

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

94-808

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
1994 DEC -7 PM 4:23
CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Ordinance)
Amending the Yamhill County)
Comprehensive Plan Map to change)
the plan map designation from)
"Low Density Residential" to)
"Future Urbanizable" on)
approximately 6 acres known as)
Tax Lot 3326DC-3500 to allow)
an expansion of the City of)
Dundee's Urban Growth Boundary;)
Applicant Edmond & Evelyn Casciato;)
Planning Docket PAZ-3-94;)
Declaring an Emergency.)

ORDINANCE 583

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board"), sat for the transaction of county business in regular session on December 7, 1994 Commissioners Dennis L. Goecks, Ted Lopuszynski and Debi Owens being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Edmond and Evelyn Casciato ("the applicants") have applied to the Department of Planning and Development for a Comprehensive Plan Map amendment from Low Density Residential to Future Urbanizable on Tax Lot 3326DC-3500 to allow an expansion of the urban growth boundary of the City of Dundee onto the property. The application was filed simultaneously with the City of Dundee under the provisions of the Dundee Urban Area Growth Management Agreement. The subject property was excepted from Statewide Planning Goals 3 and 4 in 1980.

B. On October 13, 1994 the planning commissions of the City of Dundee and Yamhill County held a public hearing on the application at Dundee City Hall. Both planning commissions voted to recommend to their governing bodies that the application be granted.

C. On November 30, 1994 the Board held a public hearing on the application. The Board received testimony and evidence. The Board voted unanimously to approve the application and directed staff to prepare the implementing ordinance to adopt the decision. This ordinance is intended to be the county's final land use decision on the matter.

D. The findings and conclusions prepared by city and county staff attached hereto as Exhibit "A" is by this reference incorporated

94-808

herein. Exhibit "A" includes justification provided by the applicant. The attached Exhibit "A" demonstrates that the proposed amendments to the Yamhill County Comprehensive Plan Map are in the best interests of the citizens of Yamhill County. NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

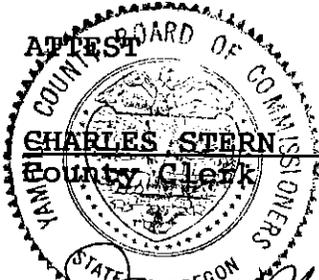
Section 1. The Yamhill County Comprehensive Plan Map is hereby amended as specified in the attached Exhibit "B", made a part of this ordinance by reference, to reflect a plan map designation of "Future Urbanizable" for Tax Lot 3326DC-3500. The purpose of the amendment is to allow an expansion of the urban growth boundary of the City of Dundee onto the identified property in anticipation of annexation to the city.

Section 2. The findings attached as Exhibit "A" and the applicants' "Urban Growth Boundary Amendment Application" attached as Exhibit "C" are incorporated herein by this reference. Exhibits "A" and "C" are adopted in support of this ordinance.

Section 3. No Statewide Planning Goal exceptions appear to be required by this action. However, to the extent an exception is required by law to be taken to Statewide Planning Goals 11 and 14, the county takes exceptions to those goals in adopting the plan amendment specified in Section 1. The findings attached as Exhibits "A" and "C" are adopted in support of these exceptions, if required.

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 7th day of December, 1994.



ATTEST
CHARLES STERN
County Clerk

BY: Jaynie Mitchell
Deputy JAYNIE MITCHELL

YAMHILL COUNTY BOARD OF COMMISSIONERS

Dennis L. Goecks
Chairman DENNIS L. GOECKS

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Debi Owens
Commissioner DEBI OWENS

grayj\bcasciat.gor

EXHIBIT "A"
Ordinance 583
Findings for Approval

DATE OF BOARD
PUBLIC HEARING: November 30, 1994

DATE OF BOARD
ORDINANCE ADOPTION: December 7, 1994

DOCKET: PA-3-94 (City File No. UGB-1-93)

APPLICANTS: Edmond and Evelyn Casciato

REQUEST: Urban Growth Boundary Amendment, annexation,
and zone change from county AF-10 Agriculture
/ Forestry Small Holding to city R-1 Single
Family Residential for a six-acre tract
identified by Tax Lot 3326DC-3500.

LOCATION: 751 SW 11th Street, Dundee

EXISTING PLAN AND
ZONE MAP

DESIGNATIONS: County plan-designated "Low Density
Residential", county zoned "AF-10
Agriculture/Forestry Small Holding"

PROPOSED PLAN AND
ZONE MAP

DESIGNATIONS: County comprehensive plan designation of
"Future Urbanizable" to allow annexation and
city plan designation of "Low Density
Residential" and city zoning designation of
Single Family Residential (R-1).

FINDINGS:

A. Background Facts

1. Property size: The property is 6 acres and was created as part of the Dundee Orchard Home Subdivision Number 1 on October 25, 1892.
2. Access: 11th Street. The portion of 11th Street that provides access to the parcel is a county road. Inside the city limits of Dundee the road belongs to the city. The only other public access is where 13th street ends near the southeast corner of the property.

3. On-site Land Use: Presently there is one dwelling on the property that is located near the northern property line. The majority of the remaining property is used for the production of Christmas trees. There is a small area at the end of 13th Street that has been used in the past to sell firewood.
4. Surrounding Land Use: The twenty-acre property to the north contains an open field of grass, trees and brush. This area does not appear to have been tended for any type of farm use during the past growing season. The adjacent lot to the south and east is in orchard use and appears to be in production. Further to the west along 11th Street is a ten-acre pasture for sheep and goats and another parcel of approximately five acres that is in Christmas tree production. Also to the west, at the corner of Neiderberger and Warren Road is a rock crushing plant established on five acres of ground. The property to the east is inside the city limits of Dundee and is developed for residential use.
5. Surrounding Zoning: Zoning on the property to the south and west is AF-10 Agriculture/Forestry Small Holding. Zoning on the rock crushing plant to the west of the subject lot is HI Heavy Industrial. Land north and east of the subject property is inside the city limits and Urban Growth Boundary (UGB) of Dundee. Zoning of this areas is R1 Residential.
6. Soils: Sheet 21 of the Yamhill County Soil Survey indicates the following soil types:

<u>Soil Name</u>	<u>% of Property</u>	<u>% of Slope</u>	<u>Ag Class</u>
Amity (Am)	60	0-3 %	II
Woodburn (WuB)	40	0-7 %	II

7. Water: City of Dundee.
8. Sewage Disposal: Proposed to be the City of Dundee.
9. Fire Protection: Dundee
10. Taxes: Farm Deferral

B. Urban Growth Boundary Amendment Criteria

1. Criteria to be addressed in UGB amendment requests include the Dundee Urban Area Growth Management Agreement, the statewide planning goals, and the city and county Comprehensive Plans. The review standards from the first

two of these are satisfied by the applicant's findings, found at the conclusion of this exhibit. That report did not consider the county Comprehensive Plan, however.

2. The Yamhill County Comprehensive Plan Goals and Policies, Section I.A, "Urban Area Development," contains policies regarding urban growth that are aspirational, but none that provide review criteria. The Plan goals and policies in this section that staff has identified as relevant are under Goal Statement 3, and include the following:

Goal Statement 3

To create convenient and attractive residential neighborhoods which can be efficiently serviced with roads, utilities, schools, parks and commerce, and can take advantage of desirable physical features; and to give a satisfactory range of choice to the prospective householder through the imaginative use of a variety of design concepts.

Policies

- (a) Yamhill County will continue to recognize that the appropriate location of medium-density residential development is in areas having a full range of urban services and amenities within or immediately adjacent to central business districts; immediately adjacent to public traffic generators, such as schools, parks, hospitals, and regional or neighborhood shopping centers; or in selected small areas having unique scenic qualities and a location where community water supply and sewage-disposal systems, adequate access by way of a road of collector or higher status and other urban services necessary to meet the needs of the intended residents can and will be provided.
- (b) Yamhill County will continue to recognize the appropriate location of low-density residential development is in areas where adequate access and services to satisfy the scale of ultimate development can and will be provided. Such areas would generally be within, or contiguous with, existing urban centers, but may also be in selected small areas having unique scenic qualities or, where the need may be demonstrated, in selected outlying areas of varying size having appropriate site qualities and other supporting services.

3. Regarding the above Goal Statement and Policies, the location of the subject property appears to be very suitable for an Urban Growth Boundary Amendment. In 1980 the county took an exception for this parcel from the farm and forestry goals. The property abuts the Dundee city limits and has two dedicated roads that can provide future access for development. As indicated on Page 9 of the Urban Growth Boundary Amendment Application (UGBAA) the city's sewer facilities service adjacent property within the UGB and already runs the length of the northern property line. The application states that the city has indicated connection to the city sewer system could be provided with the appropriate approvals. Other utilities and services are available in the area and include water, schools, telephone, gas, electricity, parks and commerce. The only service that has not been listed as presently available to the site is storm drainage. As noted on Page 10 of the UGBAA this will be required to be provided during the subdivision approval process. From this information it appears that this property satisfies the *Goals and Policies of the Yamhill County Comprehensive Plan*.

CONCLUSIONS:

1. The applicant has demonstrated the request is in compliance with the applicable statewide planning goals.
2. The request is in compliance with the Yamhill County Comprehensive Plan.
3. The applicant has demonstrated compliance with the Oregon Administrative Rules.

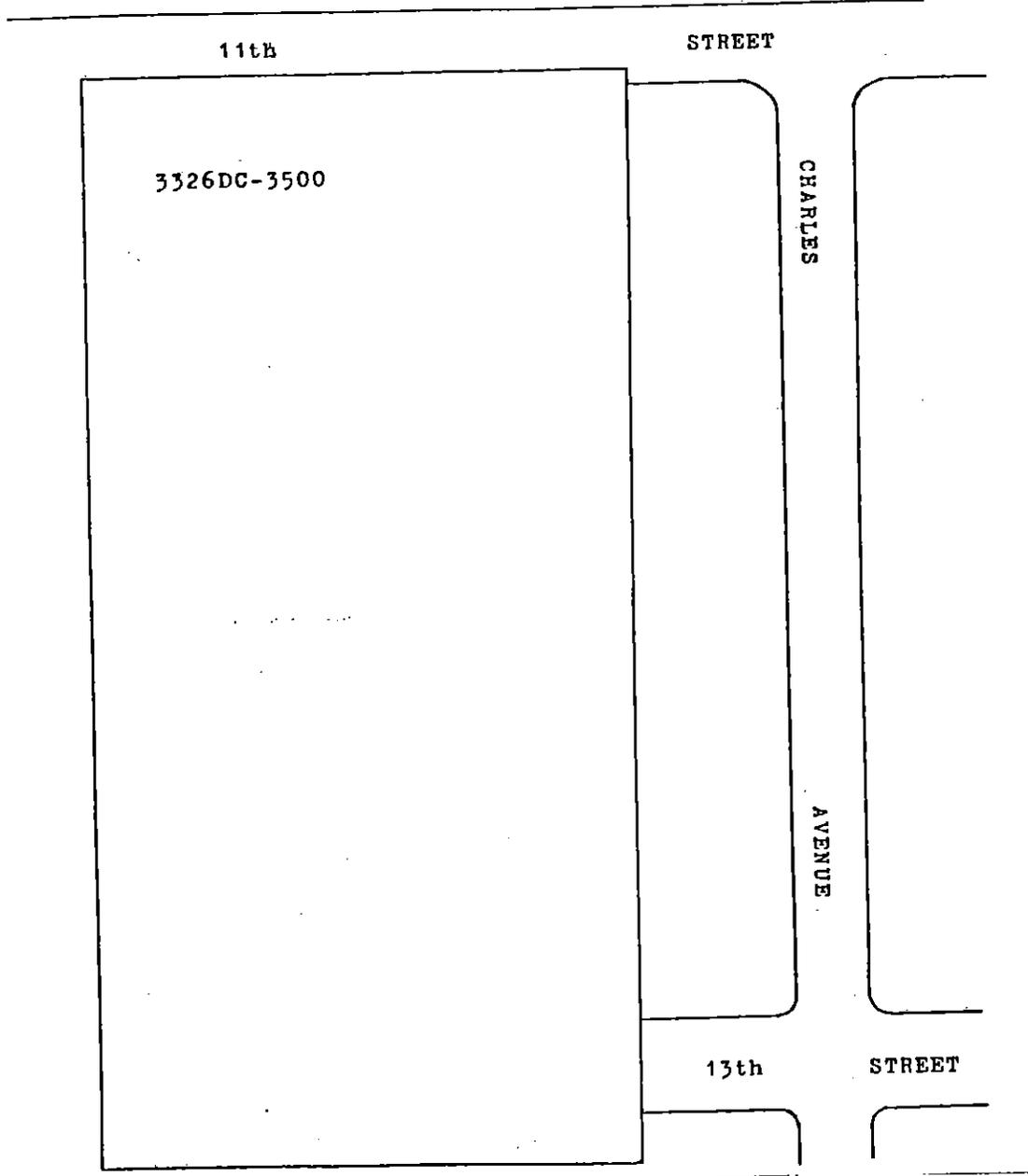
DECISION:

The application to the county is approved as provided in the enabling ordinance.

EXHIBIT "B" FOR ORDINANCE NO. 583

ADOPTED BY THE BOARD OF COMMISSIONERS
DECEMBER 7, 1994

TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM
LOW DENSITY RESIDENTIAL TO FUTURE URBANIZABLE



CHANGE APPLIES TO THE TOTAL PORTION OF TAX LOT NO. 3326DC-3500

MAP PREPARED BY THE YAMHILL COUNTY PLANNING DEPARTMENT

INTRODUCTION

This plan amendment involves an expansion of the urban growth boundary established in the City of Dundee Comprehensive Plan, an annexation to the City of Dundee, and a zone change from AF-10 to R-1. An amendment to the City of Dundee's Urban Growth Boundary (hereinafter "UGB") invokes the Urban Area Growth Management Agreement (UGMA) between Dundee and Yamhill County. The agreement provides that application will be made to the city and the county, showing compliance with the statewide Goals, LDCD administrative rules, and state statutory provisions.

Consideration of this proposed urban growth boundary expansion actually began in 1992 when the applicants applied to Yamhill County for a zone change from AF-10 Agriculture/Forestry Small Holding to LDR-1 Low Density Residential on 6 acres. DLCD appealed the zone change approval and the applicants took a voluntary remand. DLCD then advised the applicants that it would support an urban growth boundary amendment to the Dundee UGB and a zone change from AF-10 to R-1.¹

The subject property, Tax Lot 3326DC-3500, is owned by Edmond and Evelyn Casciato who presently reside on the property in a single family dwelling. The property that is to be included in the urban growth boundary is a 6-acre tract that is contiguous to properties zoned R-1 to the north and east that are inside the Dundee city limits and UGB. Off to the west is a rock crushing plant on land which is zoned HI, Heavy Industrial. The subject parcel is located adjacent to the City of Dundee's UGB and the city limits. The parcel is presently zoned AF-10 but is designated LDR-1 on the Yamhill County comprehensive plan map. The property currently is being used to grow Christmas trees.

Historically, the subject parcel has been treated as an exception area, not suitable for agricultural uses. See Exceptions Statement II, Yamhill County Board of Commissioners, Code Area 1.17, April 23, 1980 (property in question designated LDR-1 excepted from Goal 3). See Exh. G. It was created as part of the Dundee Orchard Home Subdivision Number 1 on October 25, 1892. The proposed use of the property is to divide the property into 20 lots ranging in size from approximately 9500 to 14,500 square

¹ Presumably, DLCD's reasoning is that inclusion of the 6 acres into the UGB with a zone change to R-1 Single Family (9000 square foot minimum lot size) supports Statewide Goals 10, 11, and 14 which mandate density and avoidance of "leap frog development." On the other hand, a zone change on 6 acres outside the UGB to 1-acre densities would defeat those goal policies.

decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

All materials and evidentiary support necessary to meet the exceptions process of Goal 2 demonstrate that the proposed UGB amendment and zone change application are consistent with the goal.

The evidentiary record is adequate to evaluate the merits of the proposed UGB amendment and zone change as they relate to the planning and policy framework. Adequate notice will be provided to affected public agencies and interested parties pursuant to the city's comprehensive plan and code and its UGMA.

Goal 3 (Agricultural Land)

A Goal 2 exception to Goal 3 is not applicable to this amendment because the subject parcel was designated an exception area in 1980 by Yamhill County. See Exceptions Statement II, Yamhill County Board of Commissioners, Code Area 1.17, April 23, 1980. The exception and plan designation of LDR was acknowledged by LCDC.

Additionally, Goal 14 requires that the change of an urban growth boundary be based on seven factors, two that pertain directly to Goal 3. Refer to related findings under Goal 14, factors #6 and #7 for further justification that the subject property is not suitable for agricultural uses.

Goal 5 (Natural Resources)

The stated purpose of Goal 5 is: "To conserve open space and protect natural and scenic resources." There are no designated resource sites for the subject property in the Yamhill County Comprehensive Plan Goal 5 inventory.

At the applicants' request, Division of State Lands (DSL) issued a wetlands determination report for the subject property on January 27, 1993, and no jurisdictional wetlands were found. A response copy of the report was sent to the Rich Gebhart of the Army Corps of Engineers and no objections have been received by the applicant or DSL. See Exh. A.

Goal 6 (Air, Water and Land Resources Quality)

The stated purpose of Goal 6 is: "To maintain and improve the quality of air, water and land resources of the state."

The proposed inclusion of the 6-acre parcel for R-1 use into the UGB will not have a negative impact on air or land resources. As established in the city's periodic review order, the city is not affected by the Atlas of Oregon Lakes, EPA hazardous waste

disposal site inventory or air and water quality reports and has no inventories on these resources; therefore, the applicant has not addressed these Goal 6 resources.

The subject property is not within an 100-year floodplain or the Willamette River Boundary and there are no active perennial streams on the subject property. As established in the city's periodic review order, the Water Resources Commission has not established minimum stream flows for any stream or river within the City's jurisdiction, nor are there perennial streams on the subject property. Therefore, the applicants' proposal has no impacts on water quality. The applicants' proposed UGB amendment is consistent with Goal 6.

Goal 7 (Areas Subject To Natural Disasters and Hazards)

The stated purpose of Goal 7: "To protect life and property from natural disasters and hazards." There is no natural disaster or hazard covered by Goal 7 found on the subject property.

Goal 9 (Economy of the State)

The stated purpose of Goal 9 is: "To provide adequate opportunities through-out the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The proposed expansion of the urban growth boundary to include the applicants' 6-acre parcel for R-1 zoning will provide vital housing for the increased population which in turn will support the business community. In 1988, the city converted residential land to commercial and industrial zoning to provide needed inventory. See Exh. F. The acknowledged growth of business and industry in Dundee must be supported by adequate housing supply for workers. One of the primary reasons for this UGB amendment is to provide the necessary housing for the increased population. The 6-acre parcel will provide needed housing for approximately 63 new residents who need to live and work in Dundee (20 homes X 3.17 residents per dwellings).

Currently, population growth of 6% over the last five years is exceeding population projection figures of 3% a year through 2005. See Goal 14, Factor 1. The 6-acre amendment will provide necessary housing for the increased population and in turn will provide business and industry with a housed employment market. Without the UGB amendment, an expected 63 residents will not have needed housing which will limit economic growth by the city, in violation of Goal 9.

Additionally, the proposed UGB amendment will contribute to the housing industry by providing jobs for the necessary new

construction. In sum, the UGB amendment is in compliance with Goal 9 and is strongly supportive of Goal 9.

Goal 10 (Housing)

The stated purpose of Goal 10 is: "To provide for the housing needs of citizens of the state." Expansion of the UGB to include the subject property is in compliance with Goal 10.

Between 1988-1992, on average, 8.9 acres of vacant residential land was absorbed a year, versus an average of 1.9 acres between 1978-1988. This absorption rate is mirrored by the fact that Dundee's population has been increasing 6% a year for the last five years, instead of 3% a year as projected. Detailed information and findings are included under Goal 14, Factors 1 and 2.

With an absorption rate of 8.9 acres of residential land a year, 116 acres of residential land are needed to supply the necessary residential housing to the year 2005. As of 1993, only 85.1 acres were remaining in the inventory, equalling a shortfall of 31 acres. See Absorption Table, Exh. D.

If the UGB is not amended; the current supply of buildable residential land will not be adequate to meet housing needs, nor will the city's comprehensive plan be in compliance with statewide Goal 10. In order to meet the housing needs of Dundee, the proposed 6-acre amendment to the UGB should be considered.

Goal 11 (Public Facilities and Services)

The intent of Goal 11 is: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The subject property can be efficiently and economically supported with urban facilities and utilities as they already are provided to the applicants' single family dwelling on the subject property and to the adjacent lots surrounding the parcel that are within the present UGB. The city has indicated in informational meetings and by letter that the property can be fully served by all city services. Detailed information and findings are included under Goal 14, Factor 3.

Goal 12 (Transportation)

The stated purpose of Goal 12 is "To provide and encourage a safe, convenient, and economic transportation system."

Goal 12 and its associated rule at OAR 660-12-060(1) states in part:

Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed uses are consistent with the identified function, and capacity, and level of service of the facility.

A traffic impact study report (TIS) may be required when a proposed use significantly affects a transportation facility. See Exh. C. In the case of the subject project, ODOT has determined that the project will not significantly impact State Highway 99W and has therefore waived the TIS requirement. See Exh. H.

As regards traffic impacts to existing county roads, currently, 11th Street, a county road, serves the 6-acre parcel and connects to Hwy 99. On the south end of the parcel, 13th Street, has access to Niederberger Rd., a county road that connects access to Hwy. 99. Thus, the 6-acre parcel is already served by excellent access to the major highway network. The applicants' preliminary subdivision plat shows the additional streets that will serve the 6-acre parcel. See Exh. B.

At a preliminary meeting with ODOT, planners estimated that approximately 200 trips a day will be generated by the 20-lot subdivision and that possible off/on-site contributions may be necessary to support a change or increase in traffic flow on 13th Street and Niederberger Rd. However, the need for additional street improvements is common in all portions of Dundee in which a transition from rural to urban use is occurring. Some improvement of 11th Street would occur under any circumstances since property north of it is within the UGB already.

ODOT has proposed, in exchange for the waiver of the TIS and in order to mitigate for any potential traffic impacts to county roads, that the applicants contribute monetarily toward a regional study of transportation needs in the Newberg-Dundee area. ODOT should have a recommendation as to the amount of that fee contribution prior to the hearing on this application. See Exh. H.

In summary, ODOT has determined that the applicant will not have to prepare a Traffic Impact Study (TIS) because the proposed application will not result in significant impacts to the transportation system within ODOT's jurisdiction. Because the traffic impacts to the state highway are expected to be insignificant, it can be expected that traffic impacts to already existing city and county roads will also be minimal.

Goal 14 (Urbanization)

The establishment and change of urban growth boundaries shall be based upon the consideration of the following seven factors:

Factor (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals

The Dundee Comprehensive Plan, Yamhill County Comprehensive Plan and the Dundee Zoning Ordinance and UGB all establish the goals, policies and objectives of both the city and county which document the need to project the population's growth pattern to determine housing needs.

In 1988, during its periodic review, the city estimated that projected annual growth would be 3% a year. That 3% figure has been exceeded in the last five years with the City of Dundee growing at an annual 6% a year.

In 1988, the population was 1445 according to Dundee's Periodic Review Order. In 1990, the population had grown 16% to 1663, according to the U.S. 1990 Census. Portland State University (PSU) Center for population Research estimate (completed in July, 1992) projected that Dundee's population had increased to 1760 persons, a 6% increase since 1990. Based upon the actual 6% of population growth, the city will exceed its 2005 population projection of 2338 in 1997, with an estimated population of 2397 residents based upon 6% growth a year.

The 3% growth figure was used to allocate vacant land within the UGB for residential development. Since the population has grown at a pace double that anticipated, the buildable inventory needs to be adjusted accordingly.

Factor (2) Need for housing, employment opportunities, and livability

The Dundee comprehensive plan calls for the UGB to provide enough land to meet the population needs estimated for 20 years of growth.

The City calculated that the land needed to accommodate R-1 growth to the year 2005 would be 33.3 acres, and set aside 51.2 acres. The city based that need on estimated growth of 3% a year. As explained under Factor 1, the actual population growth has been 6% a year. Periodic Review Order, Exh D. An actual analysis of R-1 land absorption in the City of Dundee as of 1993 shows that remaining inventory is actually 57.1 acres. See Residential Land Absorption Table, Exh. D.

During the 11-year period between 1978-1988, only 14.2 acres of residential land were developed, compared to 28.9 acres in the five-year period from 1988 to the end of 1992. All residential land absorbed between 1978-1988 was 21.2 acres, compared to 44.3

acres between 1988-1992. Thus the actual absorption rate increased from 1.9 acres per year in the late 1970's and most of the 1980's to 8.9 acres per year in the last five years. The increased absorption figures mirrors the significant population increase experienced by the community.

The periodic review order calculated that 67% of residential land is developed for R-1 use. Accordingly, of the 8.9 acres developed a year in the last five years, 5.9 acres are absorbed as R-1 zoning.

Sustaining that same absorption figure of 5.9 acres a year until the year 2005, 77.5 acres of R-1 land are needed. As of 1993, only 57.1 acres were remaining in the inventory, equalling a shortfall of 20.4 acres.

If one calculates a rolling 20-year supply of land (as Goal 14 requires) to accommodate housing needs based upon population growth, 118 acres are needed to supply R-1 buildable inventory to the year 2014, a shortfall of 60.9 acres.

Moreover, the projected deficit of 20.4 acres cannot be met inside the existing UGB, since only 85.1 acres of total residential inventory remain. See Absorption Table, Exh D. At an absorption rate of 8.9 acres a year, 116 acres are need to satisfy all residential growth to the year 2005, a shortfall of 31 acres. And if one calculates a 20-year rolling supply, there will be a shortfall of 93 acres. Clearly, there is no other land within the existing UGB that can satisfy the need for R-1 inventory.

Amending the UGB with 6 additional acres of R-1 land will provide only 30% of the R-1 inventory necessary to keep pace with the actual population growth of 6% a year. The UGB amendment to add 6 acres to the UGB for R-1 zoning is warranted because the population has increased and the assumptions that justified the original population figures are no longer valid.

Conclusion of Land Needs Under Factor 1 & 2

The significant population increase experienced by the community shows that the "needs" factors (Factors 1 & 2) of Goal 14 have been met.

The population grew faster than projected growth used to justify the original adoption of the Dundee UGB. The community is growing more rapidly than was anticipated when the Dundee Periodic Review was undertaken. Indeed, the Periodic Review estimated that the City's projected growth would be 3% (averaging 5% growth between 1970 to 1988 with slower growth of 2.1% a year between 1980-1988). However, since 1988, population has increased at a steady rate of 6% a year (not the estimated 3% year). The assumptions

that warranted a supply of 51.2 acres for R-1 land for the year 2005 based are no longer valid.

The population growth is reflected in the absorption of vacant residential land. In the 11 years between 1978 and 1988, only 21.2 acres of land was developed, an average of 1.9 acres per year. Between 1988 and 1992, 44.3 acres were absorbed, an annual average over five years of 8.9 acres. This rapid absorption of vacant residential land means that there will be a shortfall of 31 acres by the year 2005, and a shortfall of 93 acres of residential land by the year 2014.

As a result of an unanticipated increase in population, Dundee's supply of vacant residential land is being depleted at a relatively fast rate. With increased population and absorption rate of residential land, the UGB amendment to add 6 acres of land to be zoned R-1 only resolves 30% of the 20.4 acre deficit by the year 2005 and is necessary to correct a portion of the shortfall.

Factor (3) Orderly and economic provision for public facilities and services

The Dundee comprehensive plan goals and policies state that urbanization of lands abutting existing city lands is preferred. Urbanization is especially preferable when there are already several of the city utility services provided to the area, which is the case here. Below is a summary of information gathered concerning existing and potential service delivery based on the proposed amendment.

Police: Property is currently served by county sheriff and Dundee rural service. However, courtesy police service is extended for immediate police protection when needed. The City of Dundee has indicated that it is more than willing to discuss serviceability with the applicant when urbanization is approved.

Fire: The subject property is currently served by Dundee Rural Fire Protection and the property has a 6-inch water line for a fire hydrant. The City has indicated that the property can be fully served by city fire protection.

Sanitary Sewer: The existing dwelling has a septic tank, but the city's sewer facilities service the adjacent property within the UGB and the sewer already runs the entire length of the 11th Street and St. Charles Street perimeters of the property. The city has indicated that connection to the Dundee sewer system could be provided by system development fees charged to the applicant upon subdivision approval.

Water, Electricity, Telephone, and Gas: These services are already provided by Dundee, PGE, GTE, and Northwest Natural Gas,

respectively.

Transportation: The subject property abuts 11th Street on the north, currently a Yamhill County Road, but a city-maintained road within the city limits. 11th Street connects with Hwy 99, a state highway. In response to a referral, ODOT has indicated that R-1 development of the subject property would result in approximately 200 vehicle trips generated. Intersection considerations may apply on 11th Street and Niederberger Rd. that could be resolved by a traffic impact fee. See Exh. H.

Storm Drainage: Water currently drains under Niederberger Road and is at capacity. On-site detention for water or possibly upsizing of pipes may need to be provided.

Analysis of Public Costs/Revenues: The applicant will in all probability be charged system development fees and traffic impact fees in order to pay for extended public facilities. (See Exh. H.) On the revenue side, the change of use from farmland to urban use will result in additional revenues. Currently the subject property is on farm tax deferral, resulting in lower tax revenues for the city. According to the city tax assessor's office, the UGB amendment and zone change and addition of 20 new homes tax assessed at approximately \$100,000 would add revenues in the amount of \$39,205 to the city's budget (using the 1993-94 millage rate of 19.6029). The addition of new construction to the city's tax base may have the positive effect of lowering the millage rate for all tax-assessed property or making up for any proposed city budget increases without having to raise the current millage rate.

Conclusion Under Factor 3

On the basis of the above information, amending the UGB boundary to include the subject property will provide orderly provision for public facilities and services. It is foreseeable to be able to serve the subject property without significant public costs beyond those projected to serve existing land within the UGB.

Factor (4) Maximum efficiency of land uses within and on the fringe of the existing urban area

The subject property is surrounded by property that is used for urban purposes and designating the subject parcel similarly will promote maximum efficiency of land use in the area. The nature of the subject parcel's location does not promote the county's agricultural policy, leaving residential use as the most productive alternative.

The surrounding urban uses are not compatible with agriculture and the county has already determined this by designating the subject property LDR-1 and excepting it from the Goal 3

agricultural requirements. No other use is as productive as providing needed housing on the subject property. Because this property is located on the fringe of the UGB, this area is logically suitable for expansion of the UGB for residential use.

The need to amend the UGB for housing to accommodate the inevitable increase in the population of the city of Dundee is recognized in the Dundee comprehensive plan and city ordinance that determines the UGB. The UGMA agreement between the city and Yamhill County places the subject parcel in an "Area of Urban Influence Boundary." These urban influence areas are the ones designated for eventual expansion of the UGB. This specific location, therefore, is recognized as one of the best suited sites for residential growth in the community and its inclusion in the UGB will promote its most efficient use.

Factor (5) Environmental, energy, economic and social consequences

A. Environmental Consequences

The subject property does not contain any wetlands or Goal 5 resources such as significant wildlife habitat. Using the 6-acre parcel for 20 homesites will conserve zoned resource land outside the UGB for needed agricultural/forestry uses and provide maximum housing using a modest amount of land.

B. Energy Consequences

The property is already serviced by the major utilities and the city would bear no cost in connecting new homesites to the Dundee public facilities with the use of system development fees.

There may be a slight increase in traffic in the neighborhood, but considering the limited size of the subject parcel and the proposed lot sizes for the single family dwellings, this too would be insignificant. Especially given that there are two separate roads that would divide the access, and therefore the traffic, to the property. See Goal 14, Factor 3.

C. Economic Consequences

Inclusion of the subject property into the UGB will convert unprofitable use of the 6-acre parcel for 1 homesite, into needed housing for increased population. Currently, the subject property is on farm deferral so a change to R-1 residential will increase tax revenues. The loss of land suitable for Christmas tree production will not impact the region's ability to meet the demand for Christmas trees, especially since the property is an acknowledged exception area.

D. Social Consequences

The use of the subject property for residential housing will provide much needed housing for Dundee. The modest, 6-acre expansion of the UGB will be harmonious with the small-town atmosphere of Dundee and will not overwhelm the city with more residential development than is necessary.

Factor (6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority

Although, the soil classification for the subject property is Class II, there are several factors that make the property unsuitable for agricultural use.

First, the county already determined this property is not suitable for agricultural purposes when it designated the property LDR-1 under the county comprehensive plan. In order to designate this parcel LDR-1 the county had to make Goal #3 agricultural findings and reach the conclusion that the land is not good farmland and that there are other, more efficient uses for the property.

Second, even if this parcel were not already designated an exception area, the subject parcel should not be retained as agricultural land. The parcel is only six acres in size making it difficult to farm productively. The size limits both the crop production and, as a consequence, the potential for profit when farming the land.

Third, the property is adjacent to private homes within the UGB zoned R-1 on the north and east sides and has a rock crushing plant zoned Heavy Industrial to the west. Since the property is adjacent to urban uses, farming the land is not compatible with these urban uses.

Finally, utilization of this property to provide enough land for future expansion and growth to meet the City of Dundee's housing needs is the most efficient use of this land.

Factor (7) Compatibility of the proposed urban uses with nearby agricultural activities

The creation of single family dwellings on this six acre parcel will have little effect on nearby agricultural activities.

There is an orchard to the south and east of the subject parcel and a sheep pasture and Christmas Tree lot to the west. The orchard to the south is already bordered, and not hindered, by a residential neighborhood. The impact of an additional six acres of single family dwellings would be minimal. The property to the west containing the sheep pasture and Christmas tree farm share space with a rock crushing plant which makes the creation of a six acre residential neighborhood pale in comparison. Given the surroundings that the agricultural activities in the area are already subjected to, the impact of additional homesites to these farms would be insignificant.

Goal 2, Part II (c) Exception to Goal 14:

As noted above, Goal 14 requires an amendment to an UGB to satisfy the requirements for exceptions to the statewide planning goals, which are expressed in Goal 2. The following standards have been met for a "reasons exception" to Goal 14.

(1) Reasons justify why the state policy embodied in Goal 14 should not apply

This criterion involves showing why a particular goal does not apply to a particular situation. Goal 14 specifically requires that changes to urban growth boundaries be based upon consideration of the seven conversion factors listed in that goal. Detailed findings and conclusions have been set forth above, addressing the seven conversion factors of Goal 14. Those findings and conclusions are incorporated here by reference to demonstrate that the proposed UGB expansion to include the subject parcel is consistent with Goal 14.

(2) Areas which do not require a new exception cannot reasonably accommodate the use

The purpose of this UGB amendment is to include six acres of land within the UGB and a zone change from AF-10 to R-1. Current supply of land zoned R-1 is inadequate to meet the housing needs to the year 2005, which is the reason for this UGB amendment application and zone change request. See Goal 14, Factors 1 and 2.

Using other vacant land within the UGB, such as R-2 and R-3 land, to accommodate R-1 use may require an exception to Goal 10 because higher density land would be removed from the buildable

land inventory and replaced with lower, R-1 density. Changing densities on R-3 and R-3 land would be a violation of Goal 10, mandating adequate housing opportunities for each needed housing type. Such a violation of goal 10 would require an exception to the goal and would require a plan amendment, necessitating an exception to applicable statewide goals.

Rezoning commercial and light industrial land to R-1 zoning would require an exception to Goal 9. It would not serve the policy of Goal 9 because it would take land necessary to industrial and commercial opportunities out of the vacant land inventory.

A portion of a 400-acre area east of Edwards Rd. is zoned Large-Holding Agricultural for future development for low-density residential development. This site however is not served by adequate public facilities for future residential development. For instance, there is no gravity sewer on line to serve the site. Without adequate public facilities, using this land for residential development would require an exception to Goal 11 because the level of public facilities must be appropriate to the proposed development to be in compliance with Goal 11. Additionally, this land cannot reasonably accommodate residential use because ODOT has proposed that the Newberg Bypass traverse a portion of this site. It is also not reasonable to extend urban level of services to this site when there already is an orderly provision for public facilities and services to the Casciato property.

In conclusion, land that would not require an exception (other R-1 zoned land) cannot reasonably accommodate the use because there is an inadequate supply. Other available vacant land within the UGB would require an exception.

- (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 other than the proposed site

Other land suitable to accommodate R-1 use would be 1) resource land outside the UGB 2) other R-2, R-3, industrial, and commercial land within the UGB. Use of these lands to accommodate the proposed use would result in more adverse impacts than using the subject property. For example, converting resource land for residential use would take farm and forest land out of production. Using industrial or commercial land would take needed vacant land inventory from commercial development necessary to support the economic vitality of the city.

It is less adverse to use the subject property because the long-term environmental consequences are minimal. Without utilization

of this parcel for residential purposes, other agricultural lands will eventually have to be used to accommodate the inevitable need for more housing within the City of Dundee. The subject property is a site that is already surrounded with urban uses and adding this land to the UGB will have the least negative long-term impacts on the area.

In terms of economic, social and energy efficiency it is also less adverse to add the subject property to the UGB than to use other land. The single family home on the parcel is already served with gas, water, phone, electrical, fire and is easily accessed by way of two city streets, making future hookups less of an impact than the impact of installing new lines to previously unserved land. The city sewer system runs along side the borders of the parcel and the applicants will bear any cost in connecting new homesites built on their land to the sewer. See Goal 14, Factor 5 for detailed findings and conclusions on ESEE consequences. Because the subject property is surrounded by uses compatible with the proposed subdivision, the potential adverse impacts to the area will be negligible.

In sum, use of the subject property for R-1 purposes will have less adverse impacts than use of any other land.

- (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts

Under this application, the subject parcel, currently outside the UGB and zoned AF-10, is proposed for inclusion within the UGB to be used as a twenty lot subdivision, with R-1 zoning. R-1 utilization is compatible with adjacent uses. The residential areas to the north and east of the subject property are zoned R-1, the same zoning that is requested in the instant application.

There are no intensive farm uses surrounding the subject parcel that would conflict with the proposed residential use. There is an orchard to the south and east of the subject parcel and a sheep pasture and Christmas Tree lot to the west. The orchard to the south is already bordered, and not hindered, by a residential neighborhood. Because the surrounding farm use is not intensive, urbanization of these six acres should not cause major impacts. There have been no known conflicts to date among the mixed uses surrounding the subject property.

As explained under Goal 12, any adverse impacts as regards drainage or traffic impacts will be mitigated by the applicant.

II. Zone Change

According to the City of Dundee zoning code, there are five

criteria for approval of a zone change (Section 10.030).
Demonstration of compliance with each of these is as follows:

1. "The proposal will place all property similarly situated in the same category, or in appropriate complementary categories."

The proposed site lies immediately west and south of subdivisions zoned R-1. To the west is heavy industrial zoning. The request to zone the subject parcel R-1 is consistent with the zoning on nearby properties. The subject parcel is designated "Area of Urban Influence" in the city's UGMA agreement with Yamhill County. Thus, the overall plan has been to ultimately include this land within the UGB because it is similarly situated with other nearby urban uses.

Also, the Yamhill County comprehensive plan map shows a designation of LDR for this property. The fact that the subject parcel was zoned residential demonstrates that the land is best suited for residential use and is compatible with adjacent residential uses.

2. "There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group."

As demonstrated in the needs analysis under Goal 14, Factors 1 & 2, there is a critical shortage of suitable land for R-1 development within the community, as well as growing shortages of R-2 and R-3 zoning. Given increasing population growth and the lack of available vacant R-1 inventory, land prices will probably escalate without the inclusion of additional vacant land for R-1 development. The city's periodic review order shows that R-1 land is absorbed twice as rapidly as R-2 and R-3 land combined. Therefore, in order to have affordable housing, it is in the public's interest to designate the subject parcel for R-1 zoning at this time. Also, designating the subject property for R-1 use is more compatible with adjacent, R-1 uses.

3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change."

The fact that the UGMA agreement has designated this area as an "Area of Urban Influence" is demonstrable proof that the subject parcel is appropriate for urban-type uses that are typically permitted in residential districts. Specifically, the uses allowed in the R-1 zone are one-family dwellings, public parks and recreation areas; and planned unit developments. All of these uses are appropriate for the subject parcel. Other conditional uses are: churches, schools, home

offices/occupations, community buildings, golf courses and cemeteries. While none of these uses are inherently incompatible, the size of the applicants' parcel would probably foreclose any inappropriate uses. Also, any inappropriate conditional uses would be subject to review and adverse impacts could be identified and mitigated.

4. "There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change."

Any adverse traffic impacts can be mitigated through imposing traffic impact fees on the development. Changes to the road system may actually result in better traffic flow patterns.

The areas immediately to the north and east of 11th Street are zoned R-1. Average lot sizes of 9000 square feet on the subject property will be consistent with the existing surrounding residential zones. Use of this property as residential will be more compatible with adjacent R-1 zoning than its present use for 1 home and a Christmas tree farm.

5. "The proposed change is in accord with the comprehensive plan and sound planning principles."

The proposal is consistent with the Dundee Comprehensive Plan because the subject property was designated for eventual low density residential development in the Yamhill Comprehensive Plan.

Additionally, the City of Dundee's adopted policies and goals acknowledge the need for continued expansion of the UGB to provide land for residential neighborhoods. The rezoning of this property for residential use is necessary to accommodate the increased need for housing that coincides with the inevitable increase in population that occurs over time. See, Goal 14, Factors 1 & 2.

The designation of this parcel as an "Area of Urban Influence" shows that the proposed change is in accord with the need to expand urban boundaries when the need arises to provide necessary residential housing for increased population. As the population growth is exceeding projections and the supply of residential vacant land is not sufficient to meet that growth, it is imperative that local jurisdictions supply a twenty-year supply of buildable inventory in order to keep land costs for housing, affordable. Providing an adequate supply of housing for residential development within the UGB is supportive of sound planning practice.

Finally, the current AF-10 zone promotes no agricultural policies

and defeats sound land use planning because it does not promote density.

9221-009.app

DIVISION OF STATE LANDS
Environmental Planning and Permits
775 Summer Street NE
Salem, OR 97310
503/378-3805

EXHIBIT A

WETLAND DETERMINATION REPORT

At the request of the landowner or agent, Division staff have conducted an offsite or onsite wetland determination on the property described below.

COUNTY Yamhill CITY Dundee
LOCATION S. of 11th, W. of Charles St.
T 35 R 3W S 26 & 35 TAX LOT(S) 3500
OWNER/AGENT: Edmond & Evelyn Casciato
ADDRESS: 751 SW 11th St. Dundee OR 97115-9765
DATE OF ONSITE INVESTIGATION: _____

- There are no jurisdictional wetlands or waterways on the property. Therefore, no removal-fill permit is required.
Notes: _____
- There are wetlands and/or waterways on the property. Those areas are subject to the State Removal-Fill Law. A permit is required for 50 cubic yards or more of fill, removal, or alteration of substrate.
Notes: _____
- A wetland delineation will be needed to locate and stake the wetland/non-wetland boundary. A list of consultants can be obtained from the Division.
Notes: _____
- A removal-fill permit will be required for _____
- No removal-fill permit will be required for _____ because/if _____
- A permit may be required by the Army Corps of Engineers (326-6995)

Comments: From your pictures, and a review of the Soil Survey and National Wetlands Inventory map there does not appear to be wetlands on your property.
Determination by: Emily Roth Date: 1/27/93

Response Copy To:
 Owner/Applicant Enclosures: _____
 Yamhill Co. Planning Department
 Rich Gebhart, Corps of Engineers
 DSL file copy
 Reading file copy

EXHIBIT C

Oregon

July 29, 1993

DEPARTMENT OF
TRANSPORTATION

David B. Smith
Director of Legal Affairs
Oregonians In Action
8255 SW Hunziker Rd. Suite 200
P.O. Box 230637
Tigard, OR 97223

REGION 2

FILE CODE:

SUBJECT: Additional Information for Dundee Subdivision

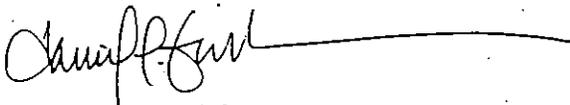
Dear Mr. Smith:

Thank you for meeting with us today and involving the Oregon Department of Transportation early in the planning process for the subject project. Enclosed, per your request, are the following items for your use in analyzing the traffic impacts of the project:

1. Transportation Impact Study example
2. Transportation Impact Study Recommended Guidelines - this outline supplements the information provided to you by Jim Westbrook.

If you have any further questions or require additional information, please contact me at 378-2626 or Jim Westbrook at 378-2630. Good luck with your project.

Yours truly,



Daniel L. Fricke
Region Planner

DLF:
Enclosures



2960 State Street SE
Salem, OR 97310
(503) 378-2626
FAX (503) 378-4317

Exhibit "C" - Page 19
Ordinance 583

RESIDENTIAL LAND ABSORPTION (1988-1993)****

<u>Zone</u>	<u>Absorbed ('78-'88)*</u>	<u>Absorbed ('88-'92)</u>	<u>Remaining Inventory**</u>
R-1	14.2	28.9	57.1
R-2	7.0	(2.1)***	13.8
R-3	-	15.4	11.1
Total	21.2	44.3	85.1
Aver/Yr	1.9	8.9	-

* Based on Periodic Order analysis

** Except for R-2, may exclude small infill sites

*** Developed for non-residential use, i.e., mini-storage operation

**** From county assessor maps

LAND NEEDED

(FROM 1988 PERIODIC REVIEW ORDER)

Type	Units	Density	Acres Needed
Single Family R-1	120	3.6 units/acre	33.3
Single Family R-2	59	4.7 units/acre	10.4
Multiple Family R-3	64	10.9 units/acre	5.9
Mobile Home R-3	114	10.9 units/acre	10.5