are inside the UGB. The current county Plan designation for the subject property is Agriculture Forestry Large Holding. The county defers to the city in determining the appropriate designation if the UGB amendment is approved.

CONCLUSIONS FOR APPROVAL:

1. The application is to add a five acre parcel to the Urban Growth Boundary of the city of Amity, to be used for new school facilities. The parcel is surrounded by the city limits on three sides.
2. The applicant has demonstrated compliance with the seven factors of Goal 14, and the standards required by Goal 2, Part II(c). There is a need for a new school resulting

from growth in the number of students in the school district. Valid reasons exist for locating the new school on property that is adjacent to the existing high school.

3. The request complies with the seven factors for a UGB amendment found in the Urban Area Growth Management Agreement.

DECISION:

Based on the above findings, analysis and conclusions, the Board approves the request by Amity School District 4J for an Urban Growth Boundary amendment to add Tax Lot 5420-1600 to the UGB, including taking an exception to Statewide Planning Goal

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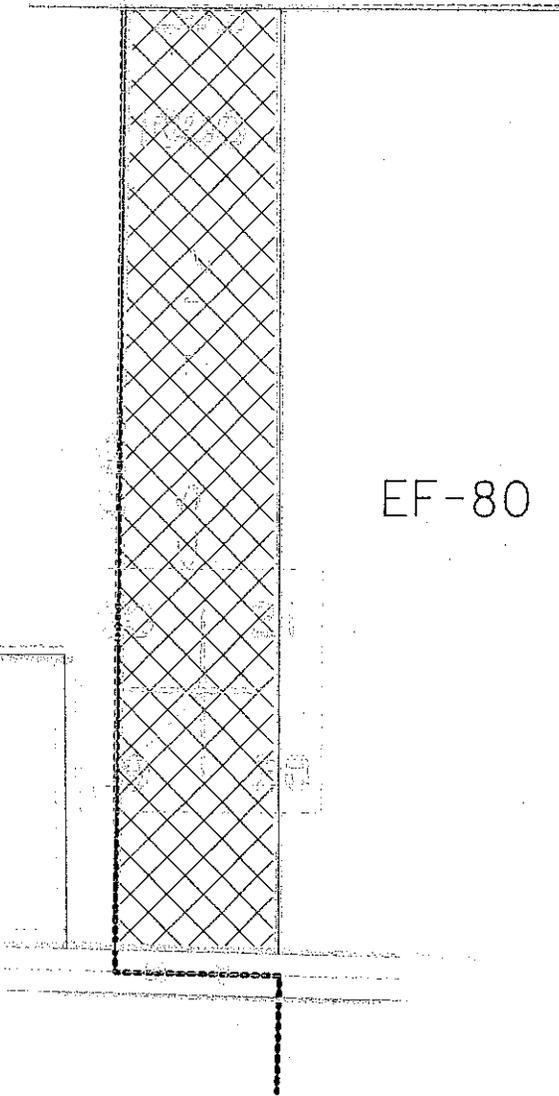
EXHIBIT "B" FOR ORDINANCE No. 664

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

TAX LOT: 5420-1600

City of
Amity

EF-80



Prepared by Yamhill County Department of Planning and Development



AREA SUBJECT TO AMENDMENT

----- CITY LIMITS

ORDINANCE 664
EXHIBIT "B"