



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 22, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Culver Plan Amendment
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 1, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Donna McCormack, City of Culver

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NO. 2

DLCD

Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: **City of Culver**

Local file number: **001-06**

Date of Adoption: **12/20/2006**

Date Mailed: **1/10/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **8/9/2006**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City adopted a new 20 year population projection for the City and co-adopted, along with Jefferson County, multiple expansions to the City's Urban Growth Boundary. The actions were taken separately by each jurisdiction, the two small industrial expansions were adopted first by the City and then the County. The Residential lands expansion was then adopted by the City and ultimately by the County. Copies of the various ordinances are attached.

Does the Adoption differ from proposal? Yes, Please explain below:

The Residential lands expansion contains only 45 acres, not the 60 acres that was originally proposed. A second set of public hearings on the remaining 15 acres may be forthcoming. The Zoning Maps were not changed at this time.

Plan Map Changed from: **EFU**

to: **M-1/R-1**

Zone Map Changed from:

to:

Location: **North and South sides of the City**

Acres Involved: **8M145R1**

Specify Density: Previous: **N/A**

New: **R-1 4.36 DU/AC**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD # 001-06 (15245)

45-days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Donna McCormack, City Recorder** Phone: **(541) 546-6494** Extension:
Address: **PO BOX 256** Fax Number: - -
City: **CULVER** Zip: **97734-** E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

City of CulverOrdinance # 2006-01**AN ORDINANCE AMENDING THE CITY OF
CULVER COMPREHENSIVE PLAN AND
ZONING MAP ADOPTED MAY 22, 2001**

Whereas, the City of Culver has received applications to expand the City's Urban Growth Boundary from two industrial operations in the City including Round Butte Seed Growers, Inc and Sweetwater, LLC doing business as Earth 2o and;

Whereas, notice has been properly filed with the Department of Land Conservation and Development to complete the Post Acknowledgement Plan Amendment process and;

Whereas, the City caused notices to be mailed to adjoining property owners and published notice of the public hearing before the Planning Commission in the local newspaper and;

Whereas, the City Planning Commission conducted a public hearing on July 11, 2006. At the close of the public hearing the Planning Commission moved unanimously to recommend approval of the Population Projections and Allocation for the City along with the proposed Industrial expansions of the Urban Growth Boundary to the Culver City Council and;

Whereas, the Culver City Council conducted a public hearing on July 24, 2006. At the close of the public hearings the City Council moved to adopt the Population Projections and Allocation for the City of Culver as provided by Jefferson County, attached as Exhibit I. The Culver City Council also approved the proposed Urban Growth Boundary expansion to include the two industrial tracts on the north side of the City including the railroad right-of-way. The attached map showing the expansion is attached as Exhibit II.

Therefore, the City Council hereby ordains

1. The Population Projections and Allocation for the City of Culver are provided by Jefferson County are hereby adopted.
2. The attached map is hereby adopted.
3. The Staff Report dealing with the population projections and the industrial use expansion is hereby incorporated by reference.

APPROVED by the common council of the City of Culver this 21st day of August 2006.

SIGNED:

ATTEST:

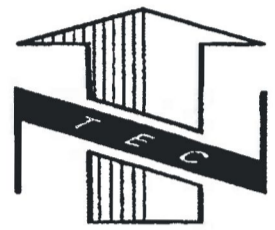


Dan Harnden, Mayor








Donna McCormack, City Recorder




CITY OF CULVER
 JEFFERSON COUNTY, OREGON
 IN SECTIONS 17, 18 AND 19, TWP. 12 S., RANGE 13 E. W.M.
 JULY 26, 2006



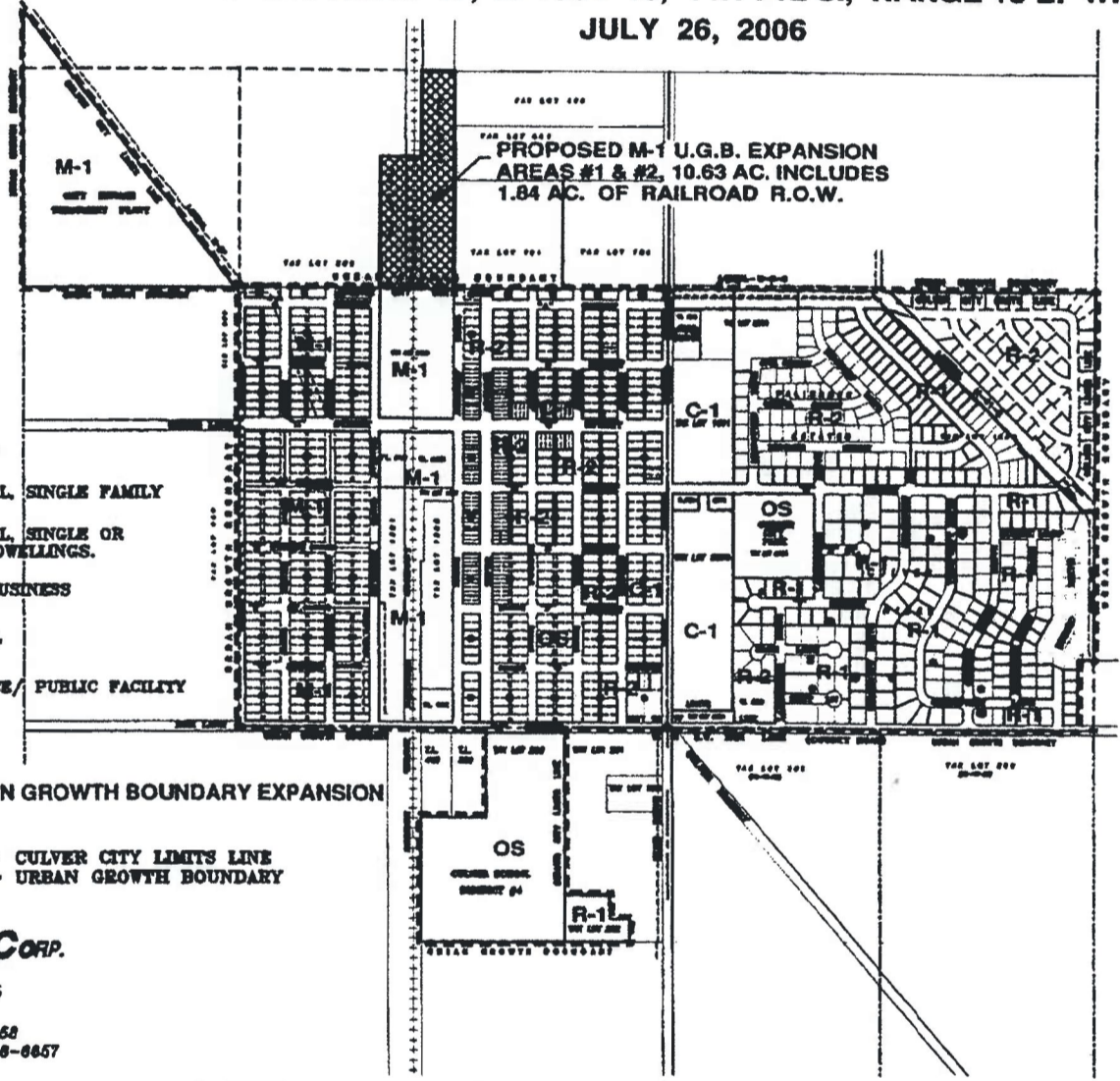
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 SCALE IN FEET

ZONING LEGEND:

-  R-1 RESIDENTIAL, SINGLE FAMILY
-  R-2 RESIDENTIAL, SINGLE OR MULTIPLE DWELLINGS.
-  C-1 CENTRAL BUSINESS
-  M-1 INDUSTRIAL
-  OS OPEN SPACE/ PUBLIC FACILITY

-  PROPOSED URBAN GROWTH BOUNDARY EXPANSION
-  CULVER CITY LIMITS LINE
-  URBAN GROWTH BOUNDARY

TENNESON ENGINEERING CORP.
 CONSULTING ENGINEERS
 409 LINCOLN STREET
 THE DALLES, OREGON 97058
 541-298-9177 FAX 541-298-8857



PROPOSED URBAN GROWTH BOUNDARY EXPANSION

W.O. #11400
 TEC1\CITY\CULVER\T.DWG
MAP #1

The revised Population Projection provided by Jefferson County by its consultants, ECO Northwest, in April of 2006, provides a new population projection through the year 2026 shown in Table 3. A copy of the Culver portion of the ECO Northwest report is attached.

Table 3
Population Projection 2006-2026

Year	2010	2015	2020	2025	2026
Population	1,193	1,375	1,578	1,812	1,863

The City will revise its Comprehensive Plan by amending language in the Comprehensive Plan entitled "Housing and Population" to reflect the revised population allocations and add the following language:

" The above table indicates the increased Population Projection allocation provided by Jefferson County to the City. The population Projections were prepared county wide by ECONorthwest, a well known consulting firm in the State of Oregon. The projections were prepared in 2006. The revised Population Projection adds a total of 509 more people to the city's current Population Projection of 1354 at the year 2018 to 1863 by 2026, the current planning horizon."

City of Culver

Ordinance #2006-02

**AN ORDINANCE AMENDING THE CITY OF
CULVER COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP AND
ZONING MAP ADOPTED MAY 22, 2001**

Whereas, the City of Culver has received an application from Jack and Cheryl Ickler in which they seek to have a 45-acre parcel of land (the northern 45-acres of tax lot 300, Section 20, T12S, R13E W.M) included within the Urban Growth Boundary of the City of Culver and designated as R-1, Residential Single Family, on the Comprehensive Plan Map;

Whereas, notice has been properly filed with the Department of Land Conservation and Development to complete the Post Acknowledgement Plan Amendment process and;

Whereas, the City caused notices to be mailed to adjoining property owners and published notice of all public hearings in the local newspaper and;

Whereas, the City Planning Commission conducted a public hearing on July 11, 2006 in which they considered: the Icker application to expand the Urban Growth Boundary, proposed amendments to the City of Culver Comprehensive Plan and related Population Projections. Based on evidence contained in the record, the City Planning Commission moved unanimously to recommend that the Culver City Council approve: the Icker application to expand the Urban Growth Boundary, the proposed amendments to the Comprehensive Plan and the associated Population Projections and;

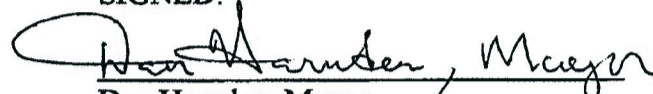
Whereas, the Culver City Council conducted a public hearing on July 24, 2006. Based on substantial evidence in the record, the City Council adopted the July 24, 2006 Amendments to the City of Culver Comprehensive Plan and the supporting Population Projections. The Culver City Council also approved the proposed Urban Growth Boundary expansion to include a 45-acre portion of the property owned by Jack and Cheryl Ickler.

Therefore, the City Council hereby ordains:


1. The northern 45 acres of Tax Lot 300, Section 20, T12S, R13E W.M. is hereby added to and placed within the Urban Growth Boundary of the City of Culver and is designated R-1, Residential Single Family on the Comprehensive Plan Map.
2. The findings of fact contained in the Staff Report dated July 24, 2006 (entitled "City of Culver Comprehensive Plan Amendments of 2006") are hereby adopted and approved as they pertain to the 45-acre parcel owned by Jack and Cheryl Ickler.

APPROVED by the Common Council of the City of Culver this 18th day of September 2006.

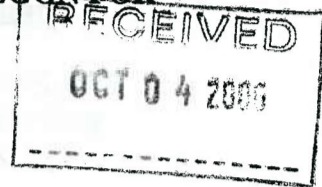
SIGNED:


Dan Harnden, Mayor

ATTEST:


Donna McCormack, City Recorder

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON FOR
THE COUNTY OF JEFFERSON



IN THE MATTER OF AN AMENDMENT TO)
THE COMPREHENSIVE PLAN TO ADD)
TWO LOTS TO THE CITY OF CULVER)
URBAN GROWTH BOUNDARY)

Ordinance No. 0-163-06

WHEREAS, Round Butte Seed Growers, Inc. and Sweetwater Holdings, LLC submitted an application for a quasi-judicial revision to the Comprehensive Plan to add tax lots 398 and 399 in Section 18, Township 12 South, Range 13 East and the adjoining railroad right-of-way to the City of Culver Urban Growth Boundary;

WHEREAS, the City of Culver considered the application and approved the urban growth boundary expansion by City Ordinance #2006-01;

WHEREAS, the Jefferson County Planning Commission held a public hearing on August 10, 2006, at which time they considered the staff report and accepted testimony on the application; and

WHEREAS, the Planning Commission found that the proposal was consistent with the Comprehensive Plan, statewide planning goals and state statutes, and by a vote of 6 in favor and no opposed voted to recommend that the Board of Commissioners approve the amendment; and

WHEREAS, the Jefferson County Board of Commissioners conducted a public hearing on September 13, 2006 and accepted testimony in favor of the application. No persons appeared to testify in opposition to the application or submitted written testimony in opposition. At the conclusion of the hearing, the Board closed the record and deliberated on the application. After considering the Planning Commission recommendation and testimony, the Board voted unanimously to AFFIRM the Planning Commission recommendation;

NOW THEREFORE, the Jefferson County Board of Commissioners hereby **ORDAINS** as follows:

1. Adoption of Comprehensive Plan Map Amendment

Jefferson County hereby AMENDS the Comprehensive Plan to add tax lots 398 and 399 in Section 18, Township 12 South, Range 13 East and the adjoining railroad right-of-way to the City of Culver Urban Growth Boundary, as shown on the attached Exhibit A;

0-163-06

Appeal Information

Planning Casefile #06-PA-054

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

Board of Commissioners adoption date: *September 27, 2006*

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.

EXHIBIT B

FINDINGS OF FACT

1. The proposal is for a quasi-judicial revision to the Comprehensive Plan to add two tax lots totaling approximately 9 acres to the Culver Urban Growth Boundary (UGB). Comprehensive Plan Part V, Quasi-Judicial Revisions, states that a quasi-judicial revision is defined as an amendment to the comprehensive plan which consists of an application of the policies of the plan to a particular piece of property with no widespread significance and having no general applicability to areas of similar use. Subsection 6 states:

In order to submit a favorable recommendation for the proposed change to the County Court, the Planning Commission shall establish the compelling reasons and make the following findings of fact for the proposed change:

- A. *The proposed change will be in conformance with the statewide planning goals.*
- B. *There is a demonstrated public need for the proposed change.*

Finding: Statewide planning Goal 1 requires that the county provide the opportunity for citizens to be involved in the planning process. Notice of the public hearings to consider the proposal was mailed to all property owners within 750 feet of the subject property and was published in the Madras Pioneer. This complies with Goal 1. The county has an acknowledged Comprehensive Plan and Zoning Ordinance setting out procedures and regulations for land use decision-making, in compliance with Goal 2.

The property meets the definition of agricultural land under Goal 3. OAR 660-004-0010(1)(b)(C) states: "When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals." Consequently, an exception to Goal 3 is not required.

The property is not forest land, so Goal 4 is not applicable. There are no designated Goal 5 resources on or near the property. Goal 6 requires that the air, water and land resources of the state be maintained or improved. The proposal is simply to add land to the Culver UGB. The zoning and use of the property will remain the same until the properties are annexed into the city. Potential impacts to air, water and land resources will be considered by the City at the time a request for annexation and rezoning is submitted.

The properties are not subject to any significant natural hazards (Goal 7). There are no known geologic faults in the county, and the earthquake hazard is considered to be moderate. The NRCS Soil Survey description of the soils making up the property does not indicate any constraints to development. Terrain is flat. According to Flood Insurance Rate Map 410101 0352B, the majority of tax lot 398 is in a mapped flood hazard area. According to the map, the average flood depth is one foot. While future development of the property will need to take this into consideration, it is not an

Finding: The proposed expansion does not include land that will be needed or used for housing to accommodate projected population increases. The proposed use of the land will be for the expansion of existing businesses. Both businesses provide employment opportunities, and will hire additional people as a result of the expansion. The subject properties are needed for this expansion because they are adjacent to the existing businesses and also are adjacent to the railroad tracks for shipping purposes. The City did an analysis of the existing industrial land inside city limits, and determined that none was available or suitable to meet the needs of expanding the existing businesses. Most of the vacant industrial land inside the city is owned by Sea Swirl Boats, who is reserving it for their own future use. The city limits and the urban growth boundary are identical, so there is no other land already inside the UGB that could accommodate the use.

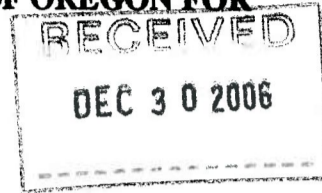
The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) *Efficient accommodation of identified land needs;*
- (2) *Orderly and economic provision of public facilities and services;*
- (3) *Comparative environmental, energy, economic and social consequences; and*
- (4) *Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

Finding: The subject properties are the most logical and efficient to accommodate the need to expand the existing businesses because they are directly adjacent to the existing industrial facilities and the railroad tracks, and are already under the ownership of the businesses. Both the existing facilities and the proposed expansions will have access from city streets. The City has indicated that it can provide needed services such as sewer and water. Adding land to the UGB which is adjacent to the existing businesses will have less environmental, energy, economic and social consequences than adding land in a different location, which would require the businesses to purchase new land and split their operations, decreasing operating efficiency and increasing traffic. Both lots are surrounded by irrigated farm land, but that is the case with all land surrounding the city. The lots were previously part of the railroad right-of-way. The County has no information on the proposed use other than that it will involve production, warehousing and storage facilities for the existing businesses. Round Butte Seed Growers markets grass seed and fertilizer. Sweetwater Holdings is a water bottling facility (EarthH2O). Activities associated with these businesses are unlikely to have significant adverse impacts on surrounding farming activities.

3. ORS 197.298 contains regulations for prioritizing which land should be included in a UGB, stating:
 - (1) *In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:*

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON FOR
THE COUNTY OF JEFFERSON



IN THE MATTER OF AN AMENDMENT TO)
THE COMPREHENSIVE PLAN TO ADD)
45 ACRES TO THE CITY OF CULVER)
URBAN GROWTH BOUNDARY)

Ordinance No. 0-218-06

WHEREAS, Jack and Cheryl Ickler submitted an application to the City of Culver and Jefferson County for a quasi-judicial revision to the Comprehensive Plan to add the northern 45 acres of tax lot 300 in Section 20, Township 12 South, Range 13 East to the City of Culver Urban Growth Boundary; and

WHEREAS, the City of Culver Planning Commission and City Council considered the application and approved the urban growth boundary expansion; and

WHEREAS, the Jefferson County Planning Commission held a public hearing on November 9, 2006, at which time they considered the staff report and accepted testimony on the application; and

WHEREAS, the Planning Commission found that the proposal was consistent with the Comprehensive Plan, statewide planning goals and state statutes, and by a vote of 6 in favor and no opposed voted to recommend that the Board of Commissioners approve the amendment; and

WHEREAS, the Jefferson County Board of Commissioners conducted a public hearing on December 13, 2006 and accepted testimony in favor of the application. No persons appeared to testify in opposition to the application or submitted written testimony in opposition. At the conclusion of the hearing, the Board closed the record and deliberated on the application. After considering the Planning Commission recommendation and testimony, the Board voted unanimously to AFFIRM the Planning Commission recommendation.

NOW THEREFORE, the Jefferson County Board of Commissioners hereby ORDAINS as follows:

1. Adoption of Comprehensive Plan Map Amendment

Jefferson County hereby AMENDS the Comprehensive Plan to add tax lot 300 in Section 20, Township 12 South, Range 13 East to the City of Culver Urban Growth Boundary, as shown on the attached Exhibit A;

0-218-06

2. **Adoption of Findings**

The Board of Commissioners hereby find that the amendment is in conformance with applicable statewide planning goals, state statutes, and Comprehensive Plan provisions, as set forth in the Findings of Fact in the attached Exhibit B;

3. **Zoning Designation**

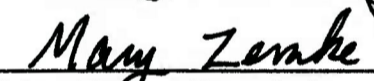
The lands will continue to be zoned Exclusive Farm Use A-1 and will remain under County jurisdiction until they are annexed into the City.

Dated this 20TH day of December, 2006.

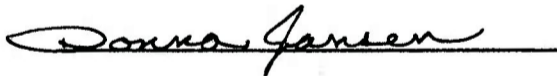
BOARD OF COMMISSIONERS:


Walter Ponsford, Commission Chair


Bill Bellamy, Commissioner


Mary Zinke, Commissioner

Attest:



0-218-06

Appeal Information

Planning Casefile #06-PA-08

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

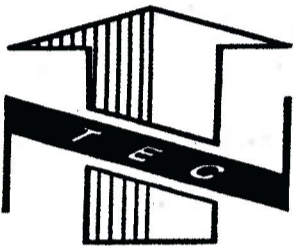
Board of Commissioners adoption date: December 20, 2006

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.

0-218-06






Exhibit A

CITY OF CULVER
 JEFFERSON COUNTY, OREGON
 IN SECTIONS 17, 18 AND 19, TWP. 12 S., RANGE 13 E. W.M.
 SEPTEMBER 5, 2006



0' 500' 1000' 2000'
SCALE IN FEET

ZONING LEGEND:

-  R-1 RESIDENTIAL, SINGLE FAMILY
-  R-2 RESIDENTIAL, SINGLE OR MULTIPLE DWELLINGS.
-  C-1 CENTRAL BUSINESS
-  M-1 INDUSTRIAL
-  OS OPEN SPACE / PUBLIC FACILITY



PROPOSED URBAN GROWTH BOUNDARY EXPANSION

----- CULVER CITY LIMITS LINE
 - - - - - URBAN GROWTH BOUNDARY

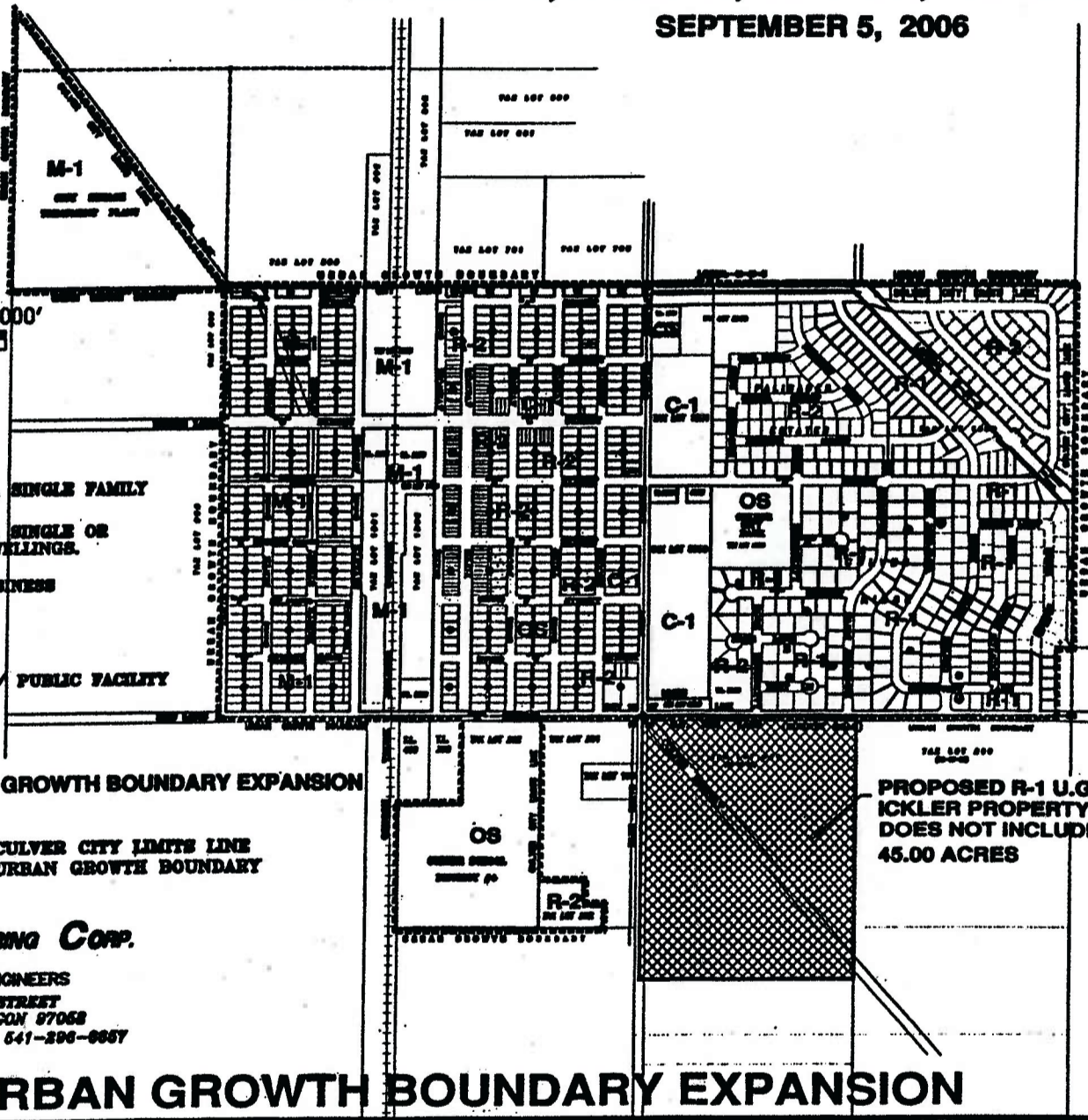
TENNESON ENGINEERING CORP.



CONSULTING ENGINEERS
 408 LINCOLN STREET
 THE DALLES, OREGON 97058
 541-296-9177 FAX 541-296-9887

PROPOSED URBAN GROWTH BOUNDARY EXPANSION

NO. #11400
 2001/CITY/CULVER/DWG



06-PA-08

EXHIBIT B

FINDINGS OF FACT

1. The proposal is for a quasi-judicial revision to the Comprehensive Plan to add 45 acres to the Culver Urban Growth Boundary (UGB). Comprehensive Plan Part V, Quasi-Judicial Revisions, states that a quasi-judicial revision is defined as an amendment to the comprehensive plan which consists of an application of the policies of the plan to a particular piece of property with no widespread significance and having no general applicability to areas of similar use. Subsection 6 states:

In order to submit a favorable recommendation for the proposed change to the County Court, the Planning Commission shall establish the compelling reasons and make the following findings of fact for the proposed change:

- A. *The proposed change will be in conformance with the statewide planning goals.*
- B. *There is a demonstrated public need for the proposed change.*

Finding: Statewide planning Goal 1 requires that the county provide the opportunity for citizens to be involved in the planning process. Notice of the public hearings to consider the proposal was mailed to all property owners within 750 feet of the subject property and was published in the Madras Pioneer. This complies with Goal 1. The county has an acknowledged Comprehensive Plan and Zoning Ordinance setting out procedures and regulations for land use decision-making, in compliance with Goal 2.

The property meets the definition of agricultural land under Goal 3. OAR 660-004-0010(1)(b)(C) states: "When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals." An exception to the requirements of Goal 14 or any other goals has not been requested. Consequently, an exception to Goal 3 is not required.

The property is not forest land, so Goal 4 is not applicable. There are no designated Goal 5 resources on or near the property. Goal 6 requires that the air, water and land resources of the state be maintained or improved. The proposal is simply to add land to the Culver UGB. The zoning and use of the property will remain the same until the property is annexed into the city. Potential impacts to air, water and land resources will be considered by the City at the time a request for annexation and rezoning is submitted.

The property is not subject to any significant natural hazards (Goal 7). There are no known geologic faults in the county, and the earthquake hazard is considered to be moderate. The NRCS Soil Survey description of the soils making up the property does not indicate any constraints to development. Terrain is flat. The property is not in a mapped flood hazard area. The property is bordered by irrigated farm land and urban development, so the wildfire hazard is minimal.

The property is not needed to meet the recreational needs of the citizens of the county, so the proposal does not conflict with Goal 8. Goal 9 requires jurisdictions to provide adequate opportunities for economic development. The city has indicated that it intends to rezone the land for residential use when it is annexed, so Goal 9 is not applicable.

Goal 10 requires that sufficient buildable lands be provided in urban and urbanizable areas to provide for the housing needs of the citizens of the state. The city has indicated that because of the extremely rapid growth that has occurred over the last five years, it is essentially out of residential land. Pages 6 and 7 of the "City of Culver Comprehensive Plan Amendments of 2006," which was submitted with the application, contain the city's analysis of the amount of residential land that is needed to meet the projected population for the city until 2026. The analysis shows that 50 acres of land is needed to provide housing for the projected population increase of 509 persons. This is based on a residential density of 4.65 housing units per acre and 2.18 persons per household. The current proposal is to add 45 acres to the UGB. Although this will not fully meet the city's housing needs for the full 20-year planning period, it complies with Goal 10

Once the area is annexed it can be provided with city services and utilities, in accordance with Goal 11. The property has access from Iris Lane and Elbe Drive, which are county roads. Goal 12 requires jurisdictions to provide a safe, convenient and economic transportation system. The property is bordered by two county roads and is bisected by Highway 361. ODOT will likely not allow any direct access onto the highway. However, the County's draft Transportation System Plan and the ODOT Statewide Transportation Improvement Program propose designating Iris Lane as Highway 361 from the existing Highway 361 east to Highway 97. Thus access may be limited on Iris Lane. Access issues will need to be addressed at the time a development application is submitted.

The proposal conserves energy because the property is adjacent to the city and is bisected by the highway, so energy expended for transportation will be minimized, in accordance with Goal 13. The requirements of Goal 14 are addressed in Finding 2.

There is a demonstrated need for the proposed amendment because the city needs to have additional land available for annexation in order to meet housing needs for projected population growth.

2. Goal 14 states:

Establishment and change of urban growth boundaries shall be based on the following:

- (1) *Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
- (2) *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Finding: As stated in the previous finding, the city needs 50 additional acres of residential land to accommodate projected population increases over the next 20 years, based on the coordinated population forecast that was adopted by the city in August, 2006 and by the county in October, 2006. The city limits and the urban growth boundary are identical, so there is no other land already inside the UGB that could be annexed to provide additional residential land. The application includes an analysis by the city showing that the only large block of vacant residential land inside the city limits is in the process of being subdivided and developed, leaving only scattered infill lots available for development. These are not sufficient to meet housing needs. The subject property is adjacent to the existing city limits, is level, has developed access from Elbe Drive and Iris Lane, and is otherwise suitable for residential development.

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) *Efficient accommodation of identified land needs;*
- (2) *Orderly and economic provision of public facilities and services;*
- (3) *Comparative environmental, energy, economic and social consequences; and*
- (4) *Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

Finding: ORS 197.298 is addressed in the following finding. The land that is proposed to be added to the UGB is adjacent to the city limits and existing urban residential areas. It is level so can feasibly be developed at an urban scale with minimal development constraints. The city has indicated that sewer and water can be provided to the area. Since the city is surrounded by agricultural land, there is little difference in the environmental, energy, economic, or social consequences of which land is added to the boundary, with the exception that the west side of the city is zoned for industrial uses, so there would be greater social consequences to future residents if lands west of the city were brought into the UGB for residential development. There are no forest lands in the area. The area to be added to the UGB is bordered by agricultural land to the east and south. To the west, across Elbe Drive, are a 1.38 acre parcel that is not in farm use and a 15 acre parcel. These parcels are bordered by land that is inside the city limits. Since Elbe Drive will separate the subject property from these parcels, and because they are already bordered by urban development, there will be minimal adverse impact on agricultural activities.

3. ORS 197.298 contains regulations for prioritizing which land should be included in a UGB, stating:
- (1) *In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:*
- (a) *First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.*
 - (b) *If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.*
 - (c) *If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).*
 - (d) *If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.*

Finding: The City of Culver does not have an urban reserve. There are no exception areas or nonresource land adjacent to the UGB, nor are there any resource lands in the vicinity that are surrounded by exception areas. There are no marginal lands in the county. The city is surrounded by land that is zoned EFU A-1, so the only option to expand the UGB is to take in agricultural land.

- (2) *Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.*

Finding: All of the agricultural land surrounding the city is irrigated. According to the NRCS Soil Survey the subject property, as well as the majority of other lands surrounding the city, is composed of soils that are agricultural capability class II. However, there is an area of class III soil east of the subject property, within tax lot 200, and a swath of class IV soil southeast of the city making up the majority of tax lots 12-13-20-100 and 12-13-17-1000, 1100, 1200, 1300 and 1400. Tax lots 1100 – 1400 are each approximately two acres in size, are developed with dwellings, and are separately owned. Consequently, they would have limited suitability for being redeveloped at an urban scale. An open North Unit Irrigation District canal crosses tax lot 100, and separates tax lot 1000 from the city. The canal would limit the ability of the City to extend water and sewer lines or develop a road network across the canal, making these lots less suitable for annexation. The City's analysis indicates that the subject property can be more easily provided with city services.



DEPT OF

JAN 12 2007

409 LINCOLN STREET
THE DALLES, OR 97058

LAND CONSERVATION
AND DEVELOPMENT

PHONE (541) 296-9177
FAX (541) 296-6657

LETTER OF TRANSMITTAL

To: DLCD

635 Capital Street Northeast, Suite 150
Salem, Oregon 97301

Date: 1/11/07	Work Order # 11400
Attention Mara Viloa	
RE:	

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1	DLCD Notice of Adoption

THESE ARE TRANSMITTED (as checked below)

- | | | |
|--|--|--|
| <input type="checkbox"/> For testing | <input type="checkbox"/> As requested | <input type="checkbox"/> Filing/Recording |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> For your review & comment |

Remarks:	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:

DELIVERED BY:

COPY TO: City of Culver, DLCD, Jefferson County Planning.

BY: Dan Meader, Contract Planner.

If enclosures are not as noted, please notify us at once.