



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

February 27, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment  
DLCD File Number 015-06



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: March 16, 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  
Jason Locke, DLCD Regional Representative  
Gary Fish, DLCD Regional Representative  
Ken Friday, Yamhill County

<paa> ya/

FORM 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

In person  electronic  mailed

**DEPT OF**

**FEB 26 2007**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **Yamhill County**

Local file number: **G-02-06**

Date of Adoption: **2/7/2007**

Date Mailed: **2/23/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/19/2006

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other:                           |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
Modification to the interchange overlay district to allow expansion of the Newberg Urban Growth Boundary

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

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

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 # 015-06 (15645)



**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **Ken Friday**

Phone: (503) 434-7516 Extension: 3630

Address: 525 NW 4<sup>th</sup> Street

Fax Number: -434-7544

City: McMinnville

Zip: 97128-

E-mail Address: [fridayk@co.yamhill.or.us](mailto:fridayk@co.yamhill.or.us)

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## **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](http://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](mailto: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.
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 [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.



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 Modifying the "Interchange Overlay District" by )  
Amending Ordinance 747 to Allow Property Within Urban Reserve )  
Area C to Be Considered for Inclusion in the Newberg Urban Growth ) Ordinance 802  
Boundary, Docket G-02-06, Tax Lots 3216-900, -1000, and -1100 )  
Applicant Yamhill County, and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the "Board") sat for the transaction of county business on February 7, 2007, Commissioners Kathy George, and Leslie Lewis being present, and Mary P. Stern being excused.

IT APPEARING TO THE BOARD that the Yamhill County Department of Planning (Planning Docket G-02-06) requested to modify the "Interchange Overlay District", adopted by Ordinance 747, to allow property within Urban Reserve Area C to be considered for inclusion in the Newberg Urban Growth Boundary, and

IT APPEARING TO THE BOARD that the matter was heard by the Yamhill County Planning Commission at a duly noticed public hearing on December 7, 2006, after which the Commission voted to recommend approving the application. A public hearing was held before the Board on January 24, 2007. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved and Ordinance 747 is hereby amended to read as follows:

**908.06 Limitations on Zone Changes within the Interchange Overlay District**

- A. To achieve the purpose of the Interchange Overlay District, Yamhill County will not approve zone changes during the interim period before Interchange Area Management Plans are prepared and adopted except for those areas brought into the Newberg Urban Growth Boundary pursuant to 908.07(D).

**908.07 UGB Amendments within the Interchange Overlay District**

- D. In cooperation with the Cities of Dayton, Dundee and Newberg, Yamhill County will not approve expansion of UGBs within the Interchange Overlay District in the interim period before interchange area management plans are adopted for the four interchanges to the Bypass. An exception to this limitation will be allowed for expansion of the Newberg UGB into the Urban Reserve Area C, north of Highway 99W, to accommodate construction of Crestview Drive in the general location shown on the City of Newberg acknowledged Transportation System Plan and a planned frontage road between Crestview Drive and Benjamin Road.

B.0.07-161

The reasons for this amendment are detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated herein. 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 upon passage.

DONE this 7<sup>th</sup> day of February, 2007, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN  
County Clerk

*Kathy George*  
KATHY GEORGE

By: *Anne M. Britt*  
Deputy Anne Britt



Unavailable for signature

MARY P. STERN  
Commissioner

APPROVED AS TO FORM:

*Rick Sanai*  
Rick Sanai, Assistant County Counsel

*Leslie A. Lewis*  
Commissioner  
LESLIE LEWIS

Accepted by Yamhill County  
Board of Commissioners on  
2/7/07 by Board Order  
# 07-161

Exhibit "A", Findings

**DOCKET NO.:** G-02-06

**REQUEST:** To modify the "Interchange Overlay District", adopted by Ordinance 747, to allow property within Urban Reserve Area C to be considered for inclusion in the Newberg Urban Growth Boundary. The specific language proposed is as follows:

**908.06 Limitations on Zone Changes within the Interchange Overlay District**

- A. To achieve the purpose of the Interchange Overlay District, Yamhill County will not approve zone changes during the interim period before Interchange Area Management Plans are prepared and adopted except for those areas brought into the Newberg Urban Growth Boundary pursuant to 908.07(D).

**908.07 UGB Amendments within the Interchange Overlay District**

- D. In cooperation with the Cities of Dayton, Dundee and Newberg, Yamhill County will not approve expansion of UGBs within the Interchange Overlay District in the interim period before interchange area management plans are adopted for the four interchanges to the Bypass. An exception to this limitation will be allowed for expansion of the Newberg UGB into the westerly portion of Urban Reserve Area C, north of Highway 99W, to accommodate construction of the Crestview Drive in the general location shown on the City of Newberg acknowledged Transportation System Plan and a planned frontage road between the Crestview Drive, and Benjamin Road.

**APPLICANT:** Yamhill County (At the request of NewB Properties LLC)

**LOCATION:** This ordinance change applies to Urban Reserved Area C, north of Highway 99W.

**TAX LOTS:** 3216-900, -1000 and -1100

**CRITERIA:** ORS 197 and 215, OAR 660-06 and Section 1207.02 of the Yamhill County Zoning Ordinance.

**A. Background**

Ordinance 747 adopted a new Interchange Overlay District. The intent of the district was to prevent development where development was not anticipated. This is summed up by the Comprehensive Plan Policy adopted by Ordinance 747. Section III.A Policy b. states in part:

*Yamhill County will apply an Interchange Overlay District to unincorporated county lands that are within approximately 1/4 to 1/2 mile of the interchange ramps to protect agricultural and rural lands from development pressures. . .*

B.O.07-161



Part of the restrictions within the Interchange Overlay District are a prohibition on urban growth boundary (UGB) expansions. Subsection 908.07(D) lists the specific restriction on UGB expansions:

*In cooperation with the Cities of Dayton, Dundee and Newberg, Yamhill County will not approve expansion of UGBs within the Interchange Overlay District in the interim period before interchange area management plans are adopted for the four interchanges to the Bypass. An exception to this limitation will be allowed for expansion of the Newberg UGB into the Urban Reserve Area C, to accommodate construction of the Northern Arterial in the general location shown on the City of Newberg acknowledged Transportation System Plan*

The Planning Director received a request by NewB properties to amend Ordinance 747 to allow certain properties within the Newberg Urban Reserve Area to be allowed to pursue an UGB amendment.<sup>1</sup> The Planning Director agreed to put forward the request, if the applicant paid for its processing, for the following reasons:

1. Ordinance 747 was done at the behest of the Oregon Department of Transportation (ODOT). ODOT does not appear to object to the amendment. ODOT had done traffic modeling if the Urban Reserve Areas are developed and has worked this potential development into their long term plans.
2. On June 5, 2006 the Newberg City Council approved Ordinance 2006-2648 which amended the City's Bypass Interchange Overlay policies to allow for this application.
3. In 1995, Yamhill County and the City of Newberg worked together to adopt the Newberg Urban Reserve Area. This identified land that had the highest priority for inclusion in the UGB. The application would affect an area that both the City and County have identified as appropriate for eventual inclusion in Newberg's UGB.
4. Approval of this text amendment does not approve the UGB amendment. It only allows application to be made on the aforementioned tax lots. For a UGB amendment, the applicant would still need to demonstrate to the County and City that the request is consistent with the approval criteria.

**B. Zoning Ordinance Provisions and Analysis**

1. Section 1207.02 of the YCZO contains the review criteria pertinent to the proposed zoning ordinance text amendments, stating:

*A legislative amendment shall satisfy all applicable requirements of this ordinance in addition to the following:*

- A. *An amendment to the text of this ordinance shall be based upon a need for such an amendment identified by the Board, the Commission, or the Director.*
- B. *The amendment shall be consistent with the Comprehensive Plan, and with all other provisions of this ordinance, and with federal, state, or local government statutes, rules and regulations.*

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<sup>1</sup>The applicants have applied for the UGB Amendment on the three subject lots. The application can not receive final approval until and unless this legislative amendment is approved.

2. Regarding criterion (A), the Planning Director has identified a need to amend the text of the YCZO to allow an applicant to pursue an application for an Urban Growth Boundary amendment.
3. Regarding criterion (B), the property involved is part of the Newberg Urban Reserve Area. The Urban Reserve Area identified land that has the highest priority for inclusion in Newberg's UGB. Allowing application for a UGB amendment for these properties, while still protecting the proposed bypass corridor, is consistent with the Yamhill County Comprehensive Plan policies, state statutes and administrative rules.

**CONCLUSIONS:**

1. The proposal is to amend the text of the Yamhill County Zoning Ordinance to allow three tax lots to be considered for inclusion in the Newberg Urban Growth Boundary.
2. The proposed text language complies with the review criteria for a legislative amendment in Section 1207.02 of the Yamhill County Zoning Ordinance.
3. The proposed amendment complies with Comprehensive Plan goals and policies, state statutes and administrative rules.

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B.0.07-161

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