



Oregon

Theodore R. Kubongski, 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

8/24/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Yamhill Plan Amendment
DLCD File Number 001-08

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: Tuesday, September 08, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: John Morgan, City of Yamhill
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative

<paa> YA

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

In person electronic mailed

DEPT OF

AUG 17 2009

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only
HAND DELIVERED

Jurisdiction: **City of Yamhill**

Local file number:

Date of Adoption: **08/12/09**

Date Mailed: **08/16/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/10/08

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

Expansion of the Yamhill Urban Growth Boundary. Designation as "Industrial" on the Yamhill Comprehensive Plan.

Does the Adoption differ from proposal? No

Plan Map Changed from: **county designation** to: **Industrial**

Zone Map Changed from: to:

Location: Van Dyke: 18.5 ac. portion of Tax Lot 1400, T3S R3W Sec 3

Landauer: 1.5 ac portion of Tax Lot 907, T3 R4 Section 4AD

Acres Involved: **20**

Specify Density: Previous: New:

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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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. 001-08 (17137) [15678]

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

Yamhill County, ODOT

Local Contact: **John Morgan**

Phone: (503) 304-9401 Extension:

Address: **450 S. Maple Street**

Fax Number: 503-304-9423

City: **Yamhill**

Zip: **97148**

E-mail Address: **john@morgancps.com**

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, or by emailing **larry.french@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.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

ORDINANCE 0-486

AN ORDINANCE ADOPTING AN AMENDMENT OF THE CITY OF YAMHILL COMPREHENSIVE PLAN EXPANDING THE URBAN GROWTH BOUNDARY AND DESIGNATING LAND FOR INDUSTRIAL USE.

WHEREAS, the City's Comprehensive Plan was adopted in 1979 and updated in May, 2004, and

WHEREAS, the Plan establishes an Urban Growth Boundary that defines land needed and intended to be urbanized over a 20 year period, and

WHEREAS, the Urban Growth Boundary is jointly adopted with Yamhill County, and

WHEREAS, the City Council adopted Ordinance O-484 on January 14, 2009 which adopted the City of Yamhill Industrial Lands Study analyzing the City's needs for industrial land, the amount of existing industrial land within the City, and appropriate new sites to meet identified industrial land needs, and

WHEREAS, the Industrial Lands Study identified the Van Dyke property as the most appropriate to meet the identified need for new industrial land, and

WHEREAS, the Van Dyke property is outside the current Urban Growth Boundary and must be brought into the Boundary and designated Industrial in order to satisfy the need through future urbanization and development for industrial purposes, and

WHEREAS, in order to make the Van Dyke property contiguous with the existing Urban Growth Boundary it is necessary to include the Landauer property to provide the needed connection, and

WHEREAS, Jim and Mark Van Dyke of Van Dyke Riverview Farms LLC and Tim Landauer filed an application with the City to amend the Urban Growth Boundary to include their properties and designate their properties as Industrial on the Comprehensive Plan Land Use Map, and

WHEREAS, the Urban Area Management Agreement between the City of Yamhill and Yamhill County defines the process by which an amendment to the Urban Growth Boundary will be considered and requires any application to be reviewed by a joint Yamhill Urban Area Management Commission which makes a recommendation to the City of Yamhill City Council and the Yamhill County Board of Commissioners, and

WHEREAS, the Yamhill Urban Area Management Commission met on May 18, 2009, held a public hearing on the proposed amendment, and passed this motion: "It is moved to approve the application, with the recommendation that uses be limited to light industrial," and

WHEREAS, on July 8, 2009 the City Council held a hearing on the proposed amendment, and after closing the hearing directed Staff to prepare an ordinance amending the Urban Growth Boundary, and also initiated an amendment to the City of Yamhill Development Code to include a new Light Industrial zone to be placed upon the subject properties upon future annexation, and

WHEREAS, testimony was received from the Oregon Department of Transportation requesting the City and the County include a provision in the UGB amendment stating that compliance with OAR 660-012-0060 will be required as part of any future zone change application of the affected properties, and that appropriate conditions be applied to this action that require the preparation of a transportation impact analysis and construction of any measures necessary to ensure consistency with ODOT requirements of OR 240 as part of annexation/zone change application for any of the parcels included in the UGB amendment.

NOW, THEREFORE, THE CITY OF YAMHILL, OREGON DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Yamhill hereby approves the application of Jim and Mark Van Dyke of Van Dyke Riverview Farms LLC and Tim Landauer to amend the Urban Growth Boundary to include their properties and designate their properties as Industrial on the Comprehensive Plan Land Use Map.

Section 2. The City Council adopts the May 12, 2009 Staff Report to the Yamhill Urban Area Management Commission and the July 8, 2009 Staff Report to the Yamhill City Council and the findings of fact incorporated therein, attached as Exhibit B, to support the approval of this application and the adoption of the amendment of the City of Yamhill Comprehensive Plan amending the Urban Growth Boundary.

Section 3. The additional finding is made that State Highway 240 abuts the subject property on the south side; ODOT maintains access control over the highway but requires local jurisdictions to require traffic analysis of new development that will potentially take access from a State Highway

Section 4. It is the intent of this decision that a Light Industrial zone be incorporated into the Yamhill Development Code, that the new Light Industrial Zone be applied to the subject properties upon annexation, that the Light Industrial zone include standards for use and property development that will minimize any noise, light, odor, or other environmental impacts on nearby residential properties, that limit uses to light manufacturing and fabrication, assembly of finished goods, processing and packaging of agricultural products, and associated and secondary office and tourist-oriented retail uses, and that incorporate ODOT's requested conditions into the text of the future Light Industrial zone that will be applied to the subject property upon annexation.

INTRODUCED AND ADOPTED by the City of Yamhill Council and signed by me in authentication of its passage this 12th day of August, 2009.

CITY OF YAMHILL, OREGON

**FIRST READING:
SECOND READING:**

AYES: 3
NAYS: 0

By: Paula L. Terp
Paula Terp, Council President

ATTEST: Gail Waibel
Gail Waibel, Interim City Recorder

STAFF REPORT

EXHIBIT B – O-486

TO: Yamhill Urban Area Management Commission

FROM: John N. Morgan AICP
City Planner

SUBJECT: Urban Growth Boundary (UGB) Expansion, Comprehensive Plan Map Amendment.

DATE: May 12, 2009

I. INTRODUCTION

This is an application for an amendment to the Urban Growth Boundary. This report is intended to address the criteria for such a change found within the City of Yamhill Development Ordinance. That ordinance includes the criteria that are used to amend the Comprehensive Plan. This report is developed in conjunction with the Yamhill County Planning Staff, which is also providing a report that addresses the applicable criteria from the Yamhill County Comprehensive Plan and Development Code. In addition, that report discusses updated population projections as the preparation of coordinated population projections is a County responsibility. The City staff fully concurs in the analysis and recommendations of the County staff.

II. BACKGROUND

- A. **APPLICANT:** Carole Connell on behalf of Jim and Mark Van Dyke of Van Dyke Riverview Farms LLC, and Tim Landauer
- B. **PROPERTY LOCATION:** The subject property is located on the north side of Main Street at Stillers Mill Road, and includes an estimated total of 20 acres. The Van Dyke portion is 18.5 acres and the Landauer portion is 1.5 acres.

Description: Van Dyke: 18.5 ac. portion of Tax Lot 1400, T3S R3W Sec 3
Landauer: 1.5 ac portion of Tax Lot 907, T3 R4 Section 4AD
- C. **SIZE:** The total area of the two subject property is 20 acres.
- D. **PROPOSAL:** To amend the Yamhill County and City of Yamhill Comprehensive Plans and Maps in order to expand the City's Urban Growth Boundary (UGB).

- E. ZONING: The subject two parcels are designated Agricultural/Forestry Large Holding (AFLH) by the Yamhill County Comprehensive Plan. The parcels are zoned Exclusive Farm Use EF-80 by the County Zone Map. Under the proposal the property would become subject to the City of Yamhill Comprehensive plan and would be given an industrial designation. A City zoning designation would only be applied once the property was annexed by the City.
- F. ANALYSIS METHODOLOGY: The State of Oregon has established the basic methodology for an industrial land UGB expansion. The analysis begins with comparing the projected industrial land need (demand) to the current industrial land supply to determine whether an industrial land UGB expansion is required. The methodology and standards for this analysis are prescribed in Oregon Administrative Rule (OAR) 660-009 and fall under the statewide planning Goal 9 which focuses on employment land. Once the need for additional land is established statewide planning Goal 14 and Oregon Revised Statue (ORS) 197.298 govern how additional land is to be selected for inclusion into the UGB.
- G. SOURCE OF ANALYSIS: In order to complete the multiple levels of analysis required by the State of Oregon to complete and industrial UGB expansion all required parts of the analysis were not completed in a single document. In this case the analysis was substantially completed in three separate documents. The first was the 2008 Industrial Land Study adopted by the City on January 14, 2009. The second and third documents are the narrative and supplemental narrative submitted by the applicant.
- H. APPLICABILITY OF ANALYSIS: The narratives submitted by the applicant have not been adopted by the City but they do include conclusions and have planning implications which go beyond this individual land use case. In order to approve this application the City must make a judgment on the assumptions and fundamental soundness of the analysis as it relates to the City's planning goals and state law. By making this judgment the City would be binding itself to consider this analysis in future land use and planning decisions.
- I. DECISION CRITERIA: Section 10.132.090 of the City's municipal code sets forth the factors that are to be considered for an amendment to the comprehensive plan.

III. ANALYSIS

This section summarizes the analysis completed by the City and the applicant. For the complete analysis please reference the 2008 Industrial Land Study adopted by the City on January 14, 2009 and the applicant's submittals.

- A. **INDUSTRIAL LAND AVAILABILITY IN CURRENT UGB:** In October 2008 an updated buildable lands inventory was completed by the City Public Works Superintendent and Carole Connell, AICP the applicant's consultant. The citywide survey resulted in estimated vacant land data which is identified on the attached map and the following Table 1. The conclusion of this survey is that the City currently has no industrial land within its UGB much less any vacant industrial land within the UGB.

Table 1

Vacant Buildable Land Inventory

October 2008

	Residential	Commercial	Industrial
Vacant Land Small Parcels	30 lots -- 10 ac.	0	0
Vacant Land Large Parcels -- 2 parcels (Not including school land)	2 Parcels - 21 acres	0	0
Total	Estimated 31 acres	0	0

- B. **INDUSTRIAL LAND NEED:** The 2008 Industrial Lands Study establishes policy within the Comprehensive Plan that the City's current UGB is deficient of Industrial Land. The study established there is a need for at least 4.75 acres of vacant industrial land within the UGB at the present time.

Additionally, the applicant submitted an analysis projecting that over the next 20 years the City will have a need for 27 acres of industrial land to accommodate the expected 247 new industrial jobs expected for the area. The assumptions, calculations, and other details of this analysis are found in the applicant's narrative and supplemental narrative.

- C. **LOCATIONAL ANALYSIS:** As specified by ORS 197.298 land around the UGB was placed into categories which signify the order land is to be brought into urban areas. This analysis is described in the applicant's material. This analysis determined that land of higher priority categories of urban reserves, designated exception land, designated marginal lands, or lower capacity resource land were found to be either not available or not suitable for an industrial expansion. It was determined that the only options were for an industrial expansion of the UGB was to consider high

value resource land.

After making this determination using state mandated priorities other priorities identified by the City's economic analysis were utilized in the site selection process. These selection criteria are as follows:

- Land should be generally flat with slopes less than 5%.
- Urban levels of service - sanitary sewer, water and storm drainage - should be readily available to serve the property.
- Proximity to a railroad track, while not necessary, is beneficial.
- Lacking rail access, direct access to an arterial or at least a collector street is preferred along with reasonable proximity to the regional transportation network.
- Land should not be so situated as to direct truck traffic through residential areas.
- Industrial land should be concentrated to reduce traffic between industrial uses.
- Industrial areas should be located near commercial areas that can provide supporting services, for example, printing services.
- Preferably, high-density housing would be within walking distance of industrial land.

The analysis of the sites utilizing the criteria above is described in the 2008 Industrial Lands Study. The conclusion of the report is that the "preliminary alternative is the selection of property on the east side of the City limits to include land adjacent to Stiller's Mill Road." This conclusion was noted in the report as preliminary because "the final location and assessment will involve local property owners and their willingness to be included in the UGB." By applying to be included into the UGB through this application the property owners are stating their willingness to be included in the UGB.

IV. COMPREHENSIVE PLAN MAP AMENDMENT

- A. Sections 10.132.060 – 10.132.060 establishes the review procedures and application requirements.

FINDINGS: Plan Map Amendments require hearings before both the Commission and Council (070). The Commission reviews the request and

provides a recommendation; the final decision to approve or deny rests with the City Council.

B. The criteria for the Commission recommendation are found in Section 10.132.090. Each item is reviewed in the following section:

(A) That there is a public need for a comprehensive plan amendment.

FINDINGS: The 2008 Industrial Lands Study established the need for an expansion of the UGB. The proposal implements the recommendation of the study.

(B) That there was an error in the original comprehensive plan.

FINDINGS: The original comprehensive plan map is now out of date and does not consider the new information provided by the Industrial Lands Study and the analysis submitted by the applicant.

(C) That there is a need to change the currently adopted comprehensive plan.

FINDINGS: There is a need to update the comprehensive plan map to be consistent with the 2008 Industrial Lands Study.

(D) That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need.

FINDINGS: The 2008 Industrial Lands Study and the buildable lands survey completed by the applicant in conjunction with the City determine there is inadequacy of currently zoned industrial land. The criterion is met.

(E) That the property proposed to be changed is the best property available for the comprehensive plan amendment.

FINDINGS: The 2008 Industrial Lands Study determined this area was the best property for the comprehensive plan amendment to expand the UGB for industrial purposes. Thus, the criterion is met.

(F) That the proposed comprehensive plan amendment is in conformance with all Statewide Goals, and any applicable street, highway and/or utility plans for the area.

FINDINGS: The Statewide Land Use Goals establish the basis for all planning within the State. All local plans and implementing ordinances are required to be consistent with the policies and

objectives of the Statewide Goals. Compliance with the applicable Statewide Goals and their policies is noted as follows:

Goal 1, Citizen Involvement: Public hearings on the proposed amendments will be held before both the Commission and City Council. This is consistent with City procedures.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Development Ordinance. There is adequate factual basis to justify the proposed change.

Goal 3, Agricultural Lands: The higher capacity farm land is proposed to be converted to an industrial use only because lower priority land is not available or appropriate to support the industrial land need.

Goals 4, Forest Lands: The proposal does not involve or affect identified forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: Identified historic or cultural resources are not affected by the proposed changes. The City and developer are required to coordinate with the Division of State Lands to avoid impacting any wetlands on the property.

Goal 6, Air, Water and Land Resource Quality: All new development is required to meet applicable state laws concerning air, water, and land resource quality.

Goal 7, Natural Hazards: Development requirements for activities within the flood plain will remain unaltered. All development in the flood plan will meet these local standards which are based on Federal requirements.

Goal 8, Recreational Needs: The proposed changes do not involve land or create uses which would adversely impact recreational opportunities.

Goal 9, Economic Development: As required by Goal 9, the proposed change ensures that the City's urban area provides "for at least an adequate supply of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The change as required is based on the City's 2008 Industrial Lands Study.

Goal 10, Housing: The Plan amendment does not add to nor reduce the amount of land available for residential development.

Goal 11, Public Facilities and Services: The City of Yamhill Public Works Director indicates that both water and sewer service can be extended to service the site.

Goal 12, Transportation: The two affected properties front along Main Street, an improved state highway and local collector street, and Stillers Road, a partially improved local street. Stillers Road connects Highway 240 with Highway 47 without affecting the town center's traffic circulation. Additional public street improvements to bring those streets to city standards will be required at the time of future industrial development.

Goal 13, Energy Conservation: The proposed changes neither promote nor reduce energy conservation.

Goal 14, Urbanization: As noted in the analysis the City cannot accommodate the City's industrial need on land already inside the UGB. Additionally, the locational analysis that was used to identify the proposed area of expansion follows the procedure recommended by the Department of Land Conservation and Development and is consistent with ORS 197.298.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

- (G) That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone upon adoption of the comprehensive plan amendment.

FINDINGS: The property is rectangular in shape with ample frontage on both Main Street and Stillers Road to accommodate traffic circulation patterns. The land is relatively flat and easily converted to urban industrial use with minimal site grading. The floodplain area in the southwest quadrant is situated so there is minimal impact on the remaining developable portion of the property. The 20 acres of new industrial land will help the City meet its industrial land needs to support employment growth, as identified in the 2008 Industrial Lands Study. That study also determined that this site is the best location to meet the identified need.

- (H) That the proposed property is properly related to streets and highways to adequately serve the type of traffic that will be generated by the uses in the proposed zone upon adoption of the comprehensive plan amendment.

FINDINGS: The two affected properties front along Main Street, an improved state highway and local collector street, and Stillers Road a partially improved local street. Stillers Road connects Highway 240 with Highway 47 without affecting the town center's traffic circulation. Additional public street improvements to bring those streets to city standards will be required at the time of future industrial development. Also, a railroad spur abuts the property's east side giving the potential for rail service for freight in the future.

- (I) That the proposed comprehensive plan amendment will have no adverse affect on abutting property or the permitted uses thereof.

FINDINGS: The subject property is part of a larger farm parcel that extends to the north. There is no development on that land that will be impacted by the proposed use. Lands across the streets to the west and south are in large lot rural residential use. These properties are potentially impacted but local and state environmental regulations will provide assurance that air, water, noise, and other factors are not creating adverse impacts. The land to the east is already in industrial use and will not be adversely impacted because of the similar nature of the future industrial uses.

VII. SUMMARY

Based on these finding the decision criteria are met. This includes the criteria found in the Development Code, and as part of those criteria, the provisions of the Statewide Planning Goals and Guidelines. The proposed UGB amendment should be approved.

VIII. RECOMMENDATION

It is recommended the Urban Area Management Committee approve the request to amend the Urban Growth Boundary.

STAFF REPORT

EXHIBIT B – O-486

TO: City of Yamhill City Council

FROM: John N. Morgan AICP
City Planner

SUBJECT: Urban Growth Boundary (UGB) Expansion, Comprehensive Plan Map Amendment.

DATE: July 8, 2009

I. INTRODUCTION

This is an application for an expansion of the Urban Growth Boundary. The City Council is holding this hearing on the application and will decide if it is to be approved. If so, the Council will adopt an ordinance amending the Urban Growth Boundary at a subsequent Council meeting.

This is a three step process as the Urban Growth Boundary is jointly adopted by the City and Yamhill County. The steps are:

- The Yamhill Urban Area Management Commission meets to conduct a public hearing on the matter and to develop a recommendation to both the City Council and the Board of Commissioners. This occurred on May 12, 2009. The Urban Area Management Commission is a joint panel made up of Planning Commissioners jurisdictions as well as representatives of the City Council and Board of Commissioners. The Urban Area Management Commission voted to recommend approval of the change, as will be discussed below.
- The City Council hears the application and makes a decision. This is the process that begins tonight. If the decision is to approve the application, the Council will adopt an ordinance amending the Urban Growth Boundary at a subsequent Council meeting.
- The Board of Commissioners will hear the application and make a decision, to be adopted by ordinance, after the Council adopts an ordinance.

II. BACKGROUND

A. **APPLICANT:** Carole Connell on behalf of Jim and Mark Van Dyke of Van Dyke Riverview Farms LLC, and Tim Landauer

- B. **PROPERTY LOCATION:** The subject property is located on the north side of Main Street at Stillers Mill Road, and includes an estimated total of 20 acres. The Van Dyke portion is 18.5 acres and the Landauer portion is 1.5 acres.
- Description: Van Dyke: 18.5 ac. portion of Tax Lot 1400, T3S R3W Sec 3
Landauer: 1.5 ac portion of Tax Lot 907, T3 R4 Section 4AD
- C. **SIZE:** The total area of the two subject property is 20 acres.
- D. **PROPOSAL:** To amend the Yamhill County and City of Yamhill Comprehensive Plans and Maps in order to expand the City's Urban Growth Boundary (UGB).
- E. **ZONING:** The subject two parcels are designated Agricultural/Forestry Large Holding (AFLH) by the Yamhill County Comprehensive Plan. The parcels are zoned Exclusive Farm Use EF-80 by the County Zone Map. Under the proposal the property would become subject to the City of Yamhill Comprehensive plan and would be given an industrial designation. A City zoning designation would only be applied once the property was annexed by the City.

III. THE PROPOSAL

Details of the application are found within the Staff Report presented to the Urban Area Management Committee a copy of which is attached. This report includes the Staff's analysis and proposed findings of fact. The Council is asked to read this report to gain an understanding of the facts of this case, and how the proposal conforms to the applicable criteria.

In summary, this is an application for an expansion of the Urban Growth Boundary that is in response to the City's Industrial Lands Study, which the Council adopted in April 2009. That study found that there is a significant need for land to support new employment, primarily in the industrial sectors. The study also found that there are no lands zoned industrial in the City meaning there is no land that is zoned to meet the identified needs.

The study went on to find lands that could meet the need. There were several criteria including size, topography, availability of public facilities, and transportation access. Of seven sites identified that had potential of meeting the need, the best was the Van Dyke property on the east side of the City. Staff made the property owners aware of the identification of the property and suggested they apply for the amendment of the Urban Growth Boundary. The smaller Landauer property is included in order to connect the Van Dyke property to the existing Urban Growth Boundary. The application was filed and is now moving through this approval process.

The staff report includes proposed findings of fact. These will be included, as may be amended, as part of any ordinance approving this application.

IV. THE PROCEEDINGS AND ACTIONS OF THE YAMHILL URBAN AREA MANAGEMENT COMMITTEE

The Urban Area Management Committee met on May 12th to hold a hearing on the proposal, and to develop a recommendation to the City Council and Board of Commissioners.

The hearing was well attended by property owners and residents from the area surrounding the property. Many points were made in the testimony received about the potential impacts of the proposed industrial land on surrounding property. The Urban Area Management Committee discussed these concerns at length and decided that the property is needed to be brought into the Urban Growth Boundary but that it should be limited in its use to light industrial uses that are of lesser impact than heavy industrial uses.

The UAMC passed this motion unanimously:

It is moved to approve the application, with the recommendation that uses be limited to light industrial.

V. RECOMMENDATION

It is recommended the Council:

1. Open, conduct, and close the public hearing
2. Direct Staff to prepare an ordinance for Council action approving the amendment of the Urban Growth Boundary to include the subject properties
3. Initiate a text amendment of the Development Code to include a new Light Industrial Zone, and refer the matter to the Planning Commission for development and recommendation of the proposed zone text.