

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Amendment to the City of)
Lafayette Urban Growth Boundary to include) Ordinance 899
Approximately 61.35 Additional Acres, on Remand)
From the Department of Land Conservation and)
Development; Repealing Ordinance 892; and)
Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 30, 2016, Commissioners, Mary Starrett, Stan Primozech, and Allen Springer being present.

IT APPEARING TO THE BOARD as follows:

A. The City of Lafayette adopted City Ordinance 623 (May 14, 2015) to expand its Urban Growth Boundary by 51.29 acres, 32.16 (net buildable acres) for future residential use for Tax Lots 300, 1301, 1302, 1303, 1304, 1305, 1500, and 1501;

B. At the request of the City of Lafayette, the county adopted Ordinance 892, amending the city's Urban Growth Boundary to be consistent with the action of the city;

C. The Department of Land Conservation and Development (DLCD) remanded the city's amendment of its Urban Growth Boundary and required that the City accommodate more housing to meet long-range growth projections;

D. The city adopted Ordinance 629, addressing DLCD's remand by increasing density within the city and by including an additional 10.06 acres to the acreage proposed in the original expansion; and

E. Following a hearing before the Board held on June 9, 2016, the Board voted unanimously to amend the county's comprehensive plan to be consistent with the city's Ordinance 629; NOW, THEREFORE

IT IS HEREBY ORDAINED BY THE BOARD AS FOLLOWS:

Section 1. County Ordinance 892 is hereby repealed.

Section 2. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance. This ordinance is also supported by Exhibits A and B to City of Lafayette Ordinance No. 629, dated April 14, 2016 and consisting of findings adopted in support of City of Lafayette Ordinance No. 623, and findings adopted in support of City Ordinance 629, adopted in response to a remand of City Ordinance 623 by the State

Department of Land Conservation and Development, which are both incorporated into the county's findings by this reference.

Section 3. The two maps attached as Exhibit "B" and incorporated herein by reference are adopted as the approved expansion areas, consistent with City of Lafayette Ordinance No. 629, dated April 14, 2016.

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 immediately.

DONE this 30th day of June, 2016, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN

County Clerk

Chair

MARY STARRETT

By:

Deputy Lucy Flores Mendez

Commissioner

STAN PRIMOZICH

FORM APPROVED BY:

Commissioner

ALLEN SPRINGER

Timothy S. Sadlo

Senior Assistant County Counsel

Accepted by Yamhill County
Board of Commissioners on

6-30-16 by Board Order

16-272

ORDINANCE 899

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EXHIBIT A
ORDINANCE 899
LAFAYETTE UGB EXPANSION
FINDINGS IN SUPPORT OF APPROVAL

DOCKET NO.: PA-02-14

REQUEST: (as revised through the City of Lafayette's hearing process and as directed by the Department of Land Use and Development on remand:) For approval of a Comprehensive Plan amendment to expand the Lafayette Urban Growth Boundary by 61.35 acres for future residential use.

APPLICANT: City of Lafayette

TAX LOTS: In Study Area 2 (north of the city limits and west of Abbey Road), the 40-acre property immediately north of the city. (The Assessor's Office tax map: Tax Map T4S, R4W, Section 1, tax lot 300.) On remand, tax lots 200, 201 and 202 have been added (same township and range). In Study Area 4 (east of the city limits, south of Stoller Road and north of the dairy), properties west of Henry Creek are proposed to be added. The Assessor's Office tax map and lot numbers follow: Tax Map T4S, R3W, Section 6, Tax Lots 1301, 1302, 1303, 1304, 1305, 1500, and 1501. (See Exhibit B maps.)

PLAN DESIGNATION: All of Area 2 proposed for inclusion is "Exception Area," which is designated in the Yamhill County Comprehensive Plan as Very Low Density Residential (VLDR). Most of Area 4 is also "Exception Area," designated in the Yamhill County Comprehensive Plan as VLDR, but the eastern 1.3 acres of Tax Lot 1303 and the eastern 1.1 acres of Tax Lot 1501 (zoned Exclusive Farm Use - EF-40) are also proposed to be added.

CRITERIA: Yamhill County Comprehensive Plan Goals and Policies, Lafayette Urban Area Management Agreement, Statewide Planning Goals, Oregon Revised Statute 197.298 and the Oregon Administrative Rules, including OAR 660-012 and 660-024.

FINDINGS:

A. Background Facts:

1. *Site Characteristics and Zoning:* A detailed analysis of the two areas for inclusion are found in the city's report dated May 14, 2015, which is exhibit "A" to City of Lafayette Ordinance No. 623. Additional analysis is contained in findings adopted as part of City Ordinance 629, adopted by the City on April 14, 2016 in response to the DLCD remand. The 61.35 acres included by this Ordinance 899 in the Lafayette Urban Growth Boundary (UGB) will be referred to as the "subject sites" or as "proposed Area 2" or "proposed Area

- 4.” The zoning of the property is as noted in the city’s findings with the exception of Tax Lot 4401-300. While the property was adopted as “Exception Area” as part of Exceptions Statement II, adopted by the Board of Commissioners on April 23, 1980, and given a comprehensive plan designation of VLDR Very Low Density Residential, the property is actually zoned EF-40 Exclusive Farm use. In spite of the EF-40 zone, the property is still “Exception” land and is considered a high priority for inclusion in the UGB.
2. *Water and sewer:* City of Lafayette.
 3. *Surrounding Zoning:* The land surrounding the proposed Area 2 has VLDR 2.5 zoning to the north, city zoning to the south, EF-40 zoning to the east and EF-80 zoning to the west. As for the Proposed Area 4, the land contains EF-40 zoning to the north and east, and city zoning to the south and west.
 4. *Fire Protection:* Lafayette Rural Fire District.
 5. *Soils:* From the standpoint of the administrative rules, the soils on agricultural land are those that are not exception land. Only the 2.15 acres, made up of the eastern portions of Tax Lots 4306-1303 (1.13 ac) and 4306-1501 (1.02 ac), is designated by the comprehensive plan as farm land and is considered for inclusion in the UGB. Approximately 0.5 acres of this 2.15 acre area contains WuB, Woodburn silt loam with an agricultural rating of Class II, high-value (prime) farmland. The remainder of the 2.15 acres is Te, Terrace Escarpments, Class VI, non-high-value soil.
 6. *Flood Hazard Overlay:* In Area 2, approximately 0.18 acres of the southwest of Tax Lot 4401-300 is in the Flood Hazard Overlay, FIRM 41071C0213D. In Area 4, approximately 0.25 acres of the southeast of Tax Lot 4306-1303 is in the Flood Hazard Overlay, FIRM 41071C0426D.
 7. *Coordinated Population Projection:* ORS 195.036 requires the County to establish population forecasts for use in maintaining and updating comprehensive plans, and to coordinate the forecast with each of the cities in the County. Statewide Planning Goal 14 requires a 20-year population forecast for UGB amendments. In 2012 the Yamhill County Planning Department coordinated with Portland State University and the ten municipalities within Yamhill County to adopt a county wide population projection. On November 8, 2012 the Board of Commissioners adopted Ordinance 878 which the city has used in developing their buildable lands inventory and findings to justify the Urban Growth Boundary expansion. The population forecast for the city of Lafayette in 2030 is 5,349, and the forecast for 2035 is 5,797. The city proposes to use a 2033 projection of 5,640. The population projection is discussed further in Exhibit A of the application.
 8. *Procedure:* The application was reviewed and recommended for approval at the November 20, 2014 Planning Commission hearing. The Lafayette Urban Area Management Agreement requires a hearing and recommendation by the Lafayette Urban Area Management Commission.

The county concurs with the city’s analysis and conclusions provided in Exhibit “A” to the city’s

Ordinance No. 623, and in Exhibits to City Ordinance 629, and adopts these findings to augment those findings and to address county Comprehensive Plan provisions.

B. Urban Area Growth Management Agreement Provisions

1. Criteria to be addressed in UGB amendment requests include the Lafayette Urban Area Growth Management Agreement, the statewide planning goals, and the City and County Comprehensive Plans. These review standards are detailed in Exhibit A of City Ordinance No. 623.

Even though the majority of the Yamhill County Goals and Policies are aspirational and are not to be mistaken for, or treated as, approval criteria it is important that they be considered. Some of the goals and policies conflict with one another. They are guides to aid decision makers. For example, where goals or policies conflict the decision makers need to weigh the evidence and decide which goal or policy the request satisfies. Therefore, in each case, the Board decides whether the subject site and exclusion site are more appropriate to be preserved as farm land or it is better suited for orderly urban development. The following goals and policies are part of this determination.

2. The Yamhill County Comprehensive Plan, Section I.A., Goal 1, directs the County:

To encourage the containment of growth within existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use.

and, Section II, Goal 1, states:

To conserve Yamhill County's farm land for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.

To ensure there is an efficient transition from rural to urban land uses there needs to be a demonstration of the need for additional urban land and a determination of the most suitable location for land of that identified need. Based on the city's current available housing and the projected population forecast, the city determined the need for future residential land to be included in the city's UGB. The city identifies an estimated 60.60 gross acres and 48.94 buildable acres of residential land and public infrastructure as necessary to meet the housing needs of the community by the year 2033. After identifying the need, the next step is to evaluate the best locations/alternatives for locating the use. The first alternative is to look inside the existing UGB. If land is not available, the next step is to look at land outside of the UGB and to go through the priority list of lands available for expansion.

The city's application does a thorough job of evaluating the available land and has focused its expansion on existing exception land, which has the highest priority for inclusion in the UGB. The only portion that is not exception land is 2.15 acres found in Area 4, which has

a comprehensive plan designation of AFLH Agriculture/Forestry Large Holding. This is made up of the eastern portions of Tax Lots 4306-1303 (1.13 ac) and 4306-1501 (1.02 ac) which are zoned EF-40. The western portions of these tax lots are zoned VLDR Very Low Density Residential. The zoning and plan designation follows the donation land claim line rather than the parcel boundaries. While 2.15 acres of these properties are zoned for resource use, the majority of the soils have an agricultural rating of Class VI, non-high value soils. The findings for including the resource portions of these lots adopted by the city in City Ordinances 623 and 629 are accepted and relied upon by the county in the adoption of this ordinance.

Based on the evidence in the record, it appears that the UGB amendment is necessary and the subject sites are the best location compared with the other alternatives. Based on the findings and evidence in the record, the request would be an efficient transition from rural to urban use.

3. The Yamhill County Comprehensive Plan, Section II, Goal 2, Policy a. states:

Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.

As noted above, the addition of the subject sites appears to provide the best opportunity for orderly development of property by providing needed area for urban expansion adjacent to the city, where services are available or can be readily extended and avoiding, to the maximum extent possible, those properties zoned for farm and/or forest use that include Class I through IV soils. Based on the findings provided in the application, it appears that the city made every effort to ensure minimal loss of higher agricultural class soils.

4. The Yamhill County Comprehensive Plan, Section I. E, Goal 1, Housing directs the County:

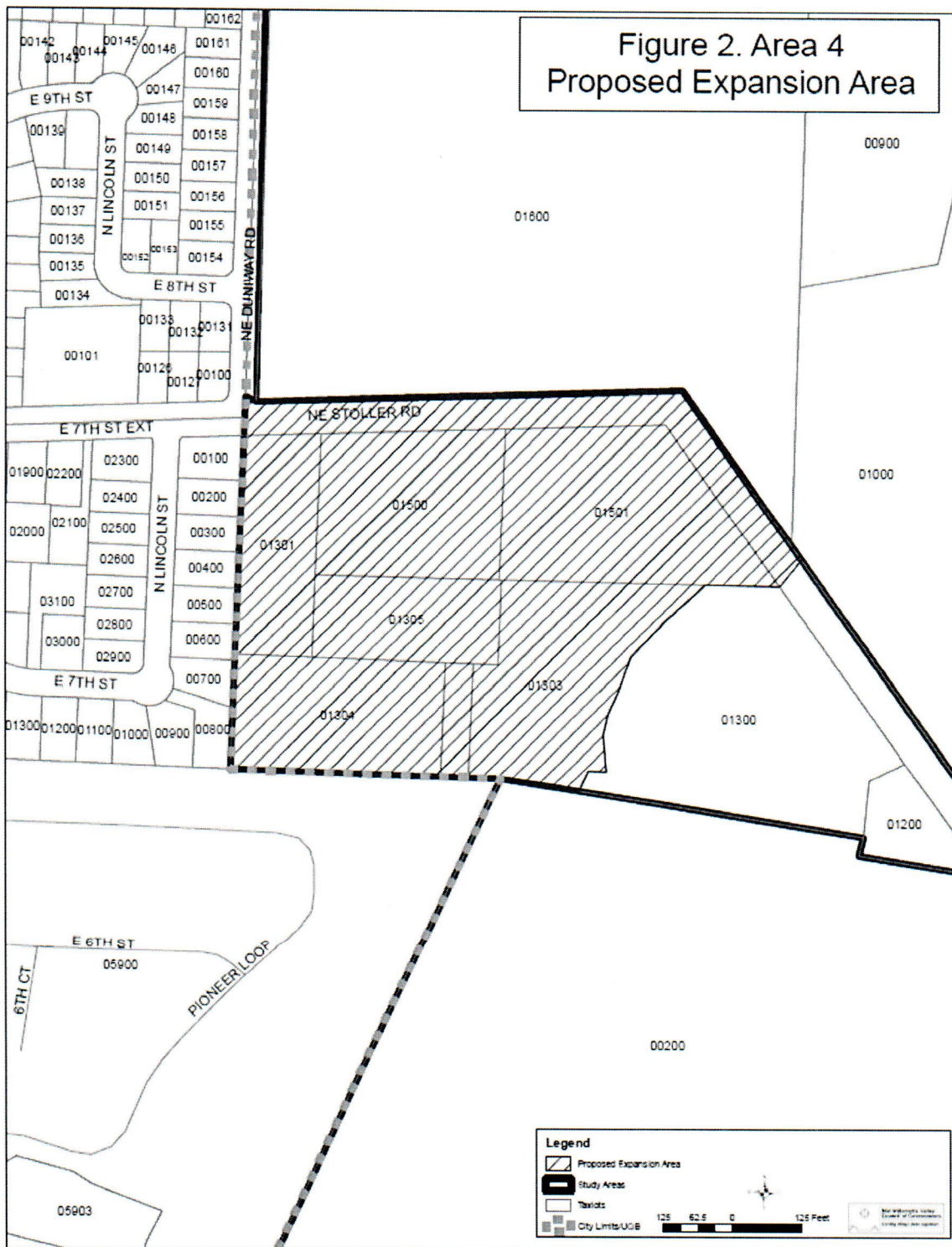
To assure the provisions of safe, sanitary and decent housing for all residents of the county at a reasonable cost.

The proposed UGB expansion will provide additional housing opportunities for citizens of the community and encourage establishment of housing within an urban area, thereby, minimizing the impact on property designated as resource land.

CONCLUSIONS:

1. The request is to amend the Lafayette Urban Growth Boundary (UGB) to add approximately 61.35 acres of land, as specified in City Ordinance 629.
2. The applicant has demonstrated that the request satisfies the Yamhill County Comprehensive Plan goals and policies.

3. Yamhill County has reviewed the proposed UGB amendment against the County's comprehensive plan goals and policies and finds that the proposal is consistent with the comprehensive plan. Based on the evidence in the record, the county believes that City Ordinance No. 629, dated April 14, 2016, represents an efficient transition from rural to urban use.



CHANGE APPLIES TO THE SHADED AREAS AS IDENTIFIED ABOVE.