

FILED
YAMHILL COUNTY, OREGON
1987 OCT 28 PM 3:15
CHARLES STERN
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

87-628

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
 Amending the Yamhill County)
Comprehensive Plan, 1974, to)
 Allow an Expansion of the)
 Urban Growth Boundary of the) ORDINANCE NO. 454
 City of Dundee to Include)
 Tax Lot 3325BC-00600 (Kay)
 and Thomas Edwards, Owners))
 County Planning Docket PA-2-87;)
 and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on October 28, 1987, sat for the transaction of county business in special session, Commissioners David E. Bishop, Ted Lopuszynski, and Donald D. Porter being present.

WHEREAS, Kay L. Edwards and Thomas W. Edwards, owners of Tax Lot 3325BC-00600 have applied to the Planning and Development Departments of the City of Dundee and Yamhill County in order to amend the comprehensive plan maps of the city and the county to allow an expansion of the urban growth boundary of the City of Dundee to encompass said parcel; and

WHEREAS, Tax Lot 3325BC-00600 is currently partially within and without the incorporated limits of the City of Dundee; and

WHEREAS, pursuant to the Dundee Urban Area Growth Management Agreement adopted June 17, 1981, under authority of Board Order 81-287, a joint session of the Planning Commissions of Yamhill County and the City of Dundee was held October 1, 1987 to consider said application at a public hearing; and

WHEREAS, on October 1, 1987, the Yamhill County Planning Commission voted unanimously to recommend approval of the application and to recommend that the Board amend the Yamhill County Comprehensive Plan, 1974 to amend the urban growth boundary as requested; and

WHEREAS, on October 1, 1987, the City of Dundee Planning Commission voted unanimously to recommend to the Dundee City Council that said application be approved; and

WHEREAS, Section C.2. of said Dundee Urban Area Growth Management Agreement provides that following a public hearing at the planning commission level, the governing bodies shall make a determination based upon the facts and record presented at the public hearing; and

WHEREAS, on October 21, 1987, the Board considered said application upon the record of the joint public hearing conducted by the City of Dundee and the Yamhill County Planning Commissions on October 1, 1987; and

WHEREAS, after consideration of the record and transcript of the planning commissions' hearing, the Board voted unanimously to grant the application; and

WHEREAS, the applicant has prepared findings of fact and conclusionary findings for approval as reflected on the attached Exhibit "A", which are adopted by the Board and incorporated into this ordinance as if fully set forth herein; and

WHEREAS, based upon Exhibit "A", it appears appropriate to grant the application as set forth below; and

WHEREAS, an exception to Statewide Planning Goal 2 is appropriate for the reasons set forth in Exhibit "A"; and

WHEREAS, Exhibit "A" demonstrates compliance with the requirements of Statewide Planning Goal 14; and

WHEREAS, the Board finds that the approval of the application is in the best interests of the citizens of Yamhill County both inside and outside the Dundee city limits because the parcel currently is split by the Dundee city limits and is fully developed as a restaurant site and therefore the Dundee land use and development regulations are better suited for controlling land use activities on the subject parcel; and

WHEREAS, the Board finds that on balance Exhibit "A" demonstrates that the approval of the application is consistent with Statewide Planning Goal 14 and is in the public interest; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 below, based upon the findings of fact and conclusionary findings adopted by the Board and set forth in the attached Exhibit "A" and by this reference incorporated herein, the Yamhill County Comprehensive Plan, 1974 is hereby amended as follows:

- a. To allow the expansion of the urban growth boundary of the City of Dundee to include Tax Lot 3325BC-00600 as identified on the attached Exhibit "B" which is incorporated herein by this reference; and
- b. To designate the parcel referred to in this section as "Future Urbanizable" on the Yamhill County comprehensive plan map.

Section 2. That the plan amendment described in Section 1 above shall become effective when a parallel ordinance amending the City of Dundee comprehensive plan map to allow expansion of the City of Dundee's urban growth boundary to encompass Tax Lot 3325BC-00600 is enacted by the Dundee City Council and filed in the office of the city recorder of the City of Dundee.

Section 3. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall become effective upon passage hereof.

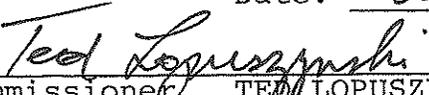
DONE at McMinnville, Oregon this 28th day of October, 1987.

ATTEST:

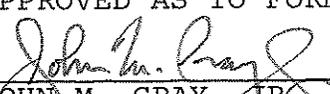
YAMHILL COUNTY BOARD OF COMMISSIONERS



 CHARLES STERN
 County Clerk
 By: 
 Deputy CLAUDE BEARCEY
 State of Oregon


 Chairman DAVID E. BISHOP
 Date: Oct. 28, 1987

 Commissioner TED LOPUSZYNSKI
 Date: Oct 28, 1987

APPROVED AS TO FORM BY:


 JOHN M. GRAY, JR.
 Yamhill County Counsel


 Commissioner DONALD D. PORTER
 Date: Oct 28, 1987

EXHIBIT "A"
ORDINANCE 453
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS

APPLICATION FOR UGB PLAN
AMENDMENT BY T.W. EDWARDS

I. INTRODUCTION.

This property is presently being used for John's Family Restaurant. The building is old and needs to be replaced. The City-County Boundry divides the property. The replacement building would be built on the part of the property that is in the County; therefore, would not qualify for city water and sewer services.

The City of Dundee is not extending water and sewer to buildings outside the city limits. We are requesting that the portion of this property outside of the city be annexed to the city.

There would be no change in usage.

II. LCDC CRITERIA.

(1) Demonstrated Need to Accommodate Long Range Urban Population Growth Requirements Consistent with LCDC Goals.

A community the size of Dundee, Oregon, has a need for a minimal amount of commercial properties. The only commercial property available in this community is along Highway 99W and consists of various businesses on each side of the main highway. This property consists of .7 acres situated between Highway 99W and the Southern Pacific Railroad and is presently being used by John's Family Restaurant.

(2) Need for Housing, Employment Opportunities and Livability.

The preservation of commercial activity at this location will continue the present employment that occurs there and allow the opportunity for additional employees. Presently, there are 12 people employed at the restaurant.

(3) Orderly and Economic Provision for Public Facilities and Services.

The inclusion of this area within the Urban Growth Boundary would allow extremely orderly and sound economic development of public facilities and services. The property is immediately adjacent to the city limits and would allow logical extension of public facilities to the property.

(4) Maximum Efficiency of Land Uses Within and On the Fringe of the Existing Urban Area.

This property's inclusion in the Urban Growth Boundary would allow maximum efficiency of land uses because there is no creation of

an island and the property is immediately adjacent to the city boundary. It is presently zoned residential and is not suitable for this use due to the noise from Highway 99W and the Southern Pacific Railroad.

(5) Environmental, Energy, Economic and Social Consequences.

There is no negative long term environmental impact by including this property within the Urban Growth Boundary. It is adjacent to the city limits, already used for commercial activity, and would not require losses of energy efficiency by moving the community services beyond the current city boundary. The inclusion of this property is economically sound for the same reasons. The social consequences are negligible and in fact positive if anything, because it takes an area basically unusable and develops it for its highest and best use. Furthermore, the commercial activities on the property benefit not only those employed by such activities, but the consumer as well.

(6) Retention of Agricultural Land as Defined with Class 1 being the Highest Priority for Retention and Class 6, the Lowest Priority.

This property is being used for a parking lot and would not be suitable for any other use.

(7) Compatibility of the Proposed Urban Uses With Nearby Agricultural Activities.

The proposed use of the property is compatible with surrounding uses in that there is no heavy or significant agricultural use in the area.

III. GOAL 2 - LAND USE PLANNING.

(1) Goal 2 Exceptions.

Part 2 (a). The Land Subject to the Exception is Physically Developed to the Extent that it is No Longer Available for Uses Allowed by the Applicable Goal.

The land subject to this application has been used extensively for years as a restaurant and is sufficiently developed that agricultural activity is no longer reasonable. This property is surrounded by commercial activity: (1) Mobil Oil Station, (2) used car lot, (3) wine shop, (4) restaurant.

(b) The Land Subject to the Exception is Irrevocably Committed to Uses Not Allowed by the Applicable Goal Because Existing Adjacent Uses and Other Relevant Factors Makes Uses by the Applicable Goal Impracticable.

It generally is not good for agricultural activity and there is so much commercial activity on it at present that it is developed to a point where it is not usable for agricultural purposes.

(c) The Following Standards are Met.

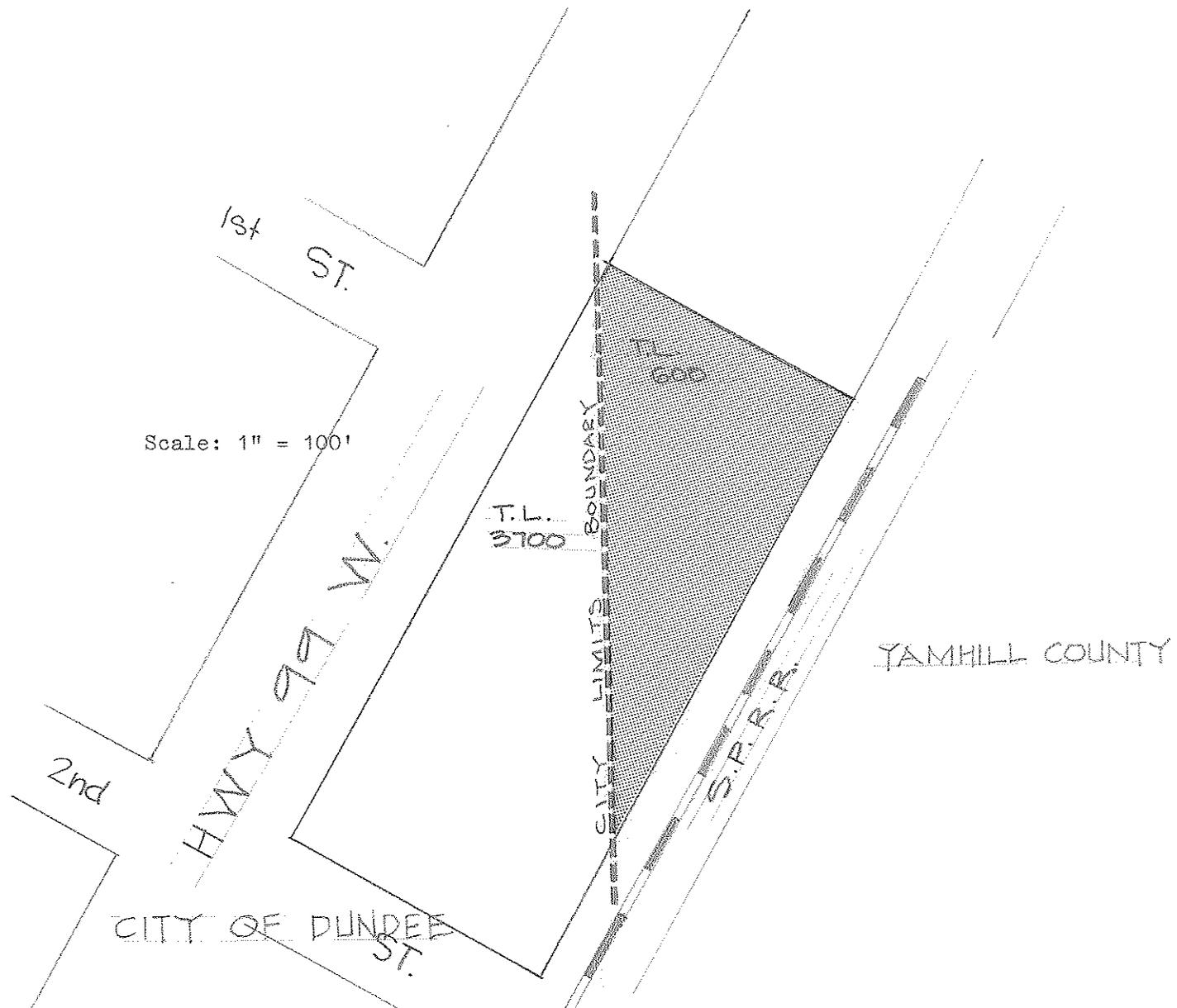
- (1) The agricultural goals should not be applied because this property is not suitable for agriculture, is used for non-agricultural purposes, and already is urbanized.
- (2) As was noted in the discussion above, the proposed area is not detrimental to long term environmental, economic, social and energy consequences, which may result from the use of the proposed site.
- (3) As also discussed, the present use and proposed uses are compatible with other adjacent uses and have no adverse impact.

SKETCH MAP FOR COMPREHENSIVE PLAN AMENDMENT
EXHIBIT "B" FOR ORDINANCE NO: 453
COMPREHENSIVE PLAN AMENDMENT ADOPTED BY THE
YAMHILL COUNTY BOARD OF COMMISSIONERS
OCTOBER 28, 1987

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TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION
TO ALLOW INCLUSION IN THE DUNDEE UGB.

Applicant: Thomas & Kay Edwards
Address: 773 S.E Edwards Dr.
Dundee, OR 97115
Phone: (503) 538-1385
Tax Lot No.: 3325BD-600, 3325BC-3700
Docket No: PA-2-87



Change applies to the shaded portion of Tax Lot No: 3325BD-600

Sketch prepared by Yamhill County Department of Planning & Development.