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FILM 44 PAGE 741

FILED
YAMHILL COUNTY, OREGON
1986 AUG -6 PM 5:00
CHARLES STERN
COUNTY CLERK
Devin Silve
DEPUTY

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

86-384

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In The Matter of An Ordinance)
Amending Yamhill County Com-)
prehensive Plan, 1974, To Allow)
an Expansion of the Urban)
Growth Boundary of the City)
of McMinnville, to Encompass)
Joe Dancer Park, Planning)
Docket PA-1-86, Affecting Tax)
Lot 4422-2300, as Recommended)
by the McMinnville Urban Area)
Management Committee and De-)
claring an Emergency)

ORDINANCE NO. 433

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on August 6, 1986, sat for the transaction of county business in regular session, Commissioners Donald D. Porter, David E. Bishop and Ted Lopuszynski being present.

WHEREAS, the City of McMinnville has applied to the Department of Planning and Development in order to expand its urban growth boundary to include Tax Lot 4422-2300, known as Joe Dancer Park; and pursuant to the Yamhill County, City of McMinnville Urban Area Management Agreement, a public hearing was held before the McMinnville Urban Area Management Committee on March 27, 1986; and

WHEREAS, on March 27, 1986, the McMinnville Urban Area Management Committee unanimously recommended approval of the application to authorize an amendment to the Yamhill County Comprehensive Plan, 1974, to allow expansion of the McMinnville Urban Growth Boundary to include Joe Dancer Park, also known as Tax Lot 4422-2300, which is an 80 acre tract presently designated "Agriculture/Forestry Large Holding" on the Plan map and is currently used as a city park; and

WHEREAS, on August 6, 1986, the Board held a public hearing to consider an ordinance implementing recommendation of the McMinnville Urban Area Management Committee; and

WHEREAS, staff has prepared findings of fact and conclusionary findings for approval and based upon such findings attached hereto as Exhibit "A" and by this reference incorporated herein, it appears appropriate to grant the application of the City of McMinnville as set forth above; and

WHEREAS, in order to approve this request an exception must be taken to Statewide Planning Goal 3 and based upon the findings for approval set forth in Exhibit "A", the Board finds that it would be appropriate to take such an exception; and

WHEREAS, Statewide Planning Goal 14 requires that the procedures and requirements of Goal 2 for goal exceptions be followed when an urban growth boundary is amended to include rural land and the findings set forth in Exhibit "A" demonstrate compliance with Goal 14; and

WHEREAS, an amendment of the City of McMinnville's urban growth boundary to incorporate the applicant's request is in the best interests of the citizens of Yamhill County and the citizens of McMinnville, Oregon, NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ordains as follows:

Section 1. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the Yamhill County Comprehensive Plan, 1974, is hereby amended as follows:

a) To allow expansion of the urban growth boundary of the City of McMinnville to include an 80 acre parcel owned by the City of McMinnville, known as Joe Dancer Park, identified as Tax Lot 4422-2300 as more particularly identified on the attached map, identified as Exhibit "B" and incorporated herein by this reference; and

b) To designate the parcel referred to in this section as "Public Facilities" on the Yamhill County Comprehensive Plan map.

Section 2. That based upon the findings of fact and conclusionary findings set forth in Exhibit "A" and by this reference incorporated herein, an exception is hereby taken to Statewide Planning Goal 3 to allow inclusion of the subject parcel referred to above into said expanded urban growth boundary and that said exception shall be incorporated into and become a part of the Yamhill County Comprehensive Plan.

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 6th day of August, 1986.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Donald D. Porter
Chairman DONALD D. PORTER
Date: Aug 6, 1986

By: Elaine Pearcey
Deputy ELAINE PEARCEY

David E. Bishop
Commissioner DAVID E. BISHOP
Date: aug. 6, 1986

APPROVED AS TO FORM BY:

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

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI
Date: Aug 6 1986

Docket: PA-1-86 (City Docket UGB-1-86)
 Request: An amendment to the Yamhill County Comprehensive Plan, 1974 to authorize expansion of the McMinnville Urban Growth Boundary to include an 80-acre tract that is presently designated "Agriculture/Forestry Large Holding" on the Plan Map and is used as a City Park.
 Location: Adjacent to the southeastern City Limits of McMinnville, and northeast of Highway 18, in Section 22, T4S-R4W, Tax Lot 4422-2300.
 Applicant: City of McMinnville

CONCLUSIONARY FINDINGS

Yamhill County has prepared the following conclusionary findings to address the decision-making criteria set forth in the City of McMinnville UGB amendment application, as noted in Exhibit "A" of the City's request:

1. The proposed UGB amendment is consistent with the applicable goals and policies of the McMinnville Comprehensive Plan, 1981, as follows:
 - a. In that the subject property lies predominantly within the 100 year floodplain of the South Yamhill River, is presently utilized for park and open space and is proposed to receive a City Comprehensive Plan Map designation of "floodplain", Policies 2.00 and 9.00 will be satisfied.
 - b. Considering that the City has identified a need to provide additional park land and open space areas within the City and considering that the subject property was acquired by the City in response to that need, Goal VII-3 and policies 161.00, 162.00, 164.00 & 165.00 have been satisfied. Further, the property was previously approved for use as a City park through the applicable land use permit procedure and the site has been partially improved pursuant to Phase I of the overall park improvement plan, thereby, recognizing the significance of the property in providing the City with a necessary park, open space and natural area consistent with policy 166.00.
 - c. As a means of providing adequate lands to service the recreation needs of McMinnville's projected population to the year 2000, the subject property was acquired by the City, received necessary land use approval and has begun to be improved as part of the system of City park and open space lands consistent with Goal IX 1.
2. The proposed UGB amendment is consistent with the applicable goals and policies of the Yamhill County Comprehensive Plan as follows:
 - a. In that the subject property was acquired by the City and received appropriate land use approval for improvement and enjoyment as a City park and considering that the property is served by Municipal water and sewer lines and is being improved by McMinnville, in part, to replace existing City recreation facilities, the request is consistent with Goals I.A.1. and I.A.2. and policies I.A.1.a., b., c. and I.A.2.a. Further, the subject park and open space land can be considered a natural extension and improvement of the adjacent Kiwanis Marine Park while the Yamhill River serves as an effective natural boundary between urban and rural lands.

- b. Use of the subject property for park and recreation purposes as it was previously approved for by the County, will enhance the open space character of the County and provide additional recreational opportunities consistent with Goals I.E.1. and I.E.2.
- c. Inclusion of the subject property within the McMinnville UGB will not be inconsistent with the Goals and Policies providing for the preservation and the orderly conversion of farm lands to urban uses (II.A.1., II.A.2. and II.A.2.a., b., f. and II.A.2.a) considering that parks and open space are listed as an allowable use in EFU zones by ORS 215 and by County Ordinance. Further, use of the property for park and recreational purposes has already been approved by the County through the appropriate land use process and the requested amendment merely changes the jurisdiction over the subject property and not the actual use of the site.
3. The requested amendment complies with the McMinnville Urban Growth Boundary Amendment as follows:
- a. Urban Growth Boundary Amendment Policy B(1) has been addressed in Conclusionary Finding No. 1 above.
- b. Urban Growth Boundary Amendment Policy B(2) has been addressed in Conclusionary Finding No. 2 above.
- c. Urban Growth Boundary Amendment Policy B(3) is addressed as follows:

Factor 1. In that the City chose the subject property as a park site after identifying community needs, completing an inventory of existing park land and open space conditions, selecting the parcel to satisfy current and future demands for recreational opportunities and ultimately purchasing and initiating improvement of the park, it has been demonstrated that the 80 acre park site satisfies a need to accommodate long-range urban population growth requirements consistent with LCDC goals.

Factor 2. As the McMinnville Park Land and Open Space Inventory - 1985 demonstrates, the City has a need of approximately 281 acres of additional park land to coincide with expected increases in population, housing, etc. Acquisition and improvement of the subject 80 acre property was undertaken to partially satisfy this projected need and to maintain and enhance the overall livability of McMinnville consistent with the City's Comprehensive Plan.

Factor 3. At the present time, Joe W. Dancer Park is served by public facilities provided by the City of McMinnville. Additionally, City resources have been devoted to the initial phase of park improvements. As funding becomes available, the park will continue to be improved in accord with the City's phased development plan in a manner consistent with public facilities and services existing or planned for the area.

Factor 4. As noted in Conclusionary Findings 1 and 2 above, the location of the subject property was one of the key factors in selecting the site for park and recreation purposes. The property is a logical extension of the City's urban area considering its proximity to the City limits and the existing Kiwanis Marine Park, its location within the 100 year floodplain of the South Yamhill River, the relative location of residential development in the City Limits, the existence of City services to the site and the effective natural boundary between rural and urban lands as formed by the river. Further, the site has already received land use approval for use as a City park and initial improvement has occurred on the site and, therefore, inclusion of the property within the McMinnville UGB is a matter of formalizing jurisdictional control over the site.

Factor 5. As noted in the McMinnville Comprehensive Plan policies, floodplain areas are considered to be favorable locations for park and open space opportunities. Selection of this site for park and open space use ensures that the natural character of the area will be preserved to the greatest extent possible. Additionally, through the conditional use/floodplain permit process at the County, plans for the park were reviewed and approved by a variety of State and Federal agencies concerned with the environmental, energy, economic and social consequences associated with land use proposals.

Factor 6. As noted in Conclusionary Finding No. 2 above, both Oregon Revised Statutes regulating Exclusive Farm Use lands and County land use documents recognize parks and open space as viable use of EFU lands. Through the previously approved land use permit the impact of the proposed park improvement on Class I-IV soils was addressed.

Factor 7. As part of the approval of the conditional use floodplain permit for improvement of the subject 80 acres for park and recreation purposes, findings were made to address compatibility of the proposed use with nearby agricultural activities (See Exhibit "A" attached).

4. The factors as contained in the Statewide Planning Goals have been addressed in Conclusionary Finding No. 3 above.

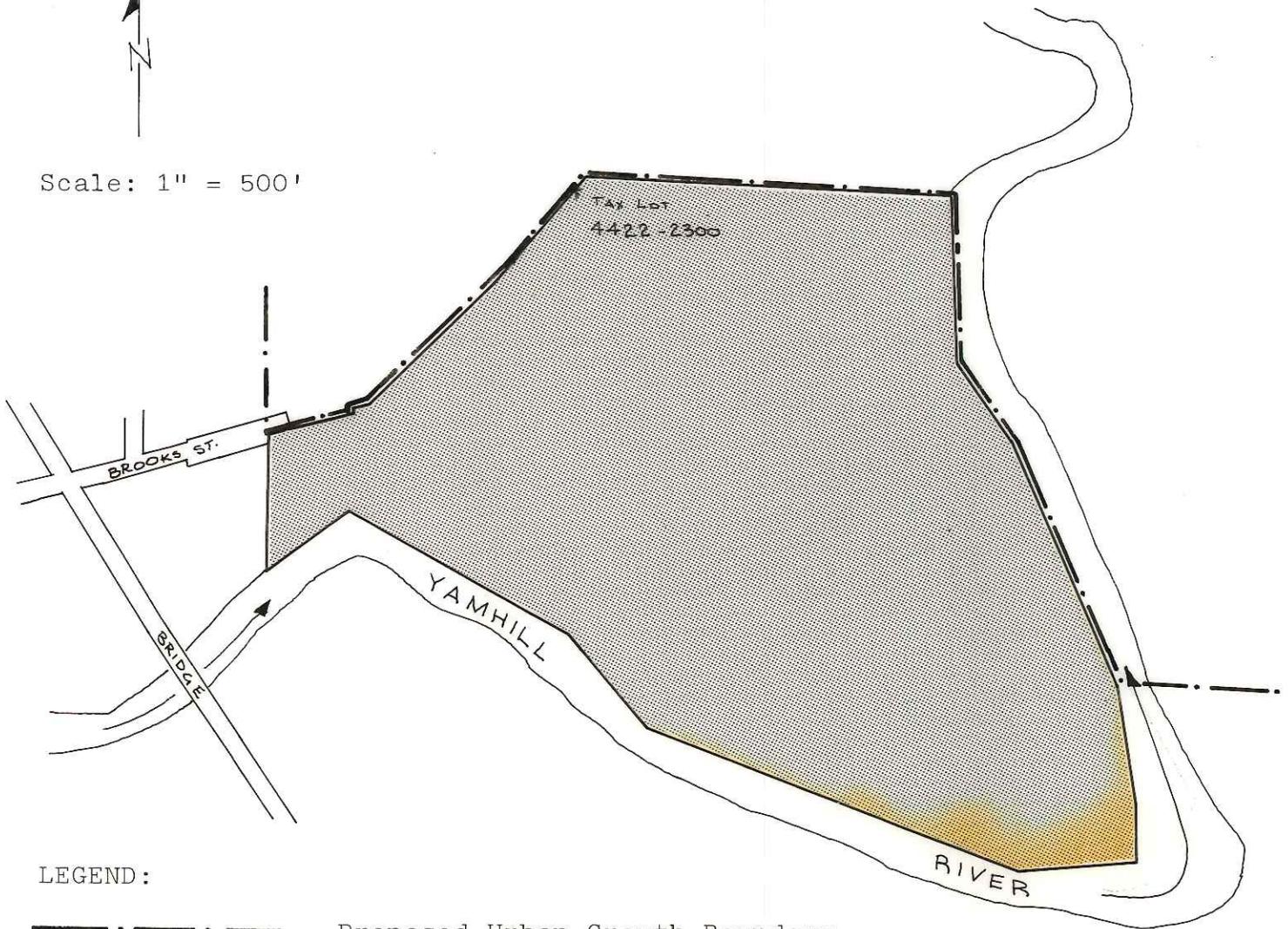
SKETCH MAP FOR COMPREHENSIVE PLAN AMENDMENT
EXHIBIT "B" FOR ORDINANCE NO. 433
COMPREHENSIVE PLAN AMENDMENT ADOPTED BY THE
YAMHILL COUNTY BOARD OF COMMISSIONERS
August 6, 1986

TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION
TO ALLOW AN EXPANSION OF THE URBAN GROWTH BOUNDARY
OF THE CITY OF McMinnville

Applicant: City of McMinnville
Address: City Hall
230 East 2nd Street
McMinnville, OR 97128
Telephone: 472-9371 Ext: 311
Tax Lot No.: 4422-2300
Docket No.: PA-1-86



Scale: 1" = 500'



LEGEND:

----- Proposed Urban Growth Boundary

Change applies to entire portion of Tax Lot 4422-2300

Sketch prepared by Yamhill County Department of Planning and Development