



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 2, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tangent Plan Amendment
DLCD File Number 002-04R2

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 12, 2007

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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Marguerite Nabeta, DLCD Regional Representative
Georgia Edwards, City Of Tangent

<paa> yl

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

(See reverse side for submittal requirements)

DEPT OF
DEC 26 2006
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Tangent Local File No.: 04-01

(If no number, use none)

Date of Adoption: 12-20-06 Date Mailed: 12-22-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 10-20-06

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: Decision on Remand
- (Please Specify Type of Action)

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

Comprehensive Plan and Zone Amendment of 50-85 acres. This
will expand the UGB boundary and change the Comp. Plan
designation from Agriculture to Residential and the Zoning
designation from EFU to RS-10. An exception is requested for
Goal 3 and Goal 14.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: Agriculture to Residential

Zone Map Changed from: EFU to RS-10

Location: 32109 Tangent Drive, Tangent Acres Involved: 84.26

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1,2,3,5,6,7,8,10,11,12,14

Was an Exception Adopted? Yes: No:

DLCD File No.: 002-04 R2 (13443)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: DLCD, Linn
County, Tangent Rural Fire Department, Albany School District

Local Contact: Georgia Edwards Area Code + Phone Number: 541-928-1020

Address: P.O. Box 251 City: Tangent

Zip Code+4: 97389 Email Address: georgia@cityoftangent.org

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

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 copy this form on to 8-1/2x11 green paper only; or 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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE CITY COUNCIL
FOR THE CITY OF TANGENT, OREGON

In the Matter of Adopting a Decision on)
Remand from the Land Use Board of)
Appeals Pertaining to an Application) Ordinance No. 2006-11
by Melvin Brush to Include 84.26 Acres)
into the Tangent Urban Growth Boundary,)
Amending the Comprehensive Plan Map)
and a Text Amendment From Agriculture)
to Residential, Rezoning the Property from)
EFU to RS-10 and Taking an Exception)
to Statewide Land Use Goals 3 and 14)
pursuant to OAR chapter 660)

WHEREAS, on September 20, 2004, the City Council approved an application by Melvin Brush to include approximately 84 acres into the Tangent Urban Growth Boundary (UGB) and rezone the property from EFU to R-1, and

WHEREAS, that decision was appealed to the Land Use Board of Appeals (LUBA) by Mondalee Lengkeek, Mervin "Bill" Lengkeek, James M. Long, Stephen P. Nofziger, Joanne McLennan, Arlen Samard, and Eileen Samard; and

WHEREAS, in their petition for review before LUBA, Petitioners alleged five assignments of error; and

WHEREAS, LUBA upheld three assignments of error in whole or in part; denied two assignments of error, and remanded the City's decision back to the City; and

WHEREAS, on April 10, 2006 the City Council again approved the application by Melvin Brush on remand, but only including approximately 54.86 acres into the Tangent UGB and rezoning the property from EFU to RS-10, and

WHEREAS, that decision was appealed to LUBA by Mondalee Lengkeek, Mervin "Bill" Lengkeek, Eileen Samard, Arlen Samard, Joanne McLennan, and Seaton McLennan; and

WHEREAS, in their Petition for Review before LUBA, Petitioners alleged two assignments of error, including a total of four subassignments of error; and

WHEREAS, LUBA upheld two assignments of error in whole or in part; denied one subassignments of error, and remanded the City's decision back to the City; and

WHEREAS, pursuant to ORS 227.181(1), the applicant requested that the City hold a hearing on remand; and

WHEREAS, in response to this request, the City held a remand hearing on December 4, 2006; and

WHEREAS, notice was provided to parties to the appeal, to DLCD, to property owners within 500 feet of the subject property, and published in a newspaper of public record and on the City's website; and

WHEREAS, testimony at the hearing was limited to the matters addressing the remand decision, but was not limited to the parties; and

WHEREAS, Corinne Sherton appeared on behalf of Mondalee Lengkeek, Mervin "Bill" Lengkeek, Arlen Samard, Eileen Samard, Seaton McClennan, and Joanne McClennan, and each of these parties appeared on their own behalf in person or through written testimony; and

WHEREAS, other persons, including Marguerite Nabeta from the Department of Land Conservation and Development, submitted written testimony or provided oral testimony regarding the remand; and

WHEREAS, Bob Speaker and Edward Schultz appeared on behalf of Melvin Brush; and

WHEREAS, written testimony and evidence was allowed from all parties to the proceeding until the end the public hearing on December 4, 2006; and

WHEREAS, having fully considered this matter, including the record of the initial proceedings, testimony, evidence and legal arguments presented by the parties; and

WHEREAS, the City has considered the information contained in the Tangent Comprehensive Plan (TCP) in the context of the entire TCP as a functional document in finding that the TCP provides for a planning period past 2005 and the Buildable Lands Inventory (BLI) provided in the TCP did not expire in 2005; and

WHEREAS, all assumptions contained in the projections in the math model relied upon by Applicant and the City are contained in the TCP and support a finding that the expansion of the UGB is needed;

NOW, THEREFORE, the City Council ordains as follows:

1. The recitals set forth herein are adopted by this reference and incorporated herein.
2. The Comprehensive Plan Map for the City is amended to expand the City's UGB boundary to include the 84.26 acres of the subject property, which is depicted on a map which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference.

3. The Comprehensive Plan Map for the City is also amended to change the designation for the 84.26 acres from Agriculture to Residential.

4. The Zoning Map for the City is amended to rezone the same 84.26 acres from EFU to RS-10, which is the current low density residential zoning designation included in the Tangent Land Use Development Code (TLUDC).

5. The TCP is amended to include an exception to Statewide Land Use Goals 3 (Agriculture) and 14 (Urbanization) for the subject property, pursuant to OAR 660-004-0000(2). The reasons supporting the exception are set out in the findings of fact and conclusions of law included in Exhibit "B," which is attached hereto and incorporated herein by this reference.


6. The application is subject to conditions of approval to assure compliance with the applicable approval criteria. Those conditions are set out in Exhibit "C," which is attached hereto and incorporated herein by this reference.

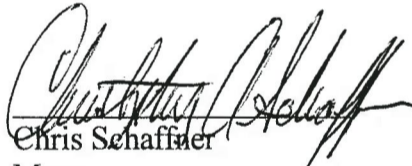
7. Notice of this decision shall be forwarded to DLCD in accordance with applicable administrative rules, the parties and adjacent property owners, and may be appealed to LUBA in accordance with ORS 197.825 et. seq.

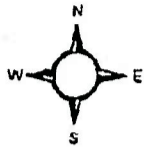
DATED this 20 day of December, 2006.

ATTEST:

APPROVED:


Georgia Edwards
City Administrator

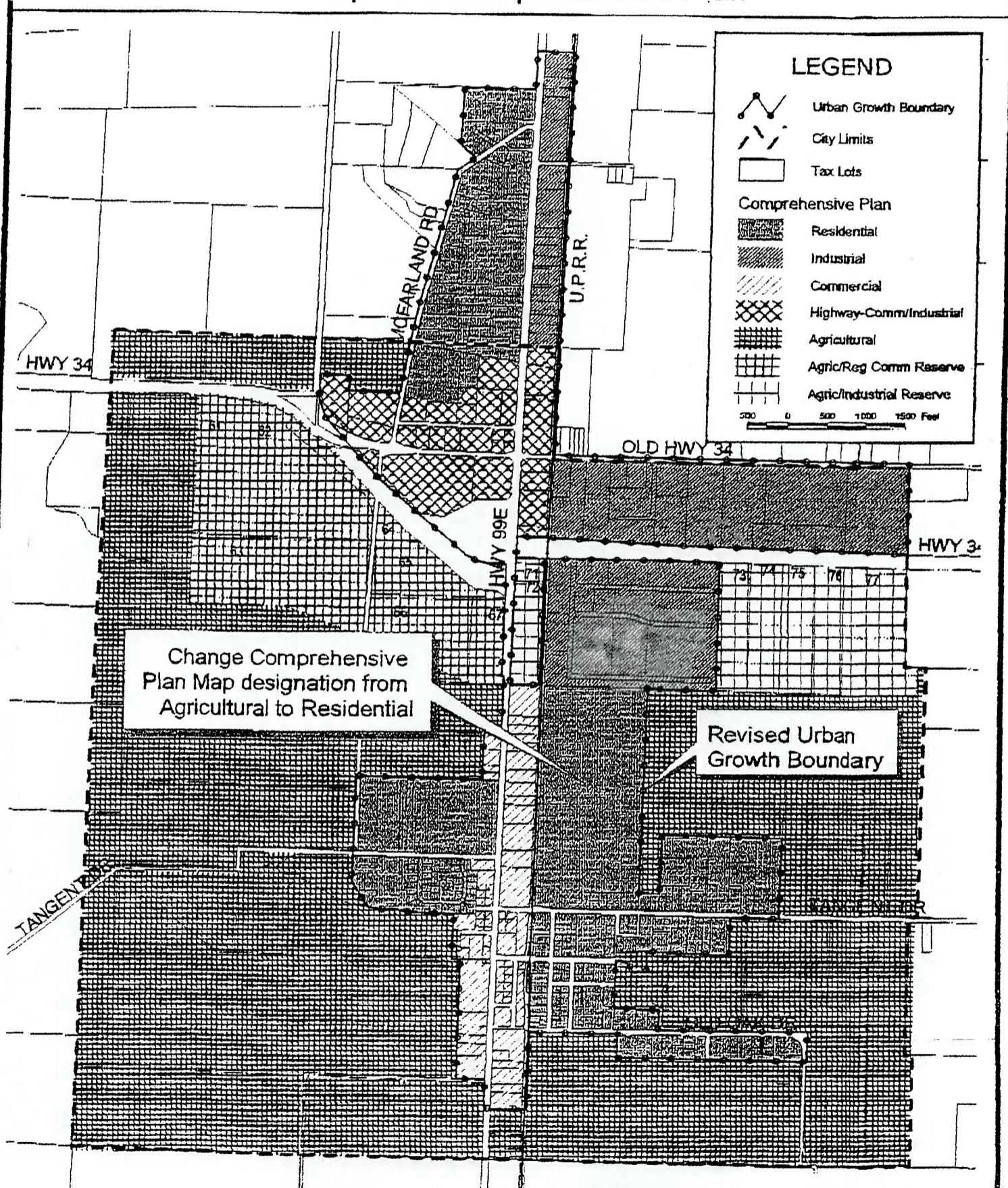

Chris Schaffner
Mayor

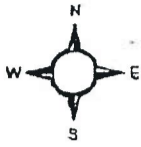


City of Tangent and Vicinity

Exhibit A-1

Proposed Comprehensive Plan





City of Tangent and Vicinity

Exhibit A-2

Proposed Zoning

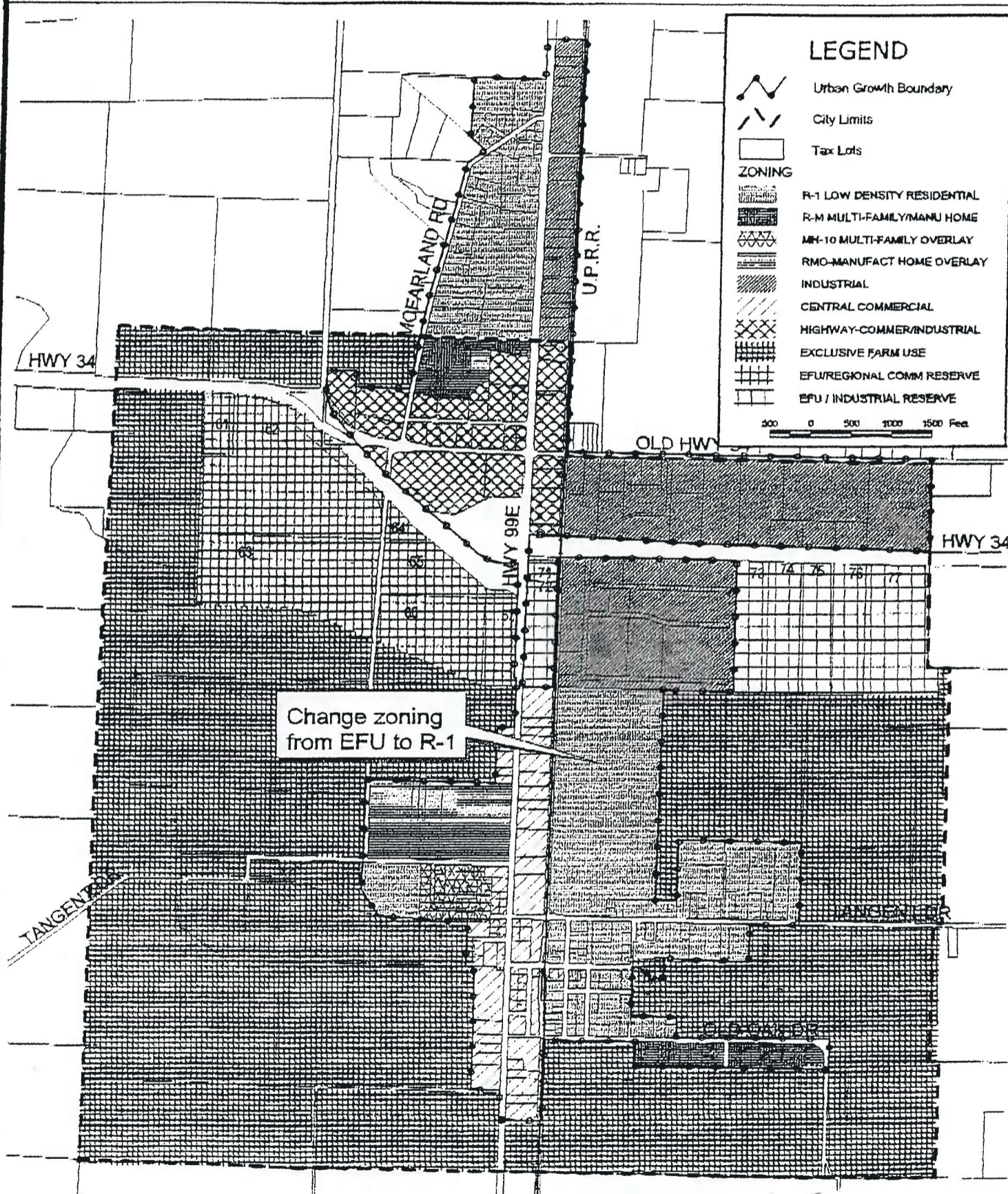


EXHIBIT "B"

Findings of Fact of the Tangent City Council Supporting Approval of Applications by Melvin M. Brush contained in File 04-01

Actions Approved by the Council:

1. An Amendment to the Comprehensive Plan Map to expand the Urban Growth Boundary (UGB) to include 84.26 acres of the subject property. The entire parcel is already within the city limits.
2. An Amendment to the Comprehensive Plan Map to change the designation of the 84.26 acres from Agriculture to Residential.
3. Adoption of an Exception to Statewide Planning Goal 3 as an amendment to the Tangent Comprehensive Plan in order to change the designation of the 84.26 acres from Agriculture to Residential.
4. Adoption of an Exception to Statewide Planning Goal 14 as an amendment to the Tangent Comprehensive Plan in order to bring 84.26 acres within the urban growth boundary.
5. An Amendment to the Zoning Map to Change the Designation of the 84.26 acres from Exclusive Farm Use (EFU) to Low Density Residential (RS-10).
6. This decision, including the findings of fact, are adopted as an amendment to the Tangent Comprehensive Plan in accordance with OAR 660-004-0015.

Owner /Applicant: Melvin M. Brush

Property 32109 Tangent Drive
Location: Tangent, OR 97389
T12S, R3W, Section 7, Tax Lot 200

Mailing: PO Box 434
Address: Tangent, OR 97389

SUPPLEMENTAL FINDINGS – DECEMBER 7, 2006

- 1) The Tangent City Council held a properly noticed public hearing on December 4, 2006 open to any and all written and/or oral testimony addressing the issues remanded to the City of Tangent by LUBA in *Lengkeek v. City of Tangent* (LUBA No. 2006-076, September 11, 2006).
- 2) Based on LUBA's concurrence with the City's prior findings related to population projections and the projections contained at page 37 of the Transportation System Plan (TSP), the City finds that the projected 2022 population shall be 1,684 to 2,010.

- 3) The City finds that Applicant submitted his application in February 2004 and it was initially approved in September 2004. Therefore, the City will rely on all data and assumptions contained in the acknowledged Tangent Comprehensive Plan (TCP) at the time the application was submitted, pursuant to the Tangent Land Use Development Code, Section 2.130(9). Section 2.130(9) cites ORS 227.178, but only as that state statute applies to the time allowed for final action, and not as that statute relates to fixing standards and criteria for a decision.
- 4) The City finds that the acknowledged TCP includes a planning period that extends beyond 2005 and, therefore, the projections contained therein did not expire in 2005, as was assumed by LUBA in its decisions. Pages 2 and 6 of the TCP and page 37 of the TSP support a planning period to 2022. This finding applies to this application regardless of the date the application was submitted and the effect that date has in fixing the criteria.
- 5) The City finds that the comprehensive plan demonstrates that between **113.1 to 165.8** acres of residential land are needed to provide for the projected increase in population to the year 2022. This information is illustrated below with specific references to the acknowledged TCP where the information is contained:

1986 population	430 (TCP, page 82)
Projected 2022 population	1,684 to 2,010 (TSP, page 37)
Population increase 1986 to 2022	1,254 to 1,580 individual, ¹
Average household size	2.5 ind./household (TCP, pg 83, 100)
Vacancy rate	5% (TCP, page 100)
Number of dwellings needed to accommodate projected population increase	528 to 665 dwellings ²
Development density	4.0 dwellings per acre (TSP, page 37; TCP, page 72)
Net buildable acres needed to accommodate projected population increase to 2022	132 to 166.3 net buildable acres ³
Gross buildable acres needed to accommodate projected population	203.1 to 245.5 gross buildable acres ⁴

¹ Projected 2022 population minus TCP 1986 population

² Population increase divided by number of individuals per dwelling divided by 0.95 (to reflect units needed to account for vacancies)

³ Number of dwellings needed divided by number of dwellings per net acre. An alternative calculation, also contained in the TCP, is included in the applicant's materials. That calculation uses the minimum lot size of 10,000 sq ft per lot, rather than 4 dwellings per acre, to calculate a deficit of buildable land of between 89.1 and 135.3 acres.

⁴ Net buildable acres needed divided by .65, to account for the 35% for public infrastructure as required by

increase to year 2022 (which will be reduced by 35% for streets, parks, and other public infrastructure pursuant to TCP, page 100)⁵

Gross acres of buildable residential land available in Tangent in 1985 90.0 gross buildable acres (TCP, page 67)

Deficit of buildable residential land **113.1 to 165.8** gross buildable acres⁶

- 6) The City finds that the population projection contained in the TSP and approved by LUBA, along with the assumptions included in the acknowledged TCP, as shown in these findings, support a demonstrated public need for additional residential land within the Tangent UGB to accommodate long-range urban population growth requirements under LCDC goals to the year 2022 as set forth above.
- 7) The City finds that Applicant presented substantial evidence to the effect that the information relied upon by the City and Applicant in the prior approval, and cited by LUBA as not being included in the TCP and justifying remand, was actually included in the acknowledged TCP at the time of the approval, and currently, and that the data now cited by Applicant and contained in the acknowledged TCP does equate to a valid land needs analysis in the acknowledged TCP.
- 8) The City finds that Applicant did not amend his application during the proceedings that began in 2004, but rather agreed to a condition of approval in the first remand proceedings to reduce the number of acres to be included in the UGB. The City further finds that the application requested an amendment to the comprehensive plan map to expand the urban growth boundary to include 84.26 acres, with an amendment to the comprehensive plan map to change the designation of those acres from agricultural to residential. These amendments would include the adoption of an exception to Statewide Planning Goal 3 to change the designation from agricultural to residential and adoption of an exception to Statewide Planning Goal 14 to bring the property within the urban growth boundary. And finally, the application is for an amendment to the zoning map to change the designation of the entire 84.26-acre property from Exclusive Farm Use (EFU) to Low Density Residential (RS-10).
- 9) The City finds that Applicant has shown that his application is consistent with the acknowledged TCP and denying this application would be improper based on the information contained in the acknowledged TCP.

the TCP.

⁵ Based on TCP, page 100, which provides for streets and parks consuming 35% of residential development area.

⁶ Gross buildable acres needed from 1986 to 2022 minus gross buildable acres available at beginning of planning period (1985-1988).

- 10) The City finds that the current acknowledged TCP, voted on by the citizens of Tangent, includes all of the information and numbers needed to support a finding that the proposed expansion of the UGB is needed as shown in Finding 5, above. No evidence was submitted that questions the existence of all numbers relied upon by Applicant within the acknowledged TCP.
- 11) Because the City concludes that the assumptions used by the applicant are included in the Comprehensive Plan, there is no need to legislatively amend the Plan to adopt housing needs assumptions and data to support this decision.

FINDINGS OF FACT - BACKGROUND

1. The matters before the City Council are decisions regarding amendments to the City's Comprehensive Plan and Urban Growth Boundary (UGB) and a change to the Zoning Map. The City must adopt exceptions to Statewide Planning Goals 3 and 14 as amendments to the Comprehensive Plan in order to approve the Comprehensive Plan Map and UGB Amendments. The City finds that complete applications for these actions were received by the City on February 12, 2004. The city approved these applications on September 20, 2004. The city's initial decision was appealed to the Land Use Board of Appeals (LUBA or Board) and, in a decision dated October 12, 2005, the Board remanded the city's approval to the city for it to address three errors. The City again approved the application on April 10, 2006. LUBA again remanded the city's approval on September 11, 2006 to address two errors. This decision responds to LUBA's September 11, 2006 decision.
2. Notice of the applications and pending public hearing was provided to the Department of Land Conservation and Development (DLCD) on February 13, 2004 more than 45 days prior to the first evidentiary hearing. Notice of the Planning Commission and City Council hearing was sent to owners of record of properties within 500 feet of the subject property on March 15, 2004. The applicant submitted a letter requesting consolidated proceedings and waiving the 120-day time limit for completing review of the applications on February 26, 2004 pursuant to TZO 5.10. The Planning Commission and City Council a conducted a public hearing on the applications under the "Consolidated Proceedings" procedures in Section 5.10 of the Zoning Ordinance on April 5, 2004. The City finds that these actions comply with the Tangent Comprehensive Plan Citizen Involvement Goals and Program and the notice requirements of the Tangent Zoning Ordinance. The Planning Commission deliberated on April 19, 2004 and tabled action on the applications until July 2005. The City Council met in a duly advertised and noticed meeting on June 14, 2004 and, after accepting testimony limited to argument on issues raised and evidence submitted into the record prior to 5:00 pm April 12, 2004 the Council remanded action back to the Planning Commission and directed the Commission to make a decision within 45 days. The Planning Commission met in a duly advertised and noticed meeting on July 19, 2004 and accepted testimony limited to argument on issues raised and evidence submitted into the record prior to 5:00 pm April 12, 2004. The Planning Commission voted to deny the applications. On August 13, 2004 the applicant filed documents appealing the denial of the partition and goal exceptions. The UGB amendment, change in comprehensive plan map designation and zone change are automatically reviewed by the Council under the TZO. The City Council met in a duly advertised and noticed

meeting on September 2, 2004 and, after accepting testimony limited to argument on issues raised and evidence submitted into the record prior to 5:00 pm April 12, 2004 the Council tentatively approved the applications.

On September 20, 2004, the Tangent City Council adopted the written decision approving the urban growth boundary expansion, comprehensive plan map amendment and zoning map amendment for Melvin M. Brush (File # 04-01) (Ordinance # 2004-12). The decisions were appealed to the Land Use Board of Appeals (LUBA No. 2004-164). On October 12, 2005, LUBA remanded the decisions to the City for further consideration.

On February 28, 2006, the City provided notice of public hearing on the remand issues. Notice was provided to the applicant, the petitioners and their legal representatives and appropriate agencies. The Tangent City Council conducted a public hearing on the remanded issues on March 20, 2006. The record of the hearing was kept open for written testimony from parties with standing to the proceedings through March 27, 2006. The record was kept open for written rebuttal by the applicant through March 29, 2006.

3. The City finds that sufficient notice of a public hearing to be held on December 4, 2006 to address remand issues from LUBA's September 11, 2006 opinion was provided on October 20, 2006, to DLCD. Notice of the hearing was published in the Albany *Democrat-Herald*, and was posted on the city's website. Written notices was also mailed to the petitioners in the LUBA appeal and to neighboring property owners. The public hearing was conducted on December 4, 2006. At that hearing, all who wished to provide testimony or evidence addressing the issues remanded by LUBA were invited to do so. The hearing and the public record closed that same evening. Deliberation was continued until December 7, 2006.
4. Written testimony was accepted at the hearing from DLCD that insufficient notice had been provided and there was insufficient time to address the issues on remand. However, the City finds that DLCD was first provided notice of the application on March 15, 2004. The city has provided notices of its proceedings to DLCD throughout the almost three years over which this matter has progressed. DLCD has participated in no appeals to LUBA and has provided no new relevant information to consider in this decision on remand.

FINDINGS OF FACT RELATING TO THE APPLICATIONS FOR AN URBAN GROWTH BOUNDARY AMENDMENT, A COMPREHENSIVE PLAN MAP AMENDMENT, AND ADOPTION OF EXCEPTIONS TO STATEWIDE PLANNING GOALS 3 AND 14 AS AMENDMENTS TO THE COMPREHENSIVE PLAN

1. The City Council of Tangent (City) finds that all applicable legal criteria governing the review of these applications are identified in these findings.
2. The official record consists of:
 - All written material submitted to the City specifically referencing these applications that was received before 5:00 pm April 12, 2004.
 - All documents submitted by the applicant before 5:00 pm April 19, 2004.

- All testimony presented at the public hearing before the Planning Commission and City Council on April 5, 2004.
 - Oral or written arguments made in writing or at proceedings conducted between April 12 and September 3, 2004
 - All written rebuttal submitted by the applicant and his representatives prior to 12:00 pm, March 29, 2006.
 - All written material submitted by the petitioners and their representative prior to 4:30 pm March 27, 2006.
 - All written and oral testimony received from parties with standing subsequent to the Notice of Council Hearing and prior to the close of the March 20, 2006 public hearing.
 - Written and oral testimony received prior to the close of the record at the conclusion of the December 4, 2006 hearing.
3. The property is located at 32109 Tangent Drive, Tangent, OR 97389 (T12S, R3W, Section 7, Tax Lot 200). It is owned by Melvin M. Brush. It contains approximately 84.26 acres. The Brush family has lived on and farmed the property for 65 years. The property is located immediately east of the Union Pacific Railroad tracks and north of Tangent Drive. It extends from Tangent Drive north to Tangent Business Park. The property is currently developed with the Brush home, a loft barn and several outbuildings. Historically, the property has been used for farming, including livestock and seed crops.
 4. The subject property is within the City Limits of Tangent and is outside the Tangent Urban Growth Boundary. The requested actions are under the jurisdiction of the Tangent Planning Commission and City Council, pursuant to the Tangent – Linn County Urban Growth Boundary Management Agreement. Linn County was notified of the application for a UGB amendment on March 15, 2004, pursuant to the Agreement. The city also provided Linn County with notice of the December 4, 2006 remand hearing.
 5. Applications for subdivisions and/or a planned unit development were not submitted. Future development plans for the property must be reviewed and approved by the City for compliance with all City standards and criteria before development can occur on the property.
 6. An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions (OAR 660-004-0000(2)). The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land. These statewide goals include but are not limited to (OAR 660-004-0010(1)):
 - (a) Goal 3 “Agricultural Lands,”.....
 - (c) Goal 14 “Urbanization”
 - (B) When a local government changes an established urban growth boundary it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning," Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251. Revised findings and reasons in support of an amendment to an established urban growth

boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that:

- (i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14);
- (ii) Areas which do not require a new exception cannot reasonably accommodate the use;
- (iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
- (iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

The City finds the subject property currently has a Goal 3, Agricultural, Comprehensive Plan designation and Exclusive Farm Use (EFU) zoning. Goal 3 provides that its aim is “[t]o preserve and maintain agricultural lands.” Goal 3 continues: “Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state’s agricultural land use policy expressed in ORS 215.243 and 215.700.” OAR 660-004-0010(1)(c)(A) exempts local jurisdictions from having to adopt an Exception to Statewide Planning Goal 3 when resource lands are brought within a UGB provided that adequate findings on the seven Goal 14 factors are adopted. However, Tangent Comprehensive Plan Urbanization Policy 6(1) requires that the City adopt an Exception to Statewide Planning Goal 3 if land is taken out of Agricultural designation. The City finds that, under TCP Urbanization Policy 6(1), the applications must be reviewed against the applicable criteria for an Exception to Goal 3 and the City must adopt an Exception to Goal 3 in order to approve the UGB amendment and changes in Comprehensive Plan Map and Zoning designations.

The property is inside the Tangent city limits but outside the Tangent Urban Growth Boundary. The City finds that the applications must be reviewed against the criteria for an exception to Goal 14, Urbanization, and the City must adopt an Exception to Goal 14 in order to amend the urban growth boundary. The process for taking an exception to a statewide planning goal is contained in Statewide Planning Goal 2 and adopted into rule form in OAR 660-004. The requirements are addressed in subsequent findings.

7. The City finds that the reasons necessary to justify an exception are set forth in **OAR 660-004-0022: Reasons Necessary to Justify an Exception Under Goal 2, Part II(c).**

An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or OAR 660, division 014, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

- (a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either
- (b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or
- (c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

8. The City finds that Tangent Comprehensive Plan Purpose Statement D, and applicable Housing and Urbanization Goals and Statewide Planning Goal 10 state:

Tangent Comprehensive Plan (TCP) Purpose (TCP p.2): D. Providing adequate land to meet anticipated future demands for urban development in a logical and orderly manner.

City Urbanization Policy 5: The City of Tangent shall provide within the UGB adequate amounts of buildable land to meet the projected needs for industrial, commercial, and residential land over the planning period.

City Housing Goal 1: To provide for the housing needs of the community with an anticipated population of approximately 1,000 by the year 2005.

City Housing Goal 2: To provide an adequate mix of housing types, including mobile home, single-family and multiple family dwellings.

City Housing Goal 3: To preserve the rural character of Tangent.

City Housing Goal 4: To encourage the construction and development of diverse housing types while maintaining a present and future balance of such housing types.

Statewide Planning Goal 10 is: To provide for the housing needs of citizens of the state. Goal 10 continues: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.....
A. Planning. 2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

9. The City finds that the Tangent Zoning Ordinance (TZO 36.8.A.1), OAR 660-004-022(1)(a) and Goal 14 Factors 1 and 2 require that there be a demonstrated public need in order to amend the UGB and Comprehensive Plan Map.

TZO 36.8.A. Such amendments shall be approved only when the following findings are made:

1. **There is a public need for the change.**

OAR 660-004-022(1)(a): There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19;

Statewide Planning Goal 14 - Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon consideration of the following factors:

- (1) **Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;**
- (2) **Need for housing, employment opportunities, and livability;**

10. See Additional Findings – December 7, 2006

11. The City finds that the following information regarding housing need and available land is included in the Tangent Comprehensive Plan, as follows:

HOUSEHOLD SIZE – TCP PAGE 83 (and page 100)

“Based on general 1980 census information for the Tangent area, the average number of persons per household in the Tangent Census District was 2.556. The current trend of a declining number of persons per household has been monitored throughout the State of Oregon. The households of Tangent are projected to continue to decline to 2.5 persons per household by the year 2004.”

VACANCY RATES (1970) – TCP PAGE 100

“Vacancy rates in the Tangent Census District were 5% for all units ...”

DEVELOPMENT DENSITY

TCP – Page 72

“The RS-10 zone was developed for two primary purposes:

1. To maintain the predominantly rural character of the neighborhood by making the minimum lot sizes for additional development, i.e., 10,000 square feet or greater.
2. By maintaining the low density of the area, the existing and future residences can be served economically with sewerage service through the use of a septic tank effluent

pumping (STEP) system. If higher densities were allowed, the area would need to be served by a gravity sewerage system.”

TCP, Transportation System Plan Page 37

<u>Land Use Type</u>	<u>Density Assumption</u>
Residential	Approximately 4 units per acre.”

REQUIREMENTS FOR PUBLIC IMPROVEMENTS

The Tangent Comprehensive Plan and Land Use Codes require the following for public infrastructure:

- A. The Tangent Transportation System Plan, which is part of the Comprehensive Plan, contains design standards for street classifications (pages 79-85).
- B. TDC Section 7.100 - “... all land divisions shall conform to the requirements of this Code and all design standards and construction specifications of the City ...” (TDC 7.100)
- C. TDC Section 7.300 - “REQUIRED PUBLIC IMPROVEMENTS
The following improvements shall be installed to serve each building site and each property in a subdivision or partition at the expense of the developer ...
 - (1) Streets: Public or private streets, adjacent to, or within the development or land division shall be improved.
 - (10) Sidewalks: Sidewalks are required on both sides of a public street ... ”
- D. TDC Section 7.400 – “PUBLIC USE DEDICATIONS
Within or adjacent to a residential subdivision, a parcel of land not less than 10 percent of the gross area of the subdivision shall be set aside and dedicated to the public by the subdivider for park or open space use ... ”
- E. Section 7.700 – “ADOPTED STANDARDS
The City of Tangent has adopted the Tangent Public Works Design Standards for all public improvements within the City of Tangent including, but not limited to, streets, sidewalks, and driveways.”
- F. TCP, page 100: “Streets & Parks @ 35%”

BUILDABLE RESIDENTIAL LAND AT THE TIME THE PLAN INVENTORY WAS DEVELOPED (AROUND 1985) – TCP PAGE 67

“Buildable and Unbuildable
Urbanizable and Reserve Lands
City of Tangent – Total Urban Area

<u>Planned Designation</u>	<u>Total Acres</u>	<u>Developed</u>	<u>Vacant</u>	<u>Unbuildable</u>	<u>Vacant Buildable</u>
Residential	267	162	105	15	90”

12. Tangent Zoning Ordinance and Goal 14 require that the City find there is a public need to amend the urban growth boundary. The Tangent Comprehensive Plan contains sufficient information for the City to determine the amount of buildable residential land needed through 2022. The Plan contains:

- An inventory that shows the City had 90.0 acres of buildable residential land available in 1985.
- Information on household size, vacancy rate, development density, and required public improvements and infrastructure.
- Population projections through 2022.

13. The City finds it is likely that the remaining developable land will continue to in-fill at the current development densities. Changes in development regulations that attempt to increase in-fill density would not significantly affect the number of in-fill units because the remaining vacant land is scattered in small lots throughout the city and UGB and each lot has site specific limitations relating to access, lot shape, drainage, natural hazards, and other development factors. Nearly all of the remaining lots that could be subdivided are in sections of town with existing substandard access and surrounding large lot development. Higher density development regulations would increase the cost of providing required infrastructure and make development not economically feasible in some cases. It would also create significant compatibility issues with both surrounding residential and agricultural land uses. These cost and compatibility constraints would off set any potential increase in the number of units built as the result of changes in development regulations that require higher densities

For these reasons, the City finds that changes in development regulations requiring higher density for in-fill development will not significantly increase the number of dwelling units constructed on vacant land currently within the UGB.

14. The City finds that the area designated for residential use that is currently within the UGB but outside the city limits (north of Highway 34 and west Highway 99E) has experienced minimal development over the last 20 years. The City finds that future development in this area is expected to be primarily replacement of existing dwellings and a few new dwellings on large lots. This is consistent with the current land use pattern. The City finds no reason to expect the area to develop to urban densities. The Tangent Comprehensive Plan makes the following comments about this area:

“The City has included approximately 121 acres to the north of the City Limits within the Tangent Urban Growth Boundary based on the following considerations:

1. This area has already undergone substantial subdivision activity which is continuing to take place at low urban densities.
2. This area is more similar to residential developments in Tangent than it is to exclusive farm uses in the adjacent County areas, and can no longer be considered a commercial agricultural area.
3. This area is committed or developed with rural housing, commercial activities and public uses to the degree that only 15 acres of the total area are vacant and buildable.”

The City finds that, given the ownership pattern and environmental constraints to residential development, it is unlikely that significantly higher density development will occur in this area. Higher density residential development in this area would not be consistent with City policies.

15. The City finds that the current distribution of lot sizes and locations for vacant buildable land with residential designation within the UGB severely restricts the ability to provide for flexibility in location, type and density of housing in the City. It is highly likely that the limited supply of remaining buildable residential land will be developed with single-family dwellings at relatively low densities.
16. The City finds that it is likely other factors will increase the amount of additional residential land needed in the future. These factors include:
 - The Comprehensive Plan assumes that 100% of the residential land available for in-fill development will be used. A portion of that land will not be used for dwellings, as the zoning designations that implement the Residential plan designation permits uses such as churches and schools in residential zones.
 - A portion of the City’s existing housing stock is in areas with Commercial and Industrial designations. There will be a net loss of dwelling units in these areas in the future, as some of the residences are converted to Commercial and Industrial uses.
17. The potential for providing additional land for housing on other properties is evaluated in detail under the analysis of the requirements of OAR 660-004-0020(2)(b) in Findings addressing Goal 14. The City finds that this analysis demonstrates the subject property is the best location for expansion of the UGB for several reasons, including:
 - It is adjacent to urbanized area on three sides
 - It is contiguous with existing residential development
 - 70% of its perimeter borders urban uses
 - It provides for continuous urban development and an efficient land use pattern
 - It provides for economical extension of public facilities
 - It has frontage on a collector street
 - Development of the property is consistent with the TCP and TSP
 - It contains no class I soils and some of the less productive soils of the available properties

- It has a minimal amount of land with environmental constraints

18. Based on the previously cited information, the City finds that at least 113.1 acres of additional residentially designated land is needed within the urban growth boundary for the City to have an adequate supply of land to meet the demand created by the projected increase in population to the year 2022, to provide flexibility in location, type and density of housing types in the City, and to comply with the Comprehensive Plan. The City finds that, pursuant to the Tangent Comprehensive Plan Purpose Statement D, Urbanization Policy 5, and Housing Goals and Policies, it is necessary and desirable to provide adequate land within the Urban Growth Boundary to meet the demand caused by the projected increase in population to the year 2022.

The City finds that, based on the evidence in Findings 10-26, there is a demonstrated public need to add at least 113.1 acres of land with a Residential Comprehensive Plan Designation to the Urban Growth Boundary in order to provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner and to provide, within the UGB, adequate amounts of buildable land to meet the projected needs for residential land to the year 2022, in compliance with Tangent Comprehensive Plan Purpose Statement D and Urbanization Policy 5 and Goal 10. Residentially designated land is needed for housing to accommodate long-range population growth in the City. Therefore, the City finds that the applications comply with TZO 36.8.A.1, OAR 660-004-022(1)(a) and Goal 14 Factors 1 and 2.

19. The City finds that the requirements and criteria contained in Tangent Comprehensive Plan Purpose Statement D, Urbanization Policy 5, and Housing Goals and Policies, the Tangent Zoning Ordinance, Statewide Planning Goal 2, Statewide Planning Goal 3, and Statewide Planning Goal 10, the state policy embodied in Goal 3 should not apply to the subject property because:

- There is a demonstrated need for additional land for housing to insure appropriate types and amounts of land are provided in the urban growth boundary.
- Additional residential land is needed to provide for adequate numbers of needed housing units and to allow for flexibility of housing location, type and density.
- A portion of the subject property contains special qualities that make it the best location to meet a portion of the identified need.

Therefore, the City finds that the applications comply with OAR 660-004-0022(1).

20. OAR 660-004-0020 - Goal 2, Part II(c), Exception Requirements

- (1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.**
- (2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:**
 - (a) "Reasons justify why the state policy embodied in the applicable goals should not apply":** [Note: This factor can be satisfied by compliance with the seven factors of Goal 14 (OAR 660-004-0010(1)(c)(B)(i)]. **The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in**

a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;

The City finds that reasons which justify why the state policy embodied in Goal 3 should not apply are presented in the findings above. The locational Factors and the reasons justifying an exception to Goal 14 are presented under the seven factors of Goal 14 in the following findings.

- 21. Statewide Planning Goal 14 – Urbanization. Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon consideration of the following factors:**

Goal 14 – Factor (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

The City finds that the need to expand the Tangent Urban Growth Boundary in order to provide additional residential land to accommodate long-range population growth to the year 2022, consistent with City Purposes, Goals and Policies and Statewide Planning Goal 10, has been demonstrated in the above findings.

- 22. Goal 14 – Factor (2) Need for housing, employment opportunities, and livability;**

The City finds that the need to expand the Tangent Urban Growth Boundary in order to provide additional residential land to accommodate long-range population growth to the year 2022, consistent with City Purposes, Goals and Policies and Statewide Planning Goal 10, has been demonstrated in the above findings.

- 23. Goal 14 – Factor (3) Orderly and economic provision of public facilities and services;**

The City finds that a detailed evaluation of the orderly and economic provision of public facilities and services is presented in the findings below. The City finds that the analysis demonstrates that services can be provided in an orderly and economic manner and that the subject property is the best location for the needed UGB expansion.

- 24. Goal 14 - Factor (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;**

The City finds that the efficiency of land uses within and on the fringe of the urban area is evaluated in detail in the findings below. The potential for development and the efficiency of the land use pattern resulting from expansion of the UGB to include each available parcel within the city limits and current UGB has been evaluated. The City finds the subject property is contiguous with urban uses in developed portions of the city on three sides. It is appropriately located with respect to vehicular access, availability of public facilities and

services and compatibility with surrounding land uses. The City finds expansion of the UGB to include 84.26 acres provides maximum efficiency of land uses within and on the fringe of the existing urban area.

25. Goal 14 - Factor (5) Environmental, energy, economic, social (ESEE) consequences;

The City finds that the environment, energy, economic and social consequences of expanding the UGB to include the 84.26 acres of the subject property are evaluated in findings below. This analysis shows that expanding the UGB to include the property provides the most net ESEE benefits to the community and minimizes negative ESEE impacts.

26. Goal 14 – Factor (6) Retention of agricultural land as defined with Class I being the highest priority for retention and Class VI the lowest priority; and

The City finds that, based on the facts and analyses in the findings below, it is necessary to include land currently designated for agriculture in the UGB in order to meet the need for additional residential land. The City finds that Class I soils are concentrated on the west side of Highway 99E (Areas B, E and F on Figure 1 – all references to figures herein are to figures contained in the findings adopted September 13, 2004, which are by this reference incorporated herein). There are no Class I soils on the east side of Highway 99E. The City finds that on the east side of the highway, Class II-IV soils are intermingled throughout the area due to the level topography and dispersed surface drainage pattern. This pattern does not favor one lot over another because proportions of Class II, III and IV soils on any given lot do not vary by any significant amount. The subject property contains no Class I soils, about 60% Class II soils, about 5% Class III soils and about 35% Class IV soils. This is typical for land east of the highway (Areas A, C and D on Figure 1). The City finds that the evidence in Findings 41-48 demonstrates that expansion of the UGB to include the subject property would not result in the loss of higher quality soils than expansion of the UGB to include other potential lots.

The City finds that the UGB expansion area is bordered by urban uses on three sides, residential development to the south, light industrial to the north, and mixed commercial and residential development to the west (across the railroad tracks). The property borders agricultural use to the east. All other land potentially available for UGB expansion, with one exception, would have two, three or four sides bordering agricultural uses. The property with only one side bordering agricultural uses has similar soils to the subject property. Based on soil productivity and surrounding uses, the City finds that expansion of the UGB to include the subject property provides for the greatest retention of agricultural land when compared to other potentially available land.

27. Goal 14 – Factor (7) Compatibility of the proposed urban uses with nearby agricultural activities.

The City finds that the UGB expansion area borders urban uses on three sides and agricultural use to the east. Seventy percent of the perimeter of the UGB expansion area borders urban uses. Tangent is in a rural, agricultural area. All of the residential districts in

the city share one or two boundaries with land in agricultural use. The Tangent Comprehensive Plan acknowledges that, "There can be no urban growth in the Tangent area without using lands suitable for agriculture." All properties considered for UGB expansion are bordered by agricultural use. The UGB expansion area is bordered to the east by land currently used for grass seed production. Potential compatibility issues are mitigated by the natural prevailing winds which come from the southwest in the winter and from the north in the summer. These winds will tend to keep dust and spray away from residential development. The City Transportation System Plan (TSP) plans for a collector street with sidewalks to be constructed along the eastern boundary of the property. This will serve as a buffer between residences and agricultural uses. The RS-10 zoning provides for large lots that will also provide the opportunity for landscape screening. The City has the authority to require additional setbacks and/or buffering through the subdivision and planned development review process. The City finds that residential use on the proposed property can be made compatible with nearby agricultural activities.

28. OAR 660-004-0020(2)(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

The City finds that the location of the subject property and other surrounding land that might reasonably be considered to be used to meet the need for additional residential land is shown on Figures 1 and 2 and in the application materials. Each area or property is labeled with an identifying number. The specific characteristics of each property or group of properties is shown in Attachment B of the applicant's submittal and/or discussed in the findings below.

29. (B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

The City finds the only areas that would not require an exception to Goal 3 are those that are already within the urban growth boundary and a small rural residential area to the NW of the UGB. These areas are labeled CU-1, CU-2, CU-3, U-1, U-2 and O-1 on Figure 2. CU-1 and CU-3 are currently within the city limits and the UGB and are part of the City's commercial land base. Most lots are developed. They are appropriately located for commercial use along an arterial street. This commercial area is not available or appropriate for additional residential use. U-1 and CU-2 are currently within the UGB and are part of the City's industrial land base. Most lots are developed. They are appropriately located for industrial use with access to a major highway and proximity to a rail line. The City finds this industrial area is not available or appropriate for additional residential use. To consider residential use

of land currently designated for commercial or industrial use would require an exception to Goal 9.

The City finds that Area U2 is outside the city limits but within the UGB. It is designated for low-density residential development upon annexation. This area has been included in the analysis of needed and available residential land in the findings above.

The City finds that Area O-1 is a small rural residential area outside the UGB to the northwest. It contains large lot rural residential development. It is far from the core of the city and would require an unreasonably lengthy extension of sewer services to be potentially available for higher density development.

The potential to achieve higher in-fill densities in this area and on vacant residential lands within the city limits through development regulations was evaluated in findings above. The City finds there are several factors that limit the potential for achieving higher density through development regulations. Some of these are: the small size and scattered locations of the remaining buildable land; site specific development limitations relating to access, wetlands, floodplain, drainage; and compatibility with surrounding lower density development. The City finds that the cost and compatibility constraints evaluated in Findings above would off set any potential increase in the number of units built as the result of changes in development regulations that would require higher densities.

30. **OAR 660-004-0020(2)(b)(B)(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?**

The City finds there is no resource land that is already irrevocably committed to nonresource uses. There are no urban reserve areas or nearby rural centers.

31. **OAR 660-004-0020(2)(b)(B)(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?**

The City finds the ability to accommodate the needed housing on land within the UGB has been evaluated in detail. The City finds that facts in those Findings demonstrate that the proposed residential demand can not be reasonably accommodated inside the Urban Growth Boundary.

32. The City finds that OAR 660-004-0020(2)(b)(C) allows: **This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are**

specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

33. **OAR 660-004-0020(2)(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;**

The City finds that the alternative areas considered are shown in Figure 1. For this analysis they are grouped together as:

Area A - Land the City has designated Agricultural / Industrial Reserve.
Lots number: 71 through 76 on Figure 1.

The City finds that these lots are located immediately south of Highway 34, across from existing industrial development on the north side of the highway, and border Tangent Business Park. These properties have an Agriculture / Industrial Reserve Comprehensive Plan Designation. According to TCP, "should industrial development occur, this would be a logical area for industrial development." A portion of the A/IR district that is now Tangent Business Park was taken into the UGB in the 1990s to meet a need for industrial land. A/IR 1 through 7 are not appropriately located for residential development.

Area B - Land the City has designated Agricultural / Regional Commercial Urban Reserve.
Lots number: 61 through 67 on Figure 1.

The City finds that these lots are within the city limits but outside the UGB. They are generally large lots in agricultural use. They are located generally to the west of the developed portion of the city. According to the TCP, "This urban reserve area is intended to be used for a future regional commercial shopping center, when one can be justified by the standards found elsewhere in this Plan."

Area C - Land the City has designated Agricultural that is east of Highway 99E and north of Tangent Drive.

Lots number: 5 through 9 on Figure 1.

The City finds that these lots are within the city limits but outside the UGB. They are generally large lots and that are in agricultural use. They are to the east of the developed portion of the city.

Area D - Land the City has designated Agricultural that is east of Highway 99E and south of Tangent Drive.

Lots number: 10 through 23 on Figure 1.

The City finds that these lots are within the city limits but outside the UGB. They vary in size and most are in agricultural use. They are to the east and south of the developed portion of the city.

Area E - Land the City has designated Agricultural that is west of Highway 99E and south of Tangent Drive.

Lots number: 24 through 33 except lot 30 on Figure 1.

The City finds that these lots are within the city limits but outside the UGB. They are generally large lots and that are in agricultural use. They are to the west of the developed portion of the city.

Area F - Land the City has designated Agricultural that is west of Highway 99E and north of Tangent Drive.

Lots number: 34 through 50 and lot 30 on Figure 1.

The City finds that these lots are within the city limits but outside the UGB. They are generally large lots and that are in agricultural use. They are to the west of the developed portion of the city.

34. The City finds that soils composition of all parcels in the vicinity of the Tangent UGB is mapped and tabulated in Attachments B and E to the application. The City finds the predominant farm use in the area is grass seed production. Seed crops generally grow well on all of the soils present in the area. Soils in the area range from Class I through Class IV. Redesignating land with significant amounts of Class I soils would have greater long-term impacts than redesignating land with no Class I soils present. The City finds that Class I soils are concentrated on the west side of Highway 99E (Areas B, E and F on Figure 1). There are no Class I soils on the east side of Highway 99E. On the east side of the highway, Class II-IV soils are intermingled throughout the area due to the level topography and dispersed surface drainage pattern. This pattern does not favor one lot over another because proportions of Class II, III and IV soils on any given parcel do not vary by any significant amount. The City finds it is reasonable to use the presence of significant amounts of Class I soils as one tool to evaluate differences in soil productivity and agricultural potential between

lots in this area. No lots on the east side of Highway 99E have any Class I soils and the lots generally have equal soil characteristics. The subject property contains no Class I soils, about 60% Class II soils, about 5% Class III soils and about 35% Class IV soils. This is typical for land east of the highway (Areas A, C and D on Figure 1). The City finds that, based on soil types, the subject 84.26 acres is no more productive than other lots available for inclusion in the urban growth boundary.

The City finds that the efficiency of urban service provision, the ability to integrate new development into existing neighborhoods and the compatibility with surrounding agricultural uses are appropriate primary factors used to determine which of these lots are best suited to meet the need for additional residential land. The City finds that the subject property borders existing urban uses on three sides, 70% of the perimeter of the property. Agricultural use of the subject property has greater compatibility conflicts with surrounding uses than other lots that could potentially be included within the UGB.

35. Typical Advantages and Disadvantages of Using Each Area. The City finds the typical advantages and disadvantages of using each area are summarized in Table 1. The City finds the primary advantages of the subject property include: it borders urban uses on three sides; it provides for economical extension of existing facilities and services; development would be consistent with the TSP, sewer planning, and other facility plans; it is no more productive than any other surrounding land; it has minimal floodplain and wetlands; and it borders agricultural uses only one side.
36. The City finds that Areas A and B are already planned for other uses by the City. They border agricultural uses on two, three or all four sides and commercial/industrial use on one or, at most, two sides. Area A would access from a state highway and most lots would not be contiguous with any existing residential development. Part of Area B is not contiguous with existing development or the current UGB. Extension of facilities to these areas would be more expensive than for the subject property. Therefore, the City finds that:
- these areas are not less productive than the subject property;
 - inclusion of these areas would have a greater impact on the ability to sustain agricultural uses on adjacent property than inclusion of the subject property; and
 - removal of the subject property from the resource base will have no greater long-term economic impact on the general area than removal of Areas A and B.
37. The City finds that Area C is similar to the subject property but it is further from the existing UGB. Lots typically border existing urban uses on one or two sides and agricultural uses on three or four sides. It is further from current development in the city, necessitating more costly extension of facilities. Therefore, the City finds that:
- these areas are not less productive than the subject property;
 - inclusion of these areas would have a greater impact on the ability to sustain agricultural uses on adjacent property than inclusion of the subject property; and
 - removal of the subject property from the resource base will have no greater long-term economic impact on the general area than removal of Area C.

38. The City finds that Area D is also similar to the subject property. However, it contains significantly more land that is constrained by floodplain and wetlands. Lots closer to the UGB also have some access limitations. Lots further from the existing development would require longer, more costly extension of services and create a sprawling, inefficient land use pattern. Therefore, the City finds that:

- these areas are not less productive than the subject property;
- inclusion of these areas would have a greater impact on the ability to sustain agricultural uses on adjacent property than inclusion of the subject property; and
- removal of the subject property from the resource base will have no greater long-term economic impact on the general area than removal of Area D.

39. The City finds that Areas E and F contain significant amounts of Class I soils. Many of the lots are not contiguous with the UGB and would require costly, inefficient extension of services. There is also a much larger proportion of land constrained by wetlands and floodplain than on the subject property. With minor exceptions, lots in these areas border agricultural uses on two or three sides. Most are not contiguous with any residential development. Therefore, the City finds that:

- these areas are not less productive than the subject property;
- inclusion of these areas would have a greater impact on the ability to sustain agricultural uses on adjacent property than inclusion of the subject property; and
- removal of the subject property from the resource base will have no greater long-term economic impact on the general area than removal of Areas E and F.

40. Typical Positive and Negative Consequences Resulting From Redesignation. The City finds that typical positive and negative consequences are summarized in Table 2. The subject property contains no Class I soils and crops grown in all areas within the city limits are similar. The cost of providing facilities and services to the subject property is the same or less than for any of the other lots under consideration. The property is contiguous with urban uses on three sides. Redesignating the property would create an efficient land use pattern and minimize potential compatibility issues both with urban and agricultural uses. The subject property has very little land constrained by wetlands and floodplain. The impacts to surface water, ground water, air quality and noise would be the same for redesignation in any of the areas. The impacts of removing land from agricultural use would be the same or less than for lots in any of the other areas. Redesignating the property would have the same impacts on housing, schools and the housing/employment balance as for any other lot under consideration.

41. The City finds that land on the west side of Highway 99E contains significant amounts of Class I soils. There aren't significant differences in productivity for land on the east side of the highway. The subject property borders agricultural uses on only one side, about 30% of its perimeter. Most of the other lots in the areas under consideration border agricultural uses on two, three or four sides. The City finds that potential conflicts with agricultural uses to the east of the property will be mitigated by the natural prevailing winds which come from the southwest in the winter and from the north in the summer. These winds will tend to keep dust and spray away from residential development. The City TSP plans for a collector street with sidewalks to be constructed along the eastern boundary of the property. This will serve

as a buffer between residences and agricultural uses. The RS-10 zoning provides for larger lots that will also provide the opportunity for landscape screening. The City finds that the impact of redesignating the property on the ability to sustain surrounding farm uses would be less than for other properties under consideration.

Therefore, based on the above findings, the City finds that the consequences of redesignating the subject property to Residential and permitting residential development are not significantly more adverse than would typically result from allowing residential uses in the other areas considered. The City finds that that the applications comply with OAR 660-004-0020(2)(c).

42. **ORS 197.298 - Priority of land to be included within urban growth boundary. (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.**

The City finds there are no lands designated urban reserve.

(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.

The City finds that land adjacent to the UGB and acknowledged in an exception area has been evaluated in these findings. The only land in this category is a small rural residential area outside the UGB to the northwest. It contains large lot rural residential development. It is far from the core of the city and would require an unreasonable extension of sewer services to be potentially available for higher density development. The City finds that there is no land adjacent to the UGB and acknowledged in an exception area that is suitable to meet any part of the need for additional residential land.

(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).

The City finds that Linn County has not designated any marginal land in the vicinity of the Tangent UGB.

(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.

The City finds that the subject property is designated agricultural land in the acknowledged comprehensive plan.

43. ORS 197.298 (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.

ORS 197.298 (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

- (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;**
- (b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or**
- (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands. [1995 c.547 §5; 1999 c.59 §56]**

The City finds that the UGB is being expanded to include only lands under ORS 197.298(1)(d). The City finds that soils composition of all parcels in the vicinity of the Tangent UGB is mapped and tabulated in Attachments B and E to the application. The City finds the predominant farm use in the area is grass seed production. Seed crops generally grow well on all of the soils present in the area. Soils in the area range from Class I through Class IV. Redesignating land with significant amounts of Class I soils would have greater long-term impacts than redesignating land with no Class I soils present. The City finds that Class I soils are concentrated on the west side of Highway 99E (Areas B, E and F on Figure 1). There are no Class I soils on the east side of Highway 99E. On the east side of the highway, Class II-IV soils are intermingled throughout the area due to the level topography and dispersed surface drainage pattern. This pattern does not favor one lot over another because proportions of Class II, III and IV soils on any given parcel do not vary by any significant amount. The City finds it is reasonable to use the presence of significant amounts of Class I soils as one tool to evaluate differences in soil productivity and agricultural potential between lots in this area. No lots on the east side of Highway 99E have any Class I soils and the lots generally have equal soil characteristics. The subject property contains no Class I soils, about 60% Class II soils, about 5% Class III soils and about 35% Class IV soils. This is typical for land east of the highway (Areas A, C and D on Figure 1). The City finds that, based on soil types, the subject property is no more productive than other lots available for inclusion in the urban growth boundary.

The City finds that the efficiency of urban service provision, the ability to integrate new development into existing neighborhoods and the compatibility with surrounding agricultural uses are appropriate primary factors used to determine which of these lots are best suited to meet the need for additional residential land. The City finds that the subject property borders existing urban uses on three sides, 70% of the perimeter of the property. Agricultural use of the subject property has greater compatibility conflicts with surrounding uses than other lots

that could potentially be included within the UGB. Therefore, the City finds the applications comply with ORS 197.298.

44. **OAR 660-004-0020(2) (d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.**

The City finds the proposed use of the subject property is residential with a 10,000 minimum square foot minimum lot size. The City finds the UGB expansion area borders urban uses on three sides and agricultural use to the east. Seventy percent of its perimeter borders urban uses. The property borders large-lot, residential development to the south, some of which is across Tangent Drive. The low density residential development that will occur in this part of the property will be completely compatible with existing residential development to the south. A City park is conceptually planned for the southwest corner of the subject property. This would further separate development on the subject property from existing residences, but is not necessary to insure that the proposed large-lot residential uses will be compatible with uses to the south.

45. The City finds the subject property borders mixed commercial/residential uses to the west, across the Union Pacific Railroad right-of-way. The proposed large lot residential development will be completely compatible with the adjacent residential and commercial uses to the west. The railroad right-of-way further buffers impacts to uses to the west. Residential development on the subject property will be further separated from the railroad and commercial and residential uses to the west by a sound buffer and trail along the west property line which are imposed as conditions of approval. The City finds that, based on the low level of noise and other impacts from low density residential development, the proposed residential development of the subject property will be compatible with uses to the west. The conditions of approval relating to provision of a sound barrier and/or drainage system facilities along the west property line will further insure compatibility with uses to the west by increasing the distance between the railroad and residential uses on the subject property. The following condition of approval will assure compatibility with the railroad and mixed commercial and residential uses to the west.

Condition of Approval

Prior to or concurrent with residential development on the subject parcel acres of the property identified as Parcel 1 of Linn County Partition Plat 2003-33, in Section 7, Township 12S, Range 3W, Willamette Meridian, Linn County, Oregon, the applicant shall construct a buffer between residential development on the subject property and the railroad right-of-way along the western property line. The buffer shall be designed to mitigate impacts to and from adjacent uses to the west and shall include a pedestrian

trail. Design of the buffer shall be approved by the City as part of the review process for any division of the property.

46. The City finds the property borders agricultural land to the east. Tangent is in a rural, agricultural area. All of the residential districts in the city share one or two boundaries with land in agricultural use. The Tangent Comprehensive Plan acknowledges that, "There can be no urban growth in the Tangent area without using lands suitable for agriculture." All properties considered for UGB expansion are bordered by agricultural use. The subject property shares less border (30%) with agricultural land than other large parcels under consideration.

Potential compatibility issues with respect to agricultural uses to the east are mitigated by the natural prevailing winds which come from the southwest in the winter and from the north in the summer. These winds will tend to keep dust and spray away from residential development. The City TSP plans for a collector street with sidewalks to be constructed along the eastern boundary of the property. This will serve as a buffer between residences and agricultural uses occurring to the east and is adequate to assure compatibility in that respect.

Potential compatibility issues with respect to light industrial use to the north (Tangent Business Park) are mitigated by the large drainage detention ponds and landscaping located along the north property boundary. Thus, the proposed residential uses will be compatible with use to the north. The Residential designation proposed for the property requires large lots that will also provide separation and the opportunity for additional landscape screening in their back yards. Therefore, the City finds that uses allowed under the proposed Residential Comprehensive Plan designation will be compatible with light industrial uses to the north.

47. Therefore, based on the facts and evidence in the above findings and the conditions of approval imposed by the City, the City finds that the applications comply with OAR 660-004-0020(1), OAR 660-004-0020(2)(a through d), and ORS 197.298.
48. The City finds that applicable criteria for amendments to the Comprehensive Plan and Urban Growth Boundary are found in Tangent Zoning Ordinance (TZO) 5.25(A) which states: **The decision shall be based on:**
1. **Proof by the applicants that the application fully complies with:**
 - (a) **The City of Tangent Comprehensive Plan,**
 - (b) **The relevant approval standards found in this and other applicable ordinances.**
49. **Tangent Comprehensive Plan (TCP) Purpose (TCP p.2): D. Providing adequate land to meet anticipated future demands for urban development in a logical and orderly manner.**

Statewide Planning Goal 2 – Land Use Planning

Tangent Goal 1. To plan for future development, which will provide adequate housing, employment, and services for a community of 1,000 by the year 2005.

The City finds that the facts and analyses in the above findings demonstrate that Tangent has insufficient residential land available to meet the need for housing to the year 2022. The City finds that at least an additional 113.1 acres of vacant and buildable residentially designated land is needed to accommodate the projected increase in population. Approval of these applications with conditions will make an additional 84.26 acres of land available for residential development. The City finds that the information above relating to the advantages and disadvantages and ESEE impacts of redesignating this property compared to other available land demonstrates that the subject property provides for the most logical, orderly and cost and energy efficient provision of facilities and services, and is compatible with surrounding land uses. Therefore, the City finds the applications comply with TCP Purpose Statement D and Tangent Land Use Planning Goal 1.

50. Tangent Goal 2. To maintain and encourage the existing agricultural activities outside the UGB but within the city limits in a manner consistent with EFU zoning required by Goal 3 and ORS 215.

The City finds that an exception to Statewide Planning Goal 3 is justified, based on the facts in above findings. Based on these facts, the City finds that reasons justify why the state policy embodied in Statewide Planning Goal 3 should not apply based on a demonstrated need for additional residential land to meet the Purposes, Goals, and Policies of the City in the Tangent Comprehensive Plan and in compliance with Goal 10 and, based on these findings, that the subject property is best located to provide the additional land necessary to fulfill this need. Therefore, the City finds that the applications comply with Tangent Land Use Planning Goal 2.

51. Tangent Goal 4. To preserve the core area of Tangent by directing the most intensive land uses to the northern portion of the city.

The City finds that the property borders the core area of the city. Residential development of the property will be compatible with residential uses to the south and southeast and with the mixed commercial and residential uses to the west. The property will develop from Tangent Drive northward to Tangent Business Park. Redesignation of the entire parcel to Residential will allow the City to design appropriate buffers between the residential uses and the more intensive commercial and industrial uses to the north. Therefore, the City finds that the applications comply with Tangent Land Use Planning Goal 4.

52. Tangent Goal 5. To provide for changing public policies, attitudes, and circumstances and to maintain the Tangent Comprehensive Plan as an up-to-date workable document for decisions and action related to land use.

The City finds that the proposal recognizes the growth Tangent has experienced since the comprehensive plan was adopted in the early 1980s. This growth and the projected population growth to the year 2022 create the circumstances that necessitate extension of the UGB to accommodate additional needed residential land. The above findings demonstrate that the subject property is the best location for this expansion. Therefore, the City finds that the applications comply with Tangent Land Use Planning Goal 5.

53. Policy 1. New development shall be coordinated as much as possible and located so as to minimize the cost of providing services.

The City finds that residential development of the subject property is consistent with the Tangent Transportation System Plan (TSP), the Sewerage System Plan, the Stormwater Drainage Plan, and parks and trails planning. The property is immediately adjacent to Tangent Drive and can have two access points when necessary. It is bordered by existing sewer lines. Extension or improvement of public facilities would be minimal compared to extending or improving these to other potential sites. Therefore, the City finds that the applications comply with Tangent Land Use Planning Policy 1.

54. Policy 6. In reviewing proposals for development, the City of Tangent shall require appropriate separation and buffering between residential, commercial and industrial zones.

The City finds the property is bordered by residences to the south and southeast, commercial and industrial uses are located to the north, and mixed commercial and residential use are located to the west, across the railroad right-of-way. The Tangent Land Use Development Code contains provisions for buffering between these land uses. The applicant is proposing to have a park in the southwest portion of the property which will add buffering. In addition to the conditions of approval requiring buffering between the railroad right-of-way to the west additional buffering to address impacts on existing adjacent land use on residential uses will be addressed at the time a development proposal for the property is considered by the city. Therefore, the City finds that the applications comply with Tangent Land Use Planning Policy 6.

55. Tangent Policy 14. The City of Tangent shall consider amendments to the Tangent Comprehensive Plan which are initiated by:

1. Any affected citizen of Tangent

The City finds that the subject property is within the city limits of Tangent. The applicant is the owner of the property and has standing for these applications.

56. Statewide Planning Goal 3 – Agricultural Lands

Tangent Goal 1. To preserve agricultural lands within the City limits which are not needed for urban uses within the planning period.

Tangent Policy 1. Place all agricultural lands which are within the City limits and are not needed for urban uses within the planning period outside of the UGB.

Tangent Policy 2. Agricultural lands as defined by Goal 3 that are within the City limits but outside the UGB shall be protected by EFU planning and zoning, consistent with ORS Chapter 215.

The City finds that exceptions are being taken to Statewide Planning Goals 3 and 14. Based on the facts and analyses above, the City finds that reasons justify why the state policy

embodied in Statewide Planning Goal 3 should not apply based on a demonstrated need for additional residential land to meet the goals of the City in the Tangent Comprehensive Plan with respect to Goal 10 and, based on the above findings, that the subject property is best located to provide the additional land necessary to fulfill this need. Therefore, the City finds that the applications comply with Tangent Agricultural Lands Goal 1 and Policies 1 and 2.

57. **Statewide Planning Goal 4 – Forest Lands**

The City finds there are no forest lands within the Tangent Planning Area.

58. **Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources**

Tangent Goal 1. To preserve open space in the urban environment which will promote the livability of the Tangent area.

Policy 1. Endeavor to maintain the open space to developed land ratio which currently exists in the developed areas of Tangent in the form of parks, playgrounds, riparian foliage preservation, buffer areas and restriction on development in floodplains.

The City finds that, as part of the application, the applicant is proposing to reserve for future dedication a part of the southwest portion of the property as a public park. The area currently contains an oak grove and some wetlands. The City finds that all identified floodplain area will be included in the future park, no riparian foliage will be removed, and development will utilize open drainageways with buffers wherever feasible. Therefore, the City finds that the applications comply with Tangent Open Spaces, Scenic and Historic Areas, and Natural Resources Goal 1 and Policy 1.

59. **Statewide Planning Goal 6 – Air, Water, and Land Resources Quality**

Tangent Goal 2. To preserve both the surface and subsurface water quality in the Tangent area.

Policy 5. No development or land division shall be approved by the City unless the developer can show sufficient evidence that waste disposal can be properly handled and sufficient water of suitable quality can be obtained.

Policy 11. Open drainage courses that can function as linear greenways shall be preserved as open space wherever possible in lieu of creating covered storm drains.

The City finds that, based on the facts presented in Findings below, the applications demonstrate that waste disposal can be properly handled and sufficient water of suitable quality can be obtained. The City finds that, based on the facts presented in Findings below, the applications demonstrate that open drainage courses will be used to function as linear greenway and preserved as open space wherever possible. Drainage will be in compliance with the Tangent Drainage Stormwater Management Plan. The provisions of the plan adequately protect surface and subsurface water quality in the area. Therefore, the City finds

that the applications comply with Tangent Air, Water, and Land Resources Quality Goal 2 and Policies 5 and 11.

60. **Statewide Planning Goal 7 – Areas Subject to National Disasters and Hazards**

The City finds there is a small portion in the southwest of the property that is within the 100-year floodplain of North Lake Creek. A small portion of this area is designated wetland. This area would be reserved for future dedication to the City for use as a public park and for open space. Therefore, the City finds that the applications comply with Tangent Goals and Policies with respect to Statewide Planning Goal 7.

61. **Statewide Planning Goal 8 – Recreational Needs**

Tangent Goal 1. To insure adequate facilities are available to Tangent residences for their recreational needs.

Policy 1. All new development shall be required to contribute to park acquisition and development through the dedication of park land or through financial assistance.

The subject property is 84.26 acres. The applicant is proposing to dedicate a portion of the property as a park on Tangent Drive. This can be required as conditions of approval for future land divisions. The City finds that this fulfills the requirements of Tangent Recreational Needs Goal 1 and Policy 1 and the application complies with the Goal and Policy.

62. **Statewide Planning Goal 10 - Housing**

Tangent Goal 1. To provide for the housing needs of the community with an anticipated population of approximately 1,000 by the year 2005.

Based on the facts and analyses in the above findings, the City finds the applications comply with this goal.

The City finds it has been demonstrated that the current request is consistent with the provisions of Statewide Planning Goal 10. The City currently has insufficient residential land available to meet the need created by the projected increase in population to the year 2022. Approval of these applications will provide the land necessary to meet the residential land need. Therefore, the applications comply with Tangent Housing Goal 1.

63. **Tangent Goal 2. To provide an adequate mix of housing types including mobile home, single family and multiple family dwellings.**

Tangent Goal 4. To encourage the construction and development of diverse housing types while maintaining a present and future balance of such housing types.

Policy 1.2. Balance ratios (targets) for housing shall be as follows:

- 45% site-built single family dwellings**
- 50% mobile/manufactured homes**

5% multi-family dwellings

Policy 1.3. Due to building cycles, the City anticipates that a specific housing type may vary as much as 10% from the balance ratios. The City shall consider further diversions under the Conditional Use Permit process.

The City finds that the mix of housing types currently available in Tangent is reviewed in detail and in Attachment A to the application. The current mix has more manufactured homes than specified in the target ratios in TCP Housing Policy 1.2. The subject property would be designated residential and zoned for low density residential development (RS-10).. The City will have an opportunity to require specific housing mixes and densities as development occurs. This will keep the balance of housing at the desired levels. Therefore, the City finds that the applications comply with Tangent Housing Goal 2 and Policies 1.2 and 1.3

64. Tangent Goal 3. To preserve the rural character of Tangent.

The City finds that Tangent's general development pattern has been large residential lots. The average housing density in each zone is shown in Attachment A to the application (Table 6). In general, the historic density has been between 0.6 and 1.8 dwelling units per acre. The City finds that these large lots are a major part of what gives Tangent its rural character. The most recent subdivision, Lone Oak Estates, contains 45 lots and was developed between 1994 and 2000 on 14.18 net acres. This is 3.2 units per acre, significantly higher than the historic density. A Residential Comprehensive Plan designation and RS-10 zoning is proposed for the subject property. According to the Tangent Comprehensive Plan, the RS-10 zone was developed "To maintain the predominantly rural character of the neighborhood by making the minimum lot sizes for additional development, i.e., 10,000 square feet or greater." The City finds that the Residential designation and proposed Low Density Residential zoning is consistent with the rural character of Tangent, therefore, the applications comply with Tangent Housing Goal 3.

65. Policy 1.1. Future housing development shall be located in areas where city services can be economically provided when they become available.

The City finds the subject property is bordered by urban development on three sides. It has direct access to Tangent Drive. Two access points can be provided in a manner consistent with the Tangent Transportation System Plan (TSP) when necessary. The City finds that this design is consistent with the acknowledged portions of the TSP. The City finds the property is directly bordered by the sewer line. Residential development of the property is a logical extension of existing development and provides for economically feasible extension and improvement of the existing transportation, sewer and storm drainage systems. Therefore, the City finds the applications comply with Tangent Housing Policy 1.1.

66. Policy 2. The City shall establish zones for use as single family dwellings, multiple family housing, and mobile homes based on the following:

- 1. Use of high density residential as buffers between low density residential and regional commercial zones.**

- 2. Existing character of the neighborhood.**
- 3. Desired community housing mix.**

The City finds that a Residential Comprehensive Plan designation and Low Density Residential (RS-10) zoning are proposed for the property. This zone allows a minimum lot size of 10,000 square feet. A PUD overlay could be placed on the property prior to or concurrent with the first phase of development. This would allow for a mix of housing types and densities. The character of the neighborhood is mixed with detached single-family dwellings on large lots to the south, across Tangent Drive, mixed commercial and residential to the west across the railroad right of way, Tangent Business Park to the north, and agricultural to the east. There are no regional commercial zones near the property. The City finds that the proposed designation is consistent with this character. The property can be developed in a manner that uses open space and RS-10 zoning to provide a buffer between existing large lot neighborhoods and any more intensive residential development on the interior of the property. Therefore, the City finds that the applications comply with Tangent Housing Policy 2.

67. Statewide Planning Goal 11 – Public Facilities and Services

Goal 2. To consider the most cost effective and timely provision of public services and facilities.

Policy 2. The City of Tangent shall require public facilities and services to be available in advance or concurrent with development.

Policy 24. The cost of utility services for any new development or proposed land division shall be the financial responsibility of the developer unless provided by other means approved by the City.

Policy 27. All new subdivision and development shall be responsible for the services required, and for upgrading and improving impacted public facilities and services. The City shall require a warranty period of at least one year for all public facilities provided by the development.

The City requires that all new public facilities and services and any improvements to existing facilities and services be provided prior to or concurrent with new development. The City further requires that the cost of these improvements are the financial responsibility of the developer unless other means are approved by the City. Residential development requires new construction and/or improvements to the transportation system, drainage network, sewerage system and potentially other public facilities. The impacts of the proposed changes on each of these systems is evaluated in more detail in subsequent Findings on the comprehensive plan policies that are specifically applicable to each facility or service.

The City finds that specific improvements are required as conditions of approval of development projects (i.e. subdivision or planned development of the land). The City finds that the information presented in the application and reviewed in these findings demonstrates that it is physically and economically feasible for all public facilities, services and improvements necessary for residential development to be made available prior to or

concurrent with the development. The City finds that the cost of utility services for any new development or proposed land division can and shall be paid by the developer. The City finds that, at the time of subdivision of the property, the developer can and shall be responsible for providing and paying for the services required, and for upgrading and improving impacted public facilities and services as necessary.

68. The City finds that fire protection is provided by Tangent Fire District. The subject property is within the district. The district has a tax base and is funded by owners of property in the district. Future development on the subject property would be required to join the district and participate financially.
69. Police services are provided by Linn County Sheriff's Department. These services are available to the subject property. Electricity is provided by Pacific Power. Northwest Natural Gas provides gas to the property. Corvallis Disposal provides garbage collection and recycling services. Comcast provides cable services. Phone services are provided by Qwest. All of these providers have capacity to serve additional development on the subject property.
70. The City finds that, based on Findings above, fire protection, law enforcement, electricity, natural gas, garbage disposal, recycling, cable, and telephone services can be made available to the property prior to or concurrent with development. Therefore, the City finds that the applications comply with Tangent Public Facilities and Services Goal 2 and Policies 2, 24, and 27.
71. **Statewide Planning Goal 11 – Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.**

City of Tangent Public Facilities and Services Goals and Policies.

Goal 2. To consider the most cost effective and timely provision of public services and facilities.

Policy 1. The City of Tangent shall insure that a full range of services are available for the citizens of Tangent at levels appropriate for the planned development during the planning period.

Policy 2. The City of Tangent shall require public facilities and services to be available in advance or concurrent with development.

Policy 5. The City shall implement its Sewerage System Facility Plan as demand and the availability of funds warrant. The Plan is designed to be constructed in phases as the City grows; eventually it will serve all property within the Urban Growth Boundary. That Plan, and City actions implementing the same, shall meet all applicable state and federal requirements. All residential, business, and other establishments that are within both the City limits and Urban Growth Boundary of the City of Tangent shall connect to the City's sewerage system when a main is installed within 500 feet of the property.

The City of Tangent uses a STEP community sanitary sewerage system. In 2005, at the request of the City Council, the City Engineer reviewed the City's Sewerage System Improvements Design Report of January, 1986 and conducted an analysis of the existing system: *Waste Water Treatment Plant Capacity Analysis*" (May 2005 and September 2005). A copy of that analysis was submitted into the record. On November 14, 2005, the Council reviewed and adopted the findings of this study (Resolution 2005-18) (hereby incorporated into these Findings). In their Resolution, the Council found:

- The current sewerage system lagoon has a summer holding capacity for a population of 2,140 individuals and 856 Equivalent Dwelling Units (EDU's).
- As of August 31, 2005, actual use of the system was 464 EDU's.
- The number of remaining unused EDU's in the current lagoon is 392.

72. The City finds that the projected increase in population over the planning period will result in a need for between 528 and 665 dwelling units. The City finds that development of the subject property at densities permitted under the Residential Comprehensive Plan designation and RS-10 zoning would allow between 200 and 250 dwelling units to be constructed on the property. The City finds that there are about 392 remaining unused EDU's available, based on the *Waste Water Treatment Plant Capacity Analysis*" (May 2005 and September 2005). Therefore, sanitary sewerage services are available at levels appropriate for the planned development during the planning period and the application complies with Tangent Public Facilities and Services Policy 1.

73. The City has a sewerage system development charge to help finance expansion and improvement of the wastewater system to meet future demands over the next 20 years. Sewerage SDCs will require new development to contribute proportionally to the cost of necessary wastewater system upgrades.

74. The City finds that in addition to sewerage system lagoon capacity for 392 additional dwelling units, the *City of Tangent Wastewater Treatment Plan, November 2005* found:

"Financial Status of Sewer Fund

- ❖ *The sewer expansion fund has a present balance of \$38,982. At our current SDC rate of \$3,040, the 392 EDU's will generate over \$1,230,000 plus interest for these future expansion options.*

Future Expansion Options:

- ❖ *Increase lagoon height levels adding 2' additional height. Net increase of 166 EDU's.*
- ❖ *Based on growth estimations, when existing summer holding capacity (including evaporation) is maximized, land application of effluent could be implemented. There are several non-edible crops that could utilize the water, including poplars, alfalfa, livestock pasture, or mint. Operation costs associated with irrigation may be covered by value-added crop or pasture rent revenues. Engineering design studies should be procured to design this practice.*
- ❖ *An alternative approach may be to begin summer land application even before holding capacity is maximized. This option may be beneficial to the adjacent farm*

operator if they desire irrigation water. Cost of equipping earlier than necessary for land application should be weighed against reduction of cost to chlorinate discharge flows into the river, both monetary and environmental costs.

- ❖ *In the future when summer lagoon levels are nearing capacity, the City could experiment with aeration and/or accelerated evaporation during summer months. One method could be installing pumps with nozzles, which shoot effluent into air and back into lagoons. Other cities report as much as an inch per day evaporation. Net increase of capacity for this option is yet to be determined."*

A copy of the City of Tangent Wastewater Treatment Plan was submitted into the record of these proceedings.

75. The City finds that in addition to the City Engineer's *Waste Water Treatment Plant Capacity Analysis* (May 2005 and September 2005) and the *City of Tangent Wastewater Treatment Plan, November 2005*, the City Engineer provided a *Land Application* report, dated January 23, 2006 (submitted into the record of these proceedings), which *evaluated the implementation of a land application program* (of sewer effluent). The report provided the following chart, showing how many additional EDU's would be provided with corresponding acres irrigated. This would be in addition to the 392 EDU's capacity available within the current lagoons, and in addition to 166 EDU's by raising lagoon berm height, and any additional EDU's from aeration and accelerated evaporation described above.

Acres Irrigated	Lagoon Depth (feet)	Lagoon Depth (inches)	Capacity Increase In Population	Capacity Increase (EDU's)
1	0.16	1.9	57	23
5	0.79	9.5	281	112
10	1.58	19.0	562	224
20	3.17	38.0	1128	450
30	4.75	57.0	1691	674
40	6.33	76.0	2253	899

- ❖ *The Land Application report provided the following chart showing the costs associated with this land application alternative:*

Item	20 Acres Cost	40 Acres Cost
Land	\$80,000	\$160,000
Equipment	\$56,000	\$92,000
+/- Contingency	\$27,200	\$50,400
+/- Engineering	\$20,400	\$37,800

+/- Legal & Admin	\$13,600	\$25,200
TOTAL	\$197,200	\$365,400

76. Opponents and others testified that the 2005 Capacity Analysis and the City of Tangent Wastewater Treatment Plan are inadequate to demonstrate adequate capacity in the system as a whole, because they addresses only the lagoon facilities and do not address anticipated needs to expand line capacity or location. The City finds that the subject property has access to a sewer line, and that any additional capacity needs can be addressed at the time a development is proposed. In addition, the City adopts a condition of approval requiring a demonstration of adequate capacity prior to approval of a development plan for the property.
77. The City finds that, based on the 2005 Capacity Analyses and the *City of Tangent Wastewater Treatment Plan, November 2005*, there are several economically feasible alternatives for further increasing treatment capacity above the 392 remaining available EDUs.

Any improvements to the collection system that are necessary can be made prior to or concurrent with future development in Tangent. The following condition of approval of the Brush application will insure that the sanitary sewerage system will be able to accommodate any increased demand from the subject property.

Condition of Approval

As part of the review of any division of the property identified as the 84.26 acres of Parcel 1 of Linn County Partition Plat 2003-33, in Section 7, Township 12S, Range 3W, Willamette Meridian, Linn County, Oregon, the applicant shall demonstrate that sewerage system facilities can accommodate the increased demand caused by the development. This condition shall be satisfied if the applicant funds a study by an engineering firm approved by the city to evaluate line capacity. Any system improvements, including sewerage lines connecting the development project to the treatment facility, that are necessary to provide an appropriate service level shall be provided prior to or concurrent with development. The developer shall be responsible for a proportional share of the off-site system improvements.

78. Based on the facts and analysis previously cited, the City concludes that the applications comply with Statewide Planning Goal 11 and City of Tangent Public Facilities and Services Goal 2 and Policies 1, 2 and 5.
79. **Policy 10. The City shall continue the use of the regional aquifer as a source of community water supply through individual water wells and community system well(s).**

The City finds that, according to the Public Facilities and Services Section of the Tangent Comprehensive Plan (p. 105), "Individual wells are the source of water for all uses in Tangent. Until the City adopts a plan for a city-wide water system, individual wells will be used to accommodate future growth needs for domestic water. According to the groundwater study described on page 10 of the Plan, the projected population that the City has planned for

would only use an additional 70 to 90 acre-feet of water per year from existing aquifers. This would still leave a balance of 619,930 acre-feet per year remaining in the groundwater. In other words, less than 1% of groundwater capacity would be used. The groundwater resources underlying the Tangent area are generally high in quality and are suitable for industrial and domestic uses.”

The City finds that residential development on the subject property would be served by a community water system. Several small to medium sized water systems exist in Tangent. Most recently, systems were developed to serve Lone Oak Estates, a 45-unit subdivision, and for Ashwood Estates Manufactured Home Park. A water system was also recently developed to serve Tangent Business Park, immediately to the north of the subject property. The applicant has submitted evidence that wells for these developments are between 110 and 130 feet deep with volumes of 80 to 250 gpm. The applicant has submitted evidence that there is an irrigation well on property to the south that yields 80 gpm at between 75 and 93 feet. Therefore, the City finds that this information demonstrates that it is feasible to provide sufficient water for residential development at the proposed densities and the applications comply with Tangent Public Facilities and Services Policy 10.

- 80. Policy 13. The City shall consider additional parks to accommodate the growing needs of the community. Park locations shall be convenient to residential areas and connected to pedestrian ways.**

The City finds that Tangent Zoning Ordinance Section 2.1.O implements this policy. It requires 10% of the gross land area be dedicated to the City for parks/open space for all residential developments of 10 units or greater. The applicant is proposing to dedicate land for a park in the southwestern portion of the property. The size of the park can be determined as part of the review of future subdivision of the property. The City finds that this fulfills the requirements of TZO 2.1.O and that the applications comply with Tangent Public Facilities and Services Policy 13.

- 81. Policy 19. The City will coordinate and work with the Greater Albany Public Schools (GAPS) to lessen the impact of future growth on the schools.**

The City finds that Tangent is served by the Greater Albany School system. Children attend elementary school in Tangent and Middle and High School in Albany. Residential development on the property will occur in phases over time and could potentially add up to 250 dwelling units. The incremental development of the property and limited size of the development relative to enrollment in the Greater Albany Public School system will mitigate impacts to the system. Development of the property in phases will not have a significant impact on schools at any given time. No issues have been identified with respect to adverse impacts to the school system. The City finds that impacts to schools will be relatively small and will be spread out over time. The City will coordinate and work with Greater Albany Public Schools to lessen the impact of future growth from redesignation of this property on the schools. Therefore, the City finds that the applications comply with Tangent Public Facilities and Services Policy 19.

82. Policy 23. The cost of drainage facilities for any new development or proposed land division shall be the financial responsibility of the developer.

The City finds that Tangent's stormwater drainage system is primarily composed of natural drainageways, roadside ditches and detention areas. There are a few areas with enclosed systems. Maintenance of the stormwater drainage system is the responsibility of individual property owners and Linn County, for ditches along county roads. The Drainage and Stormwater Management Plan, adopted in 1992, contains stormwater drainage design policies. These policies state that the design and construction of stormwater facilities should be directed toward collecting and discharging surface runoff in order to preserve both surface and subsurface water quality. Plan policies contain specifications for system design. In general, they require capacities sufficient to handle 10-year storm run-off, at a minimum, consideration of future urbanization when selecting hydraulic capacities for new drainage structures and flow velocities between 3 and 8 feet per second.

The City finds that the subject property is in the North Lake Creek drainage basin. The main channel of North Lake Creek is south of Tangent Drive and south of the subject property. The general drainage of the property is in two small swales that drain from east to west across the property. The City finds that in order to be consistent with the City's Drainage Plan, future development of the property will be required to utilize these drainages to the greatest extent possible. Tangent design standards currently require future residential development to contain fully improved streets with enclosed curb and gutter storm drainage systems that connect with the current open channel system. Construction of detention basins, to limit the peak amount discharged from the property to the level experienced before the property was developed, can be required concurrent with development of the property in a manner that conforms with Section 3.7 of the Plan. The City finds that it is the responsibility of the developer, at the time a specific subdivision or planned development is proposed to provide the City with all of the information necessary to determine that the proposed improvements are adequate to comply with City standards. This information can be provided in conjunction with specific development proposals. At this time, the City finds that it is feasible to comply with the City's stormwater requirements using a combination of enclosed drainage systems in areas with improved streets, an improved open channel system and detention basins. All necessary design and improvement costs would be the responsibility of the developer. Therefore, the City finds that the applications comply with Tangent Public Facilities and Services Policy 23.

83. Statewide Planning Goal 12 – Transportation

The City finds that two access points are proposed for the property. One would be the existing Brush Lane, about 700 feet east of the railroad right-of-way. The second would be about 1,200 feet east of the railroad, through the access for Redwood Flats Subdivision (Sequoia Street). This design is consistent with the acknowledged portion of the adopted Transportation System Plan. The proposed changes are not affected by the remanded portions of the TSP. New streets in the development will be constructed to City standards.

Linn County is planning improvements to Tangent Drive within three years from Highway 99E to the city limits. ODOT is planning improvements to Highway 99E at the Tangent Drive intersection within two years. Development on the subject property can be required to participate in these improvements. The applicant submitted a Traffic Impact Report from ptv America, Inc. The report included current traffic counts, trip generation analysis, trip distribution analysis and evaluation of the proposed improvements on both Tangent Drive and Highway 99E. The report addresses all of the requirements of the Transportation System Planning Rule and comments of ODOT. ptv America, Inc.'s report concludes that, after already planned for improvements are made, there will be sufficient reserve capacity for the Level of Service at the Tangent Drive / Highway 99E intersections to remain at an "A" rating.

Therefore, based on evidence presented in the applications, including the Traffic Impact Report, the City finds the applications are consistent with the Tangent Transportation System Plan and the State Transportation Planning Rule.

84. Statewide Planning Goal 14 – Urbanization

Tangent Goal 1. To provide for the orderly outward expansion and growth of the City of Tangent while maintaining fiscal accountability and preserving farm land.

Tangent Goal 2. To encourage farming and farming related activities as the highest and best use of the land until such a time as the City and region need to urbanize.

Policy 3. The City of Tangent shall view all land currently in agricultural use located inside the Urban Growth Boundary of Tangent, as available for urban use.

Policy 5. The City of Tangent shall provide within the UGB adequate amounts of buildable land to meet the projected needs for industrial, commercial, and residential land over the planning period.

Policy 6. The Urban Growth Boundary shall not be amended to include land presently designated as Agricultural, Regional Commercial Reserve, or Industrial Reserve unless compliance with the following criteria is demonstrated by clear findings:

- 1. The criteria found within Statewide Planning Goal 2 for an exception to Statewide Planning Goal 3 – Agriculture.**
- 2. The seven criteria for an Urban Growth Boundary amendment found within Statewide Planning Goal 14 – Urbanization.**
- 3. Other relevant provisions of the Statewide Planning Goals.**
- 4. Other relevant policies of the Tangent Comprehensive Plan.**

The City finds that the criteria for an exception to Statewide Planning Goal 3 and Goal 14, including the seven criteria for an urban growth boundary amendment, are addressed in the above findings. The City finds that the evidence presented in the applications and in these Findings shows that the City currently does not have enough land available for residential use to meet projected population growth to the year 2022 or to provide the appropriate mix of housing types. The City finds that the evidence in the applications and Findings demonstrates there is no other land available within the UGB to address this need. Changes in development regulations will not be sufficient to address this shortage because of the small size, scattered location and other limitations on the remaining lots with developable land. As a result, it is necessary to extend the UGB and take in agricultural land. The City finds that the evidence in the Findings and in the application demonstrates that the facts support an exception to Goal 3 and to Goal 14. The City finds that evidence has been presented and has been evaluated which demonstrates that the subject property is best located to meet the need for residential land. It borders urbanized areas on three sides and all public facilities and services can be provided economically. Residential development of the property provides for orderly expansion and growth of the city. No undeveloped land would be left between current urban development and new construction. Based on evidence presented in previous Findings and the applications, the City finds that:

- Approval of the applications would provide for the orderly outward expansion and growth of the City of Tangent while maintaining fiscal accountability and preserving farm land and that the applications comply with Tangent Urbanization Goal 1.
- There is a need for additional land designated for residential use based on the projected population growth to the year 2022, based on TCP Purpose Statement D, Urbanization Policy 15, Housing Goals and Policies and consistency with Goal 10. The City needs to have additional urbanizable land to meet this need. Therefore, the applications comply with Tangent Urbanization Goal 2.
- The City has viewed all land currently in agricultural use located inside the Urban Growth Boundary of Tangent, as available for urban use, and approval of the applications would comply with Tangent Urbanization Policy 3.
- The City currently does not provide within the UGB adequate amounts of buildable land to meet the projected need for residential land to the year 2022. There is a need for 113.1 acres of additional land designated for residential use to meet the demand created by the projected population growth over this period. The applications will result in about 84.26 acres of additional land being brought within the urban growth boundary and designated for residential use. Therefore, the applications comply with Tangent Urbanization Policy 5.
- The applications comply with the criteria found in Statewide Planning Goal 2 for an exception to Statewide Planning Goal 3 – Agriculture.
- The applications comply with the seven criteria for an Urban Growth Boundary amendment found within Statewide Planning Goal 14 – Urbanization.
- The applications comply with all relevant provisions of the Statewide Planning Goals.

- The applications comply with all relevant policies of the Tangent Comprehensive Plan. Therefore, the City finds that the applications comply with Tangent Urbanization Policy 6.

85. The City finds that, based on the evidence in the above findings, proof has been provided by the applicant that the applications fully comply with the Tangent Comprehensive Plan. The City finds that, based on the evidence in these Findings, proof has been provided by the applicant that the applications fully comply with the relevant approval standards found in the Tangent Zoning Ordinance and other applicable ordinances. Therefore, the City finds that the applications comply with TZO 5.25(A)(1).

86. TZO 36.8 Review Criteria (for Quasi-Judicial Comprehensive Plan Amendments)
Quasi-judicial proposals for Comprehensive Plan amendment shall be reviewed to assure consistency with the purposes of this Chapter, policies of the Comprehensive Plan, and the Statewide Planning Goals.

Purposes of Chapter 36:

Occasional amendments to the Plan may be initiated which:

- **Respond to changing conditions and community attitudes; and**
- **Ensure flexibility while at the same time maintaining the integrity of the Comprehensive Plan.**

The City finds that Tangent has grown by about 500 residents since the housing element of the comprehensive plan was adopted in 1984. At that time, it was estimated that the city had about 90 gross vacant acres of residentially designated land in the UGB. The Comprehensive Plan estimates that 15 acres of buildable residential land will be available in 2005. The Plan projects a population of between 1,684 and 2,010 in Tangent in the year 2022. There is not sufficient residentially designated land to meet the need to the year 2022. At least 113.1 additional acres are needed. The City finds that these changing conditions necessitate an amendment to the urban growth boundary in order to make a sufficient supply of residential land available, consistent with Tangent Comprehensive Plan Purpose Statement D, Urbanization Policy 5 and Housing Goals and Policies and Goal 10. The City finds that the applications have been reviewed against the goals and policies of the comprehensive plan and are consistent with and maintain the integrity of those goals and policies. Therefore, the City finds that the applications comply with TZO 36.8.

87. TZO 36.8.A. Such amendments shall be approved only when the following findings are made:

- 1. There is a public need for the change.**
- 2. The change being proposed is the best means of meeting the identified public need.**
- 3. There is a net benefit to the community that will result from the change.**
- 4. The amendment is consistent with the overall purposes and intent of the plan.**

The City finds that the evidence and analyses in these findings demonstrate there is a public need for more land for housing and that the proposed UGB Amendment and Comprehensive Plan Map Amendment are the best means of meeting this need. There are many benefits to the community, including:

- It will address the need for additional land for housing.
- It will facilitate construction of the north-south connecting street on the east side of the Union Pacific Railroad right-of-way.
- It will create a park on the north side of Tangent Drive, with wetlands, and a playground.
- It will minimize urban sprawl by concentrating growth near the city core, not in the fringe areas.
- It will provide for environmentally sound development.
- It will make a mix of housing available to meet the projected increase in population.
- It will provide housing for additional citizens to help address community needs.
- It will benefit local businesses and the overall local economy.

Therefore, the City finds that there will be a net benefit to the community that will result from the change.

The City finds that the application has been reviewed for consistency and compliance with all applicable comprehensive plan policies. The evidence presented in these Findings demonstrates the proposed amendments are consistent with the overall purposes and intent of the Tangent Comprehensive Plan. Therefore, the City finds that the applications comply with TZO 36.8.A.(1 through 4).

88. TZO 36.8.B. In addition to the above criteria, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

- 1. Visual elements (scale, structural design, and form, materials and aesthetics);**
- 2. Noise attenuation;**
- 3. Noxious odors;**
- 4. Lighting;**
- 5. Signage;**
- 6. Landscaping, buffering and screening;**
- 7. Traffic;**
- 8. Effects on off-site parking;**
- 9. Effects on air and water quality;**
- 10. Impacts on water supply; and**
- 11. Public services.**

The City finds that the property is bordered by urban land uses on three sides, mixed commercial and residential uses to the west and large lot, detached single-family residential use to the south, across Tangent Drive. There will be a park in the southern portion of the subject property that will further separate future development from existing residences on the south side of Tangent Drive. The City finds that the TZO contains specific provisions that address compatibility factors. These provisions are intended to insure compatibility with surrounding land uses. They are applied when development occurs on the property. The

property is proposed for Residential Comprehensive Plan designation and Low Density Residential Zoning. The minimum lot size in the RS-10 zone is 10,000 square feet. If higher density residential development occurs through a subsequent PUD, the City can require that the higher density units be located on the interior of the property, thus using the larger perimeter lots as an additional buffer to surrounding land uses. Land to the east is currently in farm use. The City can require appropriate setbacks and buffering at the time of approval of specific development plans to address any compatibility issues that arise.

The City finds that no significant impacts relating to visual elements, noise, odor, lighting, signage, landscape buffering, off-site parking or air quality are typically associated with low density residential development. Street design and traffic control will be subject to Tangent Codes, the Tangent TSP and the Tangent Zoning Ordinance. Specific requirements will be imposed at each phase of development. All impacts from traffic generated by low density residential development can be mitigated through improvements required at the time of development. Stormwater drainage will be consistent with the provisions of the Tangent Stormwater Drainage Plan. No adverse impacts to water quality have been identified. The area will use a community water system. According to the TCP, there is sufficient water supply and there should be no impact on the aquifer. All public services can be provided to the property at the necessary levels without causing any adverse impacts to the service. Therefore, the City finds that the applications comply with TZO 36.8.B.

89. The City finds that the provisions of ORS 197.732 have been adequately evaluated in the Findings relating to OAR 660-004 and finds that the applications comply with ORS 197.732.
90. **ORS 197.752 – Lands available for urban development. (1) Lands within urban growth boundaries shall be available for urban development concurrent with the provision of key urban services in accordance with locally adopted development standards.**

The City finds that all lands within the UGB were considered available for urban development and that previous findings have adequately evaluated the requirements of ORS 197.752 and that the applications comply with ORS 197.752.

91. The City finds that based on the previous Findings of Fact, the Tangent Urban Growth Boundary shall be expanded to include the subject. This area shall be assigned a Comprehensive Plan designation of Residential. The City finds that the following Condition of Approval shall be required:

Condition of Approval

The expansion of the Tangent Urban Growth Boundary shall include the subject property. This area shall be assigned a Comprehensive Plan designation of Residential.

FINDINGS OF FACT RELATING TO THE APPLICATION FOR A CHANGE IN ZONING DESIGNATION TO CHANGE APPROXIMATELY 84.26 ACRES

FROM EXCLUSIVE FARM USE (EFU) TO LOW DENSITY RESIDENTIAL (RS-10).

1. The City finds that all applicable legal criteria governing the review of these applications are identified in these findings.
2. The official record includes all information specified in the above Findings of Fact relating to the applications for an Urban Growth Boundary Amendment, Comprehensive Plan Map Amendment and Exceptions to Statewide Planning Goals 3 and 14.

The City Council incorporates all information in support of the applications contained in the application materials, the staff reports and developed during Council deliberations into these Findings.

The record is kept by the City Administrator and may be reviewed or copied at Tangent City Hall during normal business hours. The City finds that the record contains all information needed and provides an adequate factual base to evaluate the applications for compliance with the applicable criteria.

3. The property is located at 32109 Tangent Drive, Tangent, OR 97389 (T12S, R3W, Section 7, Tax Lot 200). It is owned by Melvin M. Brush. It contains approximately 84.26 acres. The Brush family has lived on and farmed the property for 65 years. The property is located immediately east of the Union Pacific Railroad tracks and north of Tangent Drive. It extends from Tangent Drive north to Tangent Business Park. The property contains the Brush home, a loft barn and several outbuildings. Historically, the property has been used for farming, including livestock and seed crops.
4. The subject property is within the City Limits of Tangent and is outside the Tangent Urban Growth Boundary. The requested actions are under the jurisdiction of the Tangent Planning Commission and City Council, pursuant to the Tangent – Linn County Urban Growth Boundary Management Agreement. Linn County was notified of the application for a UGB amendment on March 15, 2004, pursuant to the Agreement. The city also provided notice of the December 4, 2006 remand hearing to the county.
5. Applications for subdivisions and/or a PUD have not been submitted. Future development plans for the property must be reviewed and approved by the City for compliance with all City standards and criteria before development can occur on the property.
6. The City finds that applicable criteria for a change of zoning designation are found in Tangent Zoning Ordinance (TZO) 5.25(A) which states: **The decision shall be based on:**
 1. **Proof by the applicants that the application fully complies with:**
 - (a) **The City of Tangent Comprehensive Plan,**
 - (b) **The relevant approval standards found in this and other applicable ordinances.**

The City finds that the evidence in the above Findings demonstrates that the applications fully comply with the Tangent Comprehensive Plan and the relevant approval standards

found in the Tangent Zoning Ordinance and other applicable ordinances. The City finds that the criteria and evaluations in these Findings, which are based on the request to amend the urban growth boundary and change the Comprehensive Map Designation of the property from Agriculture to Residential, are also directly applicable to the application to change the zoning from EFU to RS-10 in that the RS-10 designation implements Residential lands policies included in the Tangent Comprehensive Plan. The city notes that in the interim between the original application and the adoption of this decision, the city has amended its zoning designation for low density residential from R-1 to RS-10. The city concludes, and the applicant agrees, that redesignating the property to RS-10 is appropriate to reflect the new zoning designation. The city also concludes, for the following reasons, that there are no other residential zoning designations that could be applied to this property consistent with state law and the TCP.

The RS-10 zoning designation allows low density residential development. In general this includes one single-family dwelling on a lot with a 10,000 square foot minimum lot size, a duplex on corner lots, and a range of compatible non-residential uses that is similar to those allowed in the City's other three residential zones. Multi-family dwellings, other than a duplex on a corner lot, are not allowed outright or conditionally in the RS-10 zone. The City finds that impacts from development that is permitted in an RS-10 zone will have the same or less impact than permitted development in the other three residential zones in the City. Therefore, the City finds that the applications comply with TZO 5.25.A.

- 7. TZO 5.25(B). In addition to the provisions of 5.25(A)(1) and (2) above, the following standards shall be applied for an application for Change of Zoning Designation. Positive findings for the following criteria are required:**
- 1. The proposed amendment to change the zoning designation is in conformity with the Tangent Comprehensive Plan.**

The City finds that the evidence in these Findings demonstrates that the application complies with the criteria to change the Comprehensive Map designation on the property from Agriculture to Residential. The proposed Low Density Residential (RS-10) zoning conforms with the Residential Comprehensive Plan Map designation. The City finds that the review of Comprehensive Plan Goals and Policies in these Findings demonstrates that the request conforms with the applicable provisions of the Comprehensive Plan for a change in zoning from Exclusive Farm Use to Low Density Residential (RS-10). Therefore, the City finds that the application complies with TZO 5.25.B.1.

- 8. TZO 5.25(B).2. There is a public need for the proposed amendment to change the zoning designation.**

The City finds that the evidence in these Findings demonstrates there is a public need for additional RS-10 land. Therefore, the City finds that the application complies with TZO 5.25.B.2.

9. **TZO 5.25(B).3. The public need will best be served by the proposed amendment or the proposed amendment subject to specified conditions and modifications specifically under consideration.**

The City finds that the evidence in these Findings demonstrates there is a public need for additional RS-10 land and that the public need will best be served by the proposed amendment. Therefore, the City finds that the application complies with TZO 5.25.B.3.

10. **TZO 5.25(C). Consideration may be given to:**
1. **Proof of a change in the neighborhood or community or a mistake in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.**
 2. **Factual oral testimony or written statements from the parties, other persons and governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in Subsection A or B(1), above.**

The City finds that the application is based on a change in the community related to past and projected population growth and the impact of that growth on the residential land base. The application is not based on a mistake in the Plan or Zoning Map as it relates to the subject property. The City finds that the factual written and oral testimony presented in the applications and in support of the applications provides sufficient factual base to determine that the applications comply with all applicable criteria. Therefore, the City finds that the applications comply with TZO 5.25.C.

11. Therefore, the City finds that the application complies with the applicable requirements for a change in zoning from Exclusive Farm Use to Low Density Residential (RS-10).
12. The City finds that based on the previous Findings of Fact, the property identified as the 84.26 acres of Parcel 1 of Linn County Partition Plat 2003-33, in Section 7, Township 12S, Range 3W, Willamette Meridian, Linn County, Oregon shall be assigned a zoning designation of Single-family Residential (RS-10) in that the applicant has demonstrated that there is a current need for that acreage to be included within the UGB to accommodate existing demand for low density residential housing, and that the city has current capacity to accommodate that level of development.

EXHIBIT "C"
CONDITIONS OF APPROVAL

The expansion of the Tangent Urban Growth Boundary shall include 84.26 acres, identified in Tangent Planning File No. 04-01. This area shall be assigned a Comprehensive Plan designation of Residential and a Zoning designation of Single-family Residential (RS-10).

The following Conditions shall be met prior to or concurrent with residential development on the property:

1. The applicant shall construct a buffer between residential development on the subject property and the railroad right-of-way along the western property line. The buffer shall be designed to mitigate impacts to and from adjacent uses to the west and shall include a pedestrian trail. Design of the buffer shall be approved by the City as part of the review process for any division of the property.
2. As part of the review of any division of the property, the applicant shall demonstrate that sewerage system facilities can accommodate the increased demand caused by the development. This condition shall be satisfied if the applicant funds a study by an engineering firm approved by the city to evaluate line capacity. Any system improvements, including sewerage lines connecting the development project to the treatment facility, that are necessary to provide an appropriate service level shall be provided prior to or concurrent with development. The developer shall be responsible for a proportional share of the off-site system improvements.
3. The applicant shall submit a Development Plan to the City that reflects these conditions of approval and addresses applicable provisions of the Tangent Land Use Development Code, including code provisions addressing the items listed below. The Plan shall be approved by the Planning Commission or City Council. The Development Plan may be submitted as part of a Subdivision request or a Planned Development request. Elements of the Development Plan shall include:

- Transportation System Access, Impacts & Improvements
 - Streets
 - Sidewalks
 - Bikeways
- Storm Drainage
- Wetlands & Riparian Areas
- Water System Improvements
- Fire Protection
- Sanitary Sewer Improvements
- Utilities
- Easements & Right-of-ways
- Grading
- Open Space, Yards & Landscaping
- Public Improvements
- Parks & Loop Trail Improvements
- Construction Standards
- Schedule of any Phasing of Development

Method & procedure for providing and financing infrastructure improvements

The proposed development plan shall include an open space/park area located in the southwest portion of the property.

4. CC&Rs specifying requirements, standards and procedures for development of the entire property as presented in the Master Plan shall be recorded with the property and noted in the Declarations of the Partition Plat. Specifically, the recording shall indicate the applicant's obligations with respect to the long-term infrastructure requirements of the City. The Applicant may also attach additional CC&R's to the parcels with the approval of the city.
5. Interim Farm Use shall be the only permitted use of the properties until approval of a development plan, ~~for the southern 54.86 acres and recording of the CC&Rs. Only those uses permitted on EFU zoned property may be allowed or conducted on the northern portion of the property that remains subject to the EFU zoning.~~
6. Future development shall comply with the City's land use regulations and development standards in place at the time the development application is submitted.
7. Future development shall comply with the **Tangent Public Works Design Standards** in place at the time the development application is submitted.
8. The applicant shall obtain approval from all other regulatory agencies having jurisdiction over different aspects of the proposed development.
9. The existing easement from Brush Lane to the north-south easement on the east side of the applicant's property shall be maintained unless City approval is granted for vacation of the easement.
10. Additional information in conformance with City standards or information provided by other agencies, including required county, state or federal permits shall be submitted for inclusion in the Record File. Additional information submitted after the close of the Application Record is for informational purposes only and is not part of the application record or decision criteria.
11. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Tangent Rural Fire Protection District. Fire District requirements shall be submitted to the City for inclusion in the Record File.
12. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site drainage is required. The Owner shall provide proper drainage and shall not direct drainage onto any roadway or across another property except within a continuous drainageway. Site drainage shall be detained and metered to the stormwater system when development occurs. All new impervious areas, including parking lots, sidewalks, buildings, etc., shall be drained to a detention facility in conformance with Section 3.18 of the Tangent Public Works Design Standards. Stamped detention calculations prepared by a Registered Professional Engineer shall be submitted to the City for approval prior to construction of the detention facility.

13. Prior to proposed development on the property, the applicant shall provide verification of adequate water and sanitary sewer capacity on-site to serve the proposed use. Calculations prepared by a Registered Professional Engineer shall certify sanitary sewer flows for the proposed development, and shall clearly identify the capacity of the STEP system and treatment facilities needed to support the proposed development. All new STEP system facilities shall be designed and constructed in conformance with the Tangent Public Work's Design Standards.
 14. If any one of these conditions is found to be unenforceable, the severance of that condition will not affect the remaining conditions.
 15. The applicant shall be responsible for any and all appeal defense of this application and shall reimburse the City for all expenses the City may incur in an appeal defense and in processing the application.
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