

**RESOLUTION 21/22-28
CITY OF DAYTON, OREGON**

A Resolution Declaring Certain Property as Surplus & Authorizing its Transfer, Sale or Other Disposition

WHEREAS, the City of Dayton owns the item listed and depicted in Exhibit A, attached hereto and by this reference made a part hereof, that is no longer needed or useful for city purposes: and

WHEREAS, the City has the authority to dispose of such property in the manner in which it deems to be in the best interest of the citizens of the community.

The City of Dayton resolves as follows:

- 1) **THAT** this item is hereby declared surplus to the needs of the City, and
- 2) **THAT** the equipment shall be disposed of at the discretion of the City Manager in the manner deemed to be in the best interests of the City; and
- 3) **THAT** this resolution shall take effect immediately upon its adoption.

ADOPTED this 21st day of **June 2022**.

In Favor:

Opposed:

Absent:

Abstained:

Elizabeth Wytoski, Mayor

Date of Signing

ATTEST:

Patty Ringnalda, City Recorder

Date of Enactment

Attachment - Exhibit A

EXHIBIT A



To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Approval of Resolution 21/22-29 Public Works Design Standards Update No. 12
Date: June 21, 2022

Background and Information

The revisions and clarifications in this update are mainly for housekeeping, regulatory items, etc. This includes clarification issues that have come up during development projects, as well as clarification items that came up on projects with Westech Engineering's other City & District clients. No major changes are included.

Due to the size of the redlined version, it is not included in the agenda packets. All revisions are included in the redline format provided for the Council for review at <https://spaces.hightail.com/receive/urADJs36KH>.

Denny Muchmore will be at our meeting to answer any questions the Council may have.

Relevant Council Goal: Goal A - Develop and maintain infrastructure to support operations and meet growth.

City Manager Recommendation: I recommend approval Resolution 21/22-29.

Potential Motion to Approve: "I move approval of Resolution 21/22-29 a Resolution adopting Public Works Design Standards Update No. 12."

Council Options:

- 1 – Approve Resolution 21/22-29 as recommended.
- 2 – Approve Resolution 21/22-29 with amendments.
- 3 – Take no action and direct staff to do further research or provide further options.

**RESOLUTION No. 21/22-29
CITY OF DAYTON, OREGON**

A Resolution Adopting Public Works Design Standards Update No. 12

WHEREAS, on October 6, 2006, the Dayton City Council adopted Resolution #06/07-11, A Resolution Adopting City of Dayton Public Works Design Standards (hereafter called “Standards”), and amended on February 5, 2007, by Resolution #06/07-27, A Resolution Adopting Public Works Design Standards Update No. 1; and on January 7, 2008, by Resolution #07/08-17, A Resolution Adopting Public Works Design Standards Update #2; and Resolution 07/08-31, A Resolution Adopting Public Works Design Standards Update #3; and Resolution 09/10-31, A Resolution Adopting Public Works Design Standards Update #4; and Resolution 12/13-35, A Resolution Adopting Public Works Design Standards Update #5; and Resolution 13/14-5, A Resolution Adopting Public Works Design Standards Update #6; and Resolution No. 15/16-10 A Resolution Adopting Public Works Design Standards Update #7; and Resolution No. 17/18-9 A Resolution Adopting Public Work Design Standards Update #8; and Resolution No. 19/20-2 A Resolution Adopting Public Work Design Standards Update #9; and Resolution No. 19/20-19 A Resolution Adopting Public Work Design Standards Update #10; and Resolution No. 20/21-12; and

WHEREAS, the Standards are subject to change as both the City’s needs change and the industry standards change, or if errors are discovered in the document; and

WHEREAS, certain information in the Standards needs to be updated or changed.

The City of Dayton resolves as follows:

- 1) **THAT** Update No. 12 to the City of Dayton Public Works Design Standards, (attached hereto as Exhibit A and by this reference incorporated herein) is hereby adopted; and
- 2) **THAT** this resolution shall become effective immediately upon adoption.

ADOPTED this 21st day of June 2022.

In Favor:

Opposed:

Absent:

Abstained:

Elizabeth Wytoski, Mayor

Date of Signing

ATTESTED BY:

Patty Ringnalda, City Recorder

Date of Enactment

Attachment - Exhibit A

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Dayton Fireworks Committee Discussion
Date: June 21, 2022

History/Background

Per the City Council Rules Section 16:

SECTION 16 COMMITTEES, ORGANIZATIONS & MEDIA

16.1 Citizen Appointment and Removal

- A. The Mayor will appoint City committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.
- B. Council members will encourage broad participation on City committees by generally limiting the number of terms a citizen may serve on the same City committee.
- C. A citizen may not serve on more than two City committees simultaneously. Any citizen serving on two City committees may not be chairperson of both City committees simultaneously.
- D. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.

16.2 Council Member Participation. Council members shall encourage City committee member participation.

16.3 Councilor Liaison

- A. The Mayor will appoint Councilors to liaison positions on any or all City committees, including ad hoc or limited term committees, as the Mayor deems necessary.
- B. Councilors, serving as Committee liaisons, shall not have a vote.

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Second Reading and Adoption of Ordinance 653 Comprehensive Plan Amendments for Dayton’s Urban Growth Boundary
Date: June 21, 2022

Background and Information

“Develop a strategy and complete land zoning analysis for an urban growth boundary swap for residential property” is a Priority 1 Strategic Goal of the Council.

This process included three Technical Advisory Meetings which were held on June 23, 2021, July 28, 2021, and August 24, 2021. An open house was held on September 30, 2021. The Dayton and Yamhill County Planning Commissions held a joint meeting and hearing on January 13, 2022, and recommended approval to the Dayton City Council and the Yamhill County Board of Commissioners. A public hearing was held at the April 18, 2022, Dayton City Council Work/Special Session where Kiel Jenkins, City Planner, presented his staff report.

The Yamhill County Board of Commissioners reviewed and approved the amendments at their May 12th session. The 21-day appeal period expired on June 2, 2022.

Council Goal B –*Create a livable community that is aesthetically pleasing, affordable, inviting, and with a vibrant and diverse economy.*

City Manager Recommendation: I recommend approving the second reading and adoption of Ordinance 653.

Potential Motion to Approve the 2nd Reading: “I move to approve the second reading of Ordinance 653 an Ordinance of the Dayton City Council Amending the Dayton Comprehensive Plan Text and Comprehensive Plan Map to Change a Portion of the City Urban Growth Boundary.”

Potential Motion to Adopt Ordinance 653: “I move to adopt Ordinance 653 an Ordinance of the Dayton City Council Amending the Dayton Comprehensive Plan Text and Comprehensive Plan Map to Change a Portion of the City Urban Growth Boundary.”

City Council Options:

- 1 – Approve the 2nd Reading and Adopt Ordinance 653 as recommended.
- 2 – Approve the 2nd Reading of and Adopt Ordinance 653 with amendments.
- 3 –Take no action and ask staff to do more research and bring further options back to the City Council.

CITY OF DAYTON

416 Ferry Street – P. O. Box 339
Dayton, OR 97114-0039
503-864-2221 fax 503-864-2956

STAFF REPORT

City Council- April 18, 2022

REPORT DATE: April 11, 2022

FILE NUMBER: LA 2021-02, CPMA 2021-01, CPA 2022-01

APPLICANT: City of Dayton

REQUEST:

1. An Urban Growth Boundary land swap involving 176.83 acres removed from the UGB and 106.34 acres added.
2. A comprehensive plan map amendment to designate the land added to the urban growth boundary as “Residential” on the Dayton comprehensive plan map.
3. A comprehensive plan text amendment to the land use and urbanization element of the comprehensive plan to add a policy recognizing the need to provide a buffer between farmland and urban uses on the edge of the UGB.

CRITERIA:

Dayton Land Use and Development Code (LUDC)
7.3.110.03- Comprehensive Plan Map Amendments
7.3.112.03- Comprehensive Plan Text Amendments

Dayton- Yamhill County UGB Rules
Article IV

Oregon Administrative Rules (OAR)
As referenced within the body of the report

EXHIBITS:

- A: Urban Growth Boundary Swap Map
- B: Environmental Constraints Map
- C: Study Area Map with Subareas
- D: Future Utility Map
- E: City Zoning Map
- F: City Comprehensive Plan Map
- G: Fisher Farms Well Map
- H: Highway and Rail Map
- I: Contour Map
- J: Groundwater Map
- K: USGS Protected Areas
- L: Landslide Map
- M: Farmland Classification Map

N: Slopes Map
O: Cultural Resources Map
P: Dayton Soils Map
Q: Critical Habitat Map
R: Future Sewer Map
S: Yamhill County Comprehensive Plan Narrative
T: Dayton Comprehensive Plan Text Amendments
U: Letter of Support- Friends of Yamhill County

I. INTRODUCTION

The State of Oregon has a prescribed process for expanding or swapping land within the Urban Growth Boundary. The purpose of a UGB is to allow cities to develop efficiently within a limited area while ensuring they have an adequate land supply based on analysis of economic development and housing needs within planning periods set out in 20-year increments. UGBs also ensure that farm and forest land is not encroached upon by urban development. The process for a UGB swap is intended to be thorough and data-driven with involvement from multiple agencies and the public. The State of Oregon's process is prescribed through a set of OARs (Oregon Administrative Rules) providing guidance and structure for the land required to be considered for a potential UGB Swap. The Department of Land Conservation and Development provided a step-by-step process intended to guide City staff through the swap process. An abbreviated version of this process is listed below:

1. Determine the land use designation and the urban capacity for the land to be removed from the UGB.
2. Determine the needed land use designations and the urban capacity of the land to be added to the UGB.
3. Determine the location of the land to be added to replace the land to be removed utilizing OAR 660-024-065. Land unsuitable for urban development should be excluded and potential locations ("study areas") should be identified.
4. Classify land in the study area under OAR 660-024-0067 by priority, with exception (non-resource) land the highest priority. If highest priority land can satisfy the land need generated by the removal of lands within the UGB, then
5. Rank potential swap areas based on the four Goal 14 factors.
6. Gain approval for recommended swap area from the Dayton Planning Commission and City Council.
7. Gain approval from the Yamhill County Planning Commission and the Yamhill County Board of Commissioners.

II. PROJECT BACKGROUND & PROCESS

The City of Dayton has a limited geographical area of land outside of the City Limits within the Urban Growth Boundary. The majority of this land is comprised of approximately 177 acres of VLDR (very low density residential) and EFU (Exclusive Farm Use) zoned Yamhill County land Northwest of Highway 18. Due to its heavily parcelized nature and difficulties in providing City infrastructure to this land, the City had identified it as a target to swap out of the Dayton UGB. Staff identified approximately 156 acres of

county-zoned land zoned AF-10 (Agriculture-Forest), VLDR-1 (Very Low Density Residential) and EFU (Exclusive Farm Use) as a priority area to be considered for addition to the UGB. The land is located to the West of the current City Limits and contains multiple well sites the City would like to bring online within the next few years. The well sites are located on the AF-10 portion of the tract, known as "Fisher Farms." The intent of the UGB Swap project is to evaluate alternative swap locations that are feasible, comply with applicable Oregon Administrative Rules, and give Dayton the most efficient path forward for future growth.

Oregon cities are required to maintain a 20-year supply of land for residential and employment needs within the UGB. Doing so is important to ensure cities can accommodate future growth while protecting farmland and natural resources in compliance with Statewide Planning Goals 3, 4, 10, and 14. Needed land supply is analyzed through periodic updates to the housing and land use elements of the comprehensive plan in accordance with the provisions of ORS 197.196. If the identified 20-year land needs exceed the capacity of the land within the UGB, the City may consider a UGB expansion. The identified land to be removed from the Dayton UGB as part of the swap project is designated low-density residential on the comprehensive plan map. The most recent update to the housing element of the Dayton comprehensive plan took place in 2008 and determined that there is sufficient land within the UGB to accommodate the city's 20-year housing needs. Per OAR 660-024-0070(3), if the residential capacity of the land to be added is roughly proportional to that being removed, the city does not need to reevaluate its residential land needs via an updated housing needs analysis.

The land to be added to the UGB requires a Comprehensive Plan Amendment ("CPMA") to assign the land a City of Dayton Comprehensive Plan Designation. Per LUDC Section 17.101.04.C, CPMA's are processed as Type IV actions and criteria are found in LUDC Section 7.3.110.03. The city initiated CPMA will be processed concurrently to the UGB amendment.

Article III.A of the Dayton-Yamhill County Urban Growth Boundary Agreement Document requires a joint Planning Commission hearing between the City of Dayton Planning Commission and the Yamhill County Planning Commission. Findings shall include the applicable ORS and OAR criteria, along with the criteria outlined in Article IV of the UGB Agreement and the Comprehensive Plan of each jurisdiction. Each Planning Commission shall forward their individual findings to the City Council and Board of Commissioners respectively. Both governing bodies must approve the UGB and Comprehensive Plan Map Amendments.

The City of Dayton received public comment expressing concern regarding compatibility between urban and farm uses along the Ferry Street frontage prior to the joint Planning Commission hearing. In response to the expressed concerns, a comprehensive plan text amendment (CPMA 2022-01) has been added to the UGB swap amendment to add a policy stating that the City shall require a buffer between urban and farm uses at the edge of the UGB prior to annexation of any properties into the City.

ORS 197.633 and OAR 660-023-0175 require DLCD approval of all UGB amendments greater than 50 acres for cities greater than 2500 people. The DLCD director decides whether the amendments comply with applicable land use laws or refers the decision to the Land Conservation and Development Commission ("LCDC"). If not referred to LCDC, the Director may either approve the decision or remand the decision back to the local government for revision.

Notice of the first evidentiary hearing was provided to DLCD on October 3, 2021. Measure 56 Notice was mailed to all property owners subject to the UGB land swap and CPMA applications on December 10, 2021. Notice was posted in the McMinnville News Register on December 10, 2021.

Notice of the City Council and Board of Commissioners hearings was provided to DLCD on _____. Measure 56 notice was mailed to all property owners subject to the swap on _____. Notice was posted in the McMinnville News Register on _____.

III. LAND TO BE REMOVED FROM THE URBAN GROWTH BOUNDARY

City staff have identified the area included to be removed as that within the existing UGB North of Highway 18. The land to be removed consists of approximately 176 acres and is predominantly composed of large lot rural residential properties, with a small amount of EFU-zoned land North of Highway 18. Approximately 22.5 acres of the land to be removed is ODOT ROW and is therefore not considered buildable residential land per OAR 660-008-0005(2). Staff evaluated the area to be removed from the UGB to determine the development capacity in accordance with Statewide Planning Goal 10 and Oregon Administrative Rule 660-008-0005(2) as follows:

- A. MWVCOG staff exported a list of all properties within the existing UGB across Highway 18 as identified as land to be removed.
- B. Utilizing the Yamhill County Assessor's "Stat Class" code and the total acreage of each property, staff sorted the properties into vacant, partially vacant, and developed land. Using the assumptions for rural residential growth as identified in the 2015 report "Analysis of development on rural residential lands" the properties within the area to be removed were filtered based on developable acres. The assumptions are as follows:
 - a. Partially vacant parcels between $\frac{1}{2}$ and 2 acres develop will develop at a rate of 2 units per acre.
 - b. Partially vacant parcels greater than 2 acres will develop at urban capacities. Since the density of the R-1 zone is 4 units per acre, the assumption is that these parcels would develop at that rate.
 - c. $\frac{1}{4}$ acre of capacity was subtracted for existing residences.
- C. OAR 660-008-0005(2) describes buildable land as *"residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:*
 - a. *Severely constrained by natural hazards as determined under statewide planning goal 7*
 - b. *Is subject to natural resource protection measures as determined under statewide planning goals 5, 6, 15, 16, 17, and 18.*
 - c. *Has slopes of 25% or greater.*
 - d. *Is within the 100-year flood plain.*
 - e. *Cannot be provided with public facilities.*

Based on the above exclusion criteria, staff subtracted land falling under the criteria from each constrained parcel. The total land excluded amounted to 38.37 acres, all within the floodplain.

- D. Staff conducted a parcel-by-parcel analysis using the above assumptions and found the following:

	Vacant & PV Acres <2 acres	Vacant & PV Acres >2 acres	Floodplain Acres
Total Acres	26.52	76.06	38.37
Capacity	53.04	304.24	
Total Capacity	357.28 Units		

Table 1

- E. It should also be noted that approximately 22.5 acres of land adjacent to the Northern boundary of Highway 18 is ODOT ROW and cannot therefore be considered buildable. During TAC meeting #2, ODOT indicated that there were no plans to sell any portion of the ROW.
- F. One parcel (R4318 02500) is only partially within the existing UGB. Therefore, only the 1.5 acres within the existing UGB of the 28 total acres were considered buildable.
- G. All land within the area to be removed from the UGB is designated “R” on the City’s comprehensive plan map.

IV. STUDY AREA- DETERMINING THE LOCATON OF THE LAND TO BE ADDED TO THE UGB

In accordance with OAR 660-024-0065(1)(B), the City of Dayton considered all lands within ½ mile of the existing UGB and exception areas contiguous to the ½ mile buffer area as required per OAR 660-024-0065(c)(A).

A. Land to be excluded from the UGB Swap Study Area

Within the study area, the city must exclude lands that are patently unsuitable for urban development as determined under OAR 660-024-0065(4), with additional details regarding public facilities listed in OAR 660-024-0065(7). Generally, these are areas that cannot reasonably be serviced with public facilities, are subject to significant natural hazards, have some or a high level of environmental or natural resource protection, or are federal lands. Lands within the study area to be excluded from a more detailed analysis are listed below.

Area A to be excluded:

Parcels included: R4318 00700, R4318 00801, R4318 00600, R4318 00701, R4318 00800, R4318 00900, R4318 01000, R4413 00300, and R4318 01100.

The parcels within Exclusion Area A (Subarea 3 on the Study subarea map) are contiguous to the existing urban growth boundary of the area to be removed and are comprised of 66 acres of VLDR- 2.5, AF-10, and HI zoned land. Area A is located Northwest of the existing UGB between the existing UGB boundary and Lafayette highway, North of SE Fletcher Road. The primary collector/arterial access to this area is via Fletcher Road and the Lafayette Highway.

The properties comprising Area A are subject to multiple factors justifying exclusion under OAR 660-024-0065(4) and OAR 660-024-0065(7) as follows:

- OAR 660-024-0065(4)(b)(B) states that the city may exclude land from the preliminary study area if the land is within the Special Flood Hazard Area (SFHA) on the applicable FIRM map. As identified on the flood map, approximately 16 acres along the Northern border of the study area are within the flood area.
- OAR 660-024-0067(7)(a) states that contiguous areas of at least 5 acres where 75% or more of the land has a slope of 25% or more may be excluded. As shown on the “Dayton Slopes” map and identified in the City Engineer’s analysis of the preliminary study areas, significant slopes meeting the criteria of the above section exist through the Eastern parcels of the study area.
- OAR 660-024-0067(7)(b) states that land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period may be excluded. An evaluation of the ability to provide public services is determined utilizing subsections 7b and 7c of this section, As discussed in the City Engineer’s comments:
 - The new streets will need to looped internally where possible, but this may not be feasible due to the location of the river bank and the fact that the industrial zone parcel separates the potential residential properties.
 - Since this area lies beyond the UGB area which is being swapped, the cost to extend sewer service out to this area would be substantially greater than for the existing UGB areas north of Hwy 18, and there would be substantially less land to absorb the costs of these improvements.
 - Furthermore, this land is located beyond a major drainage ravine which crosses Fletcher Road, which will necessitate a new pump sewer pump station and very long pressure force main to provide service to this area.
 - Since this area lies beyond the UGB area which is being swapped, the cost to extend water service out to this area would also be substantially greater than for the existing UGB areas north of Hwy 18, and there would be substantially less land to absorb the costs of these improvements.
 - The water system expansion would be required before the first property could be developed, and there is not enough land to support the costs for extending this infrastructure across Hwy 18 and along Fletcher Road to this area.

Area B to be excluded:

Parcels Included: R4321 02200, R4321 01900, R4321 02090, R4321 02000, R4321 01801, R4321 01800, R4321 01700

The parcels within Exclusion Area B (Subarea 7 on the Study area map) are contiguous to the existing urban growth boundary area to be removed and are comprised of approximately 16 acres of VLDR and PI zoned land. The majority of this area is the existing Oddfellows cemetery, not considered buildable residential land under OAR 660-008-0005(2). The remaining residential land is occupied by large lot,

rural residential development consistent with the zoning requirements of the Yamhill County VLDR-1 zone. Area B is located Southeast of the existing UGB between Thompson Lane and Hwy 221. Primary collector/arterial access comes via Thompson Lane and Highway 221.

The properties comprising Area B are subject to multiple factors justifying exclusion under OAR 660-024-0065(7) as follows:

- OAR 660-024-0067(7)(a) states that contiguous areas of at least 5 acres where 75% or more of the land has a slope of 25% or more may be excluded. As shown on the “Dayton Slopes” map and identified in the City Engineer’s analysis of the preliminary study areas, significant slopes meeting the criteria of the above section exist through the Northern, VLDR-1 zoned parcels of the study subarea.
- OAR 660-024-0067(7)(b) states that land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period may be excluded. An evaluation for the ability to provide public services are determined utilizing subsections 7b and 7c of this section, As discussed in the City Engineer’s comments:
 - Given that the entire middle portion of this property is the existing Oddfellows Cemetery, there does not appear to be sufficient land left for new public streets, so that property will most likely develop with common private driveways off Thompson Lane.
 - It should be noted that while the Thompson Lane right-of-way north to Palmer Lane exists on the maps, this undeveloped R/W crosses a ± 50-foot deep ravine (*Macy Gulch*), which would require a major bridge structure to span. There is not enough land to be developed in this area to support such a project, and it is unlikely that the County would agree to participate in such a project.
 - It appears that the existing gravity sanitary sewer along Wallace Road is not deep enough to serve this area without a new public sewer pump station. Given the limited amount of land available for development in this area, it is unlikely that any development could support the cost of a new public sewer pump station and associated force main (*likely to be \$500K or more*).
 - Extension of water service to serve this property to urban standards (*ie. fire flows*) would most likely require installation of a looped waterline along the undeveloped R/W across Macy Gulch, the cost of which would most likely exceed what any development in this area could support and would likely have to be done as a City project.

Area C to be excluded:

Parcels Included:

R431700602, R431700700, R431700400, R430802100, R431700800, R431700601, R430701800, R431700600, R430802000, R430700700, R430701500, R431800100, R430801900, R430701401, R430701502, R430701600, R431701000, R430703000, R430701900, R431801100, R431801200, R430702100, R431800201, R431800200, R431701100, R430701700, R430702000, R430701301, R430701501, R430701400

The parcels within Exclusion Area C (Subarea 4 on the Study area map) are contiguous to the existing area of the urban growth boundary to be removed and are comprised of approximately 750 acres of EFU, VLDR, and PRO zoned land. Area C is located North of the existing UGB and is roughly bounded by the UGB boundary and Yamhill River to the South, Kreder Road to the East, and the Yamhill River to the West. In accordance with OAR 660-025-00065(1)(c)(A), exception land abutting exception land within the ½ mile buffer area has also been included in the subarea.

The properties comprising Area C are subject to multiple factors justifying exclusion under OAR 660-024-0065(4) and OAR 660-024-0065(7) as follows:

- OAR 660-024-0065(4)(b)(B) states that the city may exclude land from the preliminary study area if the land is within the Special Flood Hazard Area (SFHA) on the applicable FIRM map. As identified on the flood map, approximately 186 acres along the Yamhill River area are within the SFHA.
- OAR 660-024-0067(7)(b) states that land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. An evaluation for the ability to provide public services are determined utilizing subsections 7b and 7c of OAR 660-024-0067. Subsection 7c states that “impediments to service provision” include:
 - A. Major rivers that would require new bridge crossings to serve planned urban development.
 - C. Freeways.....that would require new grade separated crossings to serve planned urban development

Area C is located across Hwy 18, North of the area of the existing UGB to be swapped out. Area C is also located across the Yamhill River from the existing UGB and city limits. Due to these constraints, staff finds that Area C can be excluded from consideration under OAR 660-024-0665 subsections 7b(A) and 7b(C).

Area D to be excluded:

Parcels Included: R4318 02300, R4318 02000, R4318 02100, R4318 02500, R4318 02501, R4318 02500, R4318 02400,

The parcels within Exclusion Area D (Subarea 2 on the Study area map) are contiguous to the existing urban growth boundary to be removed and are comprised of approximately 150 acres of EFU zoned land. Area D is located West of the existing UGB and is roughly bounded by the UGB boundary to the East, Highway 18 to the South, SE Fletcher Road to the North, and the Lafayette Highway to the West. The study area is majority forested to the West, with farm uses and associated residential structures to the East.

The properties comprising Area D are subject to multiple factors justifying exclusion under OAR 660-024-0065(4) and OAR 660-024-0065(7) as follows:

- OAR 660-024-0065(7)(b) states that land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. An evaluation for

the ability to provide public services are determined utilizing subsections 7b and 7c of this section. Area D is located across Highway 18 and would be connected to the existing UGB via a “cherry stem” should it be added to the UGB. Given that the impetus for the UGB swap was to add land to the UGB capable of supporting the needed extension of utilities via development. It is illogical and inconsistent with the intent of the UGB swap to add land with similar impediments to services to replace that being removed.

- OAR 660-024-0065(7)c includes *significant scenic, natural, cultural, or recreational resources on a published state or federal inventory that would substantially impede the construction or placement of necessary public facilities and services* as a reason for exclusion. There is a stretch of wetland as identified on the NWI (national wetlands inventory) map running from SW to NW that would impede development and construction of necessary utilities and services. Staff finds the wetland qualifies as a significant natural resource that would impede development and construction of public facilities.

B. Final Study Area- OAR 660-024-0067

Upon excluding the four areas above due to factors identified in OAR 660-024-0065, the remaining study area consists of the land outside of the exclusion areas A-D. The total study area was divided into subareas for the purpose of further analysis. Subareas highlighted in red were excluded under OAR 660-024-0065.

Subarea	Rough Location	Size (Acres)
1	Southwest of existing UGB, between Highway 18 and Highway 233	102
2	West of the existing UGB, bounded by Highway 18 to the South, Lafayette Highway to the West, and SE Fletcher Road to the North.	143
3	Northwest of the existing UGB between the existing UGB boundary and Lafayette highway, North of SE Fletcher Road.	129.27
4	North of the existing UGB and is roughly bounded by the UGB boundary and Yamhill River to the South, Kreder Road to the East, and the Yamhill River to the West	750.45
5	Northeast of the UGB, roughly bounded by Kreder Road to the West, the Yamhill River to the East, and Highway 99 West to the North.	998.22

6	Southeast of the UGB bounded by the Yamhill River to the North and SE Wallace Road to the West	396.7
7	Southeast of existing UGB, between SE Thompson Road and SE Wallace Road	47.21
8	South of existing UGB between highway 233 and SE Thompson Lane. SE Webfoot Road bisects Subarea 8.	770.68

Per OAR 660-024-0067(1)(a), a city considering a UGB amendment must decide which land to add to the UGB by evaluating all land remaining in the study area after excluding land under OAR 660-024-0065. OAR 660-024-0067(2) lists the types of land by priority for inclusion in the UGB. Generally, land is classified in the following order of priority for inclusion:

1. Urban reserve, exception, and non-resource land are of equal first priority.
2. Marginal land as designated under ORS 197.247
3. Forest or farmland that is not predominantly high value farmland.
4. Agricultural land that is predominantly high-value farmland.

Looking at the remaining study area (subareas 1, 5, 6, and 8), the only subarea containing first priority land is subarea 1, the area the city has prioritized for inclusion in the UGB. Therefore, if the land within the subarea 1 has sufficient residential capacity to match that to be removed from the UGB, lower priority land within the remainder of the UGB buffer area does not need to be considered for inclusion. Statewide Planning Goal 14 (OAR 660-015-0000(14)) requires that the location of land to be included in an urban growth boundary be analyzed based on four location factors. Despite excluding subarea 7 from the final study area using OAR 660-024-0065(7), staff has analyzed the area using the Goal 14 Location Factors to provide additional justification for exclusion. The four Goal 14 Location Factors are as follows:

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

SUBAREA 1

Efficient accommodation of identified land needs

Analysis of the residential capacity of the area to be removed identified an approximate residential capacity of 357 units. Using the same assumptions (identified in Part III.B of this report), staff determined that subarea 1 had a residential capacity of 612 units, well above the identified need. However, after removing the 50 acres of vacant EFU land identified as map and tax lot number R4319 01501 from the subarea 1 due to its status as 3rd priority land, the capacity of subarea 1 was calculated

to be 412 units, within 17% and therefore deemed “substantially equivalent” to the 357 units of residential capacity of the land to be removed.

*NOTE: Parcels R4319 01100 and 1202 contain the aforementioned well sites (shown on Exhibit G). The City is required to maintain ownership or control for a 100 foot radius around the well (ORS 333-061-0050.2.a.B). While this requirement does not necessarily affect the overall ability of the site to be developed, it may limit what can be developed within the 100-foot radius around the well sites.

**NOTE: The associated comprehensive plan text amendment (CPA 2022-01) will require a buffer along the border of properties adjacent to EFU land.

Orderly and economic provision of public facilities and services;

OAR 660-024-0067(9) requires the consideration of the following when applying Boundary Location Factor 2:

- a) The impacts to existing water, sanitary sewer, storm water, and transportation facilities that serve nearby areas already inside the UGB.
- b) The capacity of existing public facilities and services to serve areas already inside the UGB, as well as areas proposed for addition to the UGB.

Findings: Subarea one is the only subarea with sufficient residential capacity also allowing for the extension of public facilities without crossing significant natural or manmade hurdles. Subarea one is contiguous to the existing UGB, has existing access from Ash and Ferry Roads, and has the potential to be serviced by the extension of existing utilities. An analysis of the impact and resultant needs on public facilities provided below:

Water:

- Exhibit D illustrates the preliminary options for providing a new water service to serve the proposed UGB land swap area. This map only shows the looped line around the perimeter of the UGB swap area. Additional 8-inch or larger lines will need to be constructed between Ash Road and Ferry Street along all future streets constructed in this area, in order to provide for fire flows & redundancy.
- Unlike the sewer system improvements, the water system expansion can be constructed incrementally as the land develops, although some offsite looping should be anticipated in order to provide adequate fire flows and connectivity if development patterns skip over intervening properties in the interim.

Sanitary Sewer:

- Exhibit R contains a map and preliminary sketch illustrating a preliminary evaluation of possible options for providing a new sewer pump station and associated gravity sewers to serve the proposed UGB land swap area. This map and sketch are somewhat rough, but show that gravity sewer service can be provided for this entire area from a single sewer pump station located near

the low point on Ash Road (*the new pump station would require a new pressure sewer force main along Ash Street, and a new gravity sewer*).

- The sketch shows the approximate depth of the new gravity sewers to accommodate the sewer pipes to be extended out to serve all the proposed UGB swab areas.
- In addition to the UGB land swap area, this sewer pump station would also provide for gravity sewer service for most of the area between Ash Street and Hwy 18 (*ie. areas currently within the UGB, which cannot be served by gravity from the existing sewer system*).
- To provide sewer service to any of the UGB swap area, the new pump station, new force main and new gravity sewers would have to be constructed first. At this stage, we would anticipate at least \$0.75 million each for the pump station and the force main, and another \$0.75-1 million for the new gravity sewers (*ie. about \$2.5 – 2.75 million for the project*).
- The pump station, force main and gravity sewers will likely need to be done as a City project, although the financing for this may not be feasible until such time as there is the potential for significant development within the UGB land swap area, so that there would be revenue to repay this City financing (*ie. via sewer user fees, SDCs and/or reimbursement fees to support the payback of the pump station/force main/gravity sewer construction*).

Stormwater:

- The storm drainage system can be constructed incrementally as the land develops, although some offsite improvements should be anticipated to connect to the drainage ravine(s), if development patterns do not start next to the existing drainage ways.

Transportation:

- Primary street access to this area will be via Ferry Street (*Aumsville/Dayton Hwy*) and Ash Road (*direct access from Hwy 18 is not allowed*).
- Ferry Street/Hwy 155 is an ODOT right-of-way.
 - As the proposed UGB Subarea 1 is developed, the spacing of access points connecting to the ODOT right-of-way will need to be verified with ODOT. At this point, we assume that new street spacing will need to be no closer than existing block spacing in town (*ie. min of about 300 feet between adjacent street intersections, & maximum of about 500 feet*).
 - Given that there is about 2,800 feet from the existing west UGB to the west end of Study Area 1, and assuming a 500-foot average spacing for new streets, this equates to an expected maximum of 5-6 new streets connecting to Ferry Street/Hwy 155.
 - Frontage improvements to Ferry Street/Hwy 155 will be required on the development side (*ie. widening, curb, gutter, sidewalk, storm drainage improvements*) as the property fronting on this road is developed (*similar to improvements to Ferry Street which were constructed when Country Heritage Estates was developed*).
- Ash Road is a Yamhill County right-of-way.
 - As the proposed UGB Area 1 is developed, the spacing of access points connecting to the Ash Road right-of-way will need to be verified with Yamhill County. At this point, we

assume that new street spacing will need to be no closer than existing block spacing in town (*ie. min of about 300 feet between adjacent street intersections, & maximum of about 500 feet*).

- a. Given the length of Ash Road, and anticipated setback requirements from the Hwy 18 intersection, we would expect a maximum of 3 new streets connecting to Ash Road west of the current UGB (*ie. likely one street east of the ravine that crosses Ash Road, and two streets west of the ravine*).

Frontage improvements to Ash Road will be required (*widening, curb, gutter, sidewalk, storm drainage improvements*) as the property fronting on this road is developed

- c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials, and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Findings: Access to subarea one is taken via Ferry and Ash Roads. As identified in the findings for subsections a and b above, it is anticipated that roads will be developed connecting Ferry Street, Ash Street, and the existing VLDR land between Ash and Ferry Streets at the time of development. Similarly, improvements to existing transportation facilities will be required in concert with ODOT and Yamhill County requirements as needed.

Comparative environmental, energy, economic, and social consequences; and

Environmental: There are no identified wetlands or areas within the SFHA present in subarea 1, once TL 1501 is excluded from the area proposed to be added. Subareas 2, 3, 4, 5, and 8 all have significant natural features (wetlands and rivers) that would be heavily impacted should they be added to the UGB. The proposed area to be swapped out also contains natural features which will not be subject to future urban development under the proposed swap.

Subarea 1 also offers more walkable and bikeable access to schools, parks and commercial areas of Dayton should it develop. In contrast to the subareas on the North side of Highway 18 where a highway crossing would be necessary, potential residents will be able to walk or bike to various amenities and public services without having to cross any major arterials.

Energy: While the introduction of the potential for residential development at urban densities will increase the population and therefore increase energy consumption, it will also allow the City to make needed improvements to existing streets in the area upon development and emphasize sustainable development. In contrast to subareas across Highway 18 and the existing UGB area to be removed, the extension of services will consume less energy to accommodate new development.

Economic: Allowing for the development of subarea 1 at urban capacities will raise Dayton's population, benefiting businesses along Ferry St. and in Dayton's downtown. A larger population could also draw additional businesses to Dayton due to increasing demand. The city engineer has also identified subarea 1 as the most cost-effective area for provision of utilities in relation to other subareas with first priority land under consideration.

Social: As discussed above, the location of subarea 1 allows for easy access to Downtown Dayton, schools, parks, and other amenities. Currently, Highway 18 provides a physical barrier between the rural residential areas to the North and Dayton's downtown. Contribution from a Dayton resident during the TAC process revealed concern with the physical access barriers future residents in the UGB would face within other Subareas. Residential development in subarea 1 is more likely than in both other subareas and the existing UGB due to the relative ease of service provision, larger lots and contiguity to the existing Dayton City limits.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

The entirety of the subarea 1 consists of land identified as high priority for inclusion in the UGB per OAR 660-024-0067(2)(a). Subarea 1 is bordered to the East by the Dayton city limits, to the North by Highway 18, by EF-80 zoned land across Ferry St. to the South and abutting EF-80 zoned land to the West. Staff is recommending approval of a comprehensive plan text amendment to institute a policy requiring a development code update to ensure adequate buffering between urban and rural properties prior to annexation. Proposed development in subarea 1 would be residential and would not have any negative impacts on the agricultural activities to the South. The 50-acre EF-80 property to the West is city-owned with no existing agriculture activities. Any residential development abutting the EF-80 property will be subject to buffering requirements in the Dayton Land Use and Development Code and input from Yamhill County. Staff finds that the proposed residential uses are compatible with nearby agriculture activities.

SUBAREA 7

Efficient accommodation of identified land needs

Analysis of the residential capacity of the area to be removed identified an approximate residential capacity of 354 units. Using the same assumptions (identified in Section III.B of this report), staff determined that subarea 7 had a residential capacity of 599 units, well above the identified need. Only 29 units of subarea 7 are located on high priority land. The remainder (approximately 577 units) is located on third priority land. The city is not able to consider the 3rd priority land without determining that there is not enough available first or second priority land to meet the identified need. Because subarea 1 contains enough 1st priority land to meet the residential land need, a portion of subarea 1 would need to be added prior to considering the remainder of subarea 7. Staff finds that due to the insufficient supply of buildable first priority land, the accommodation of the identified need is not efficient.

Orderly and economic provision of public facilities and services;

OAR 660-024-0067(9) requires the consideration of the following when applying Boundary Location Factor 2:

a) The impacts to existing water, sanitary sewer, storm water, and transportation facilities that serve nearby areas already inside the UGB.

b) The capacity of existing public facilities and services to serve areas already inside the UGB, as well as areas proposed for addition to the UGB.

Findings: As identified under “sanitary sewer” below, the proposed area 3 does not have

Water:

Extension of water service to serve this property to urban standards (*ie. fire flows*) would most likely require installation of a looped waterline along the undeveloped R/W across Macy Gulch, the cost of which would most likely exceed what any development in this area could support, and would likely have to be done as a City project.

Sanitary Sewer:

It appears that the existing gravity sanitary sewer along Wallace Road is not deep enough to serve this area without a new public sewer pump station. Given the limited amount of land available for development in this area, it is unlikely that any development could support the cost of a new public sewer pump station and associated force main (*likely to be \$500K or more*).

Stormwater:

Since this land is immediately adjacent to Macy Gulch, the storm drainage system could be constructed incrementally as the land develops and is not anticipated to present any unusual development hurdles.

Transportation:

Wallace Road /Hwy 221 is an ODOT right-of-way.

- As the proposed UGB Area 3 is developed, it is anticipated that all new street access will need to come from Thompson Lane.
 - Given that the entire middle portion of this property is the existing Oddfellows Cemetery, there does not appear to be sufficient land left for new public streets, so that property will most likely develop with common private driveways off Thompson Lane.
 - Since new access points from Hwy 221/Wallace Road will most likely not be allowed, it is unlikely that improvements to Hwy 221/Wallace Road will be able to be triggered by future development.

Thompson Lane is a Yamhill County right-of-way.

- As the proposed Subarea 7 is developed, the spacing of access points connecting to the Thompson Lane right-of-way will need to be verified with Yamhill County.
- We anticipate that frontage improvements to Thompson Lane will be required (*widening, curb, gutter, sidewalk, storm drainage improvements*) as the property fronting on this road is developed, but the City will most likely end up being responsible for the cost of the street improvements across the frontage with the cemetery (*which appears to be more than half of the frontage*).
- It should be noted that while the Thompson Lane right-of-way north to Palmer Lane exists on the maps, this undeveloped R/W crosses a ± 50 foot deep ravine (*Macy Gulch*), which would

require a major bridge structure to span. Once again, there is not enough land to be developed in this area to support such a project, and it is unlikely that the County would agree to participate in such a project.

c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials, and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Findings:

Access to subarea 7 is taken via Thompson Lane and Wallace Road. As identified in the findings for subsections a and b above, it is unlikely that additional access points from Wallace Road would be allowed, limiting the ability to require improvements along Wallace Road into Dayton. The only access to Downtown Dayton is Wallace Road, a highway unsafe for bike and pedestrian uses. Because of the identified unlikelihood of future improvements to Wallace Road, it would be difficult for future residents to have non-vehicular access to downtown. It is also noted that while Thompson Ln. ROW extends North, it crosses Macey Gulch. It is unlikely that Yamhill County would support the funding of a bridge to extend over Macey Gulch.

Comparative environmental, energy, economic, and social consequences; and

Environmental: There are no major environmental impacts associated with a potential UGB expansion into this area. No natural resources, wetlands, or riverine areas would be affected.

Energy: Expansion of the UGB to include Subarea 7 would increase the cost of extending services over Macey Gulch and provision of these services would be inefficient due to the relatively small amount of residences they would service. There would be no positive impacts to the bike/ped transportation system given the identified inability to create local streets through the Subarea or extend Thompson Ln. into Downtown.

Economic: The residential capacity of the first priority land in subarea is limited in relation to subarea 1 and would cost the City and future developers a substantial amount of money to extend the necessary public services across Macey Gulch. As identified in the comments related to location factor 2, the cost-benefit ratio of extending urban services to those who would benefit or pay for a portion of the extension is significantly less balanced than that identified for Subarea 1. The limited residential development capacity would also generate a minimal population gain of little economic impact to Dayton as a whole.

Social: Subarea 7 and the neighboring portion currently within the UGB (along Palmer Lane and Water St.) are isolated from downtown by Palmer Creek and Macey Gulch. While there would be no negative social consequences to adding Subarea 7 to the UGB, its comparative benefit to Subarea 1 is minimal.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

The majority of Subarea 7 is comprised of land zoned EFU with existing agriculture operations. While there is a small quantity of rural residential at the Northern end of Subarea 7, the remaining land is occupied by Oddfellows Cemetery and EFU land considered low priority for inclusion. Should all of Subarea 7 be added to the UGB; street improvements, utility extensions, and potential residential development could have negative effects on existing agricultural operations.

V. CONSISTENCY WITH STATEWIDE PLANNING GOALS

A. Goal 1: Citizen Involvement

To provide for widespread citizen involvement in the planning process, and to allow citizens the opportunity to review and comment on proposed changes to comprehensive land use plans prior to any formal public hearing to consider the proposed changes

Findings: Goal 1 requires citizen involvement in the planning process. The City has received input from a technical advisory committee throughout the UGB Swap process. The committee included Dayton citizens in addition to agency representatives and city staff. The city also held a public open house to provide property owners involved in the UGB Swap with the opportunity to comment or ask questions of staff on September 30, 2021. No objections to the swap were raised at the public open house. Questions were asked about potential annexations, the annexation process, utility needs, and the need to provide affordable housing in Dayton. Notice was provided to DLCDC on October 3, 2021 and via newspaper on December 10, over 20 days prior to the Joint Planning Commission hearing in compliance with local and state notice requirements. Measure 56 notice was mailed to all property owners within the proposed swap area on December 10, 2021.

B. Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to land use and to ensure a factual base for such decisions and actions.

Findings: Dayton’s comprehensive plan and the land use and development code that implements the comprehensive plan provides a policy framework as the basis for the analysis contained in this report. The comprehensive plan and development code also provide the criteria by which the swap request and map amendment will be reviewed.

C. Goal 3: Agricultural Lands

Findings: Not applicable pursuant to OAR 660-024-0020(1)(b)

D. Goal 4: Forest Lands

Findings: Not applicable pursuant to OAR 660-024-0020(1)(b)

E. Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Findings: The proposed UGB amendment will have little impact on open space and scenic and historic areas. The amendment will remove vacant and partially vacant land currently within the UGB adjacent to the Yamhill River, reducing the potential for urban impacts to the river. There are also mapped wetlands with the area to swapped out of the UGB, as identified in Exhibit B. The area to be added to the UGB includes multiple well sites accessing groundwater as identified in Exhibit G.

F. Goal 6: Air, Water, and Land Resource Quality

Findings: There are no identified impacts to air, water, or land resource quality.

G. Goal 7: Areas Subject to Natural Hazards

To protect life and property from natural disasters and hazards.

Findings: As indicated by Exhibit B, there are approximately 38.37 acres of land to be removed from the UGB located within the 100 year flood plain, while the area to be swapped into the UGB has no identified wetlands or other natural hazards identified. There are also large portions of the area to be removed (particularly along the northern boundary of the existing UGB adjacent to the Yamhill River and along the path of the unnamed creek running from East to West) with slopes greater than 25%. The area to be added to the UGB has minimal slopes, with the highest gradient at approximately 10% in the northeastern portion of the area to be added.

H. Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the State and visitors and, where appropriate, to provide for the siting of necessary recreation facilities including destination resorts.

Findings: There are no parks currently located in either the area to be removed from the UGB or the area to be added. The area to be added to the UGB is located in proximity to Dayton high school, Dayton elementary school, and 11th St. Park. The city's Parks Master Plan was last updated in 2004 and does not call out any specific need for additional parkland. Because the residential capacity of the UGB is not changing, there is minimal impact on the population and therefore the need for additional parkland.

I. Goal 9: Economic Development

To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens

Findings: There is no industrial or commercial land included in the proposed UGB swap. Goal 9 is therefore not applicable.

J. Goal 10: Housing

To provide for the housing needs of citizens of the State

Findings: The proposed UGB amendment will result in substantially the same residential capacity as the existing UGB configuration. As identified in Section IV.B of this report, the proposed area to be added to the UGB has a residential capacity of 412 units. The calculated capacity of 412 units exceeds the calculated capacity of 352 units of the area to be swapped out but is within 17% of the current residential capacity. Because the residential capacity is substantially the same, the City does not need to reassess its housing needs per OAR 660-024-0070(3). It should be noted that it is likely new streets will need to be constructed to service future development, which will remove buildable land from identified capacity. However, because the area to be swapped in has existing access via Ferry and Ash roads and because there is an excess in buildable land proposed to be added, staff finds that land needed for proposed infrastructure will not bring the buildable land available for residential uses below the needed capacity.

K. 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 and rural development

Findings: The City Engineer has reviewed the proposal and has identified that the ability for future development to support the cost to extend the necessary public facilities to Subarea 1 is significantly greater than that either the area within the existing UGB or the other identified subareas (detailed findings regarding public facilities may be found in Section IV.B of the staff report). Subarea 1 is also directly adjacent to the existing city limits, whereas the land to be removed from the UGB is separated by Hwy. 18. Fire and police services are available to service the area at the time of a future annexation(s).

L. Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system

Findings: The proposed area to be swapped into the UGB has existing access via Ferry and Ash Streets running East to West. Improvements to those streets will be coordinated with ODOT and Yamhill County at the time of future development. It is anticipated that up to three new streets will be needed to connect Ash and Ferry Streets. While direct access from Highway 18 is not permitted, Ash St. provides secondary access to the area to be added. Ferry St. provides access directly to Downtown Dayton to the East of the area to be added. It should be noted that it is likely new streets will need to be constructed to service future development.

M. Goal 13: Energy Conservation

To conserve energy

Findings: The area to be added to the UGB is a smaller geographic area than the area to be removed, giving the opportunity for a more energy efficient provision of public services. The area will also be required to develop in accordance with the existing Dayton development standards, including sidewalk requirements and other transportation and access options to reduce automobile dependence.

N. Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use

Findings: As discussed under Goal 13, the smaller geographic area of the land to be added combined with the lack of natural and built barriers (Highway 18, wetlands, rivers) enable a more efficient transition from urban-rural land uses. Specifically, the area to be removed is developed with existing rural residential and farm uses- Adding urban uses to the area to be removed would likely create uses incompatible with existing residential uses, cost exorbitant amounts of money to extend urban services, and conflict with existing natural resources and rural development patterns. The area to be added to the UGB has unencumbered access to downtown Dayton and has the ability to take on urban development patterns due to its relatively rectilinear, generally undeveloped nature.

VI. CONSISTENCY WITH DAYTON COMPREHENSIVE PLAN POLICIES

A. Chapter 3: Natural, Scenic, and Historic Resources

Policies relevant to the UGB amendments are found starting on page 16 of the Comprehensive Plan area and are listed below:

3. The significant natural features within the City shall be managed for the benefit of the community and shall include all waterways, natural drainageways, wetlands, flood plains, land with significant natural vegetation, and valued scenic views and sites.

Findings: There are no existing identified significant natural features on or adjacent to the land to be added to the UGB. The land to be removed from the UGB contains portions of the Yamhill River, streams, and wetlands that will no longer be subject to potential urban development.

4. The City shall ensure that as development occurs, adequate land will be retained in permanent open space and establish regulations to encourage open spaces in new residential development.

Findings: As part of the UGB amendment, the land to be added to the UGB will assigned a "Residential" comprehensive plan designation. Should either all or portions of the land to be added be annexed at a later date, the annexation will include a zone assignment. Future development will be subject to the requirements of the applicable sections of the Dayton Land Use and Development Code, including section within 7.1.2 and 7.2.2 governing the provisions of open space in residential developments.

8. The City will pursue additional sources of water, increase storage capacity and proceed with other system improvements based on the adopted "City of Dayton Water System Master Plan."

Findings: There are three existing well sites located on TL 1100, owned by the City of Dayton. The City Engineer recommends that these wells be attached to existing and proposed waterlines identified in the water system master plan. Services to the area to be added to the UGB will require incremental upgrades upon development of the properties comprising the overall area.

9. The City shall support the upgrading and maintenance of the water system as a vital element to the continued well-being of the community.

Findings: The UGB land swap will enable a more cost-effective and efficient upgrade and extension of the existing water system.

12. The City will pursue grants of other funding to complete a local wetland inventory. Until such a study is completed, the City shall utilize the National Wetland Inventory Maps and the State-wide Wetland Inventory maps to provide information on the location of wetlands within the community.

Findings: While the City does not yet have a local wetland inventory, the National Wetland Inventory maps were used as the data source for findings made within this report. The area to added to the UGB does not contain any identified wetlands per NWI.

B. Chapter 4- Natural Hazards

There are no identified natural hazards within the are to be swapped into the UGB.

C. Chapter 6- Land Use and Urbanization

1. The City shall define a growth policy consistent with population projections and expectations and identify possible future development areas on the Plan map.

Findings: The UGB amendment maintains substantially the same residential capacity as the area to added and therefore does not trigger the need for a new housing needs analysis. The city has identified that development costs associated with the extension of utilities make the area to be added more feasible for future development due to its location on the South side of Highway 18 and lack of natural hazards.

6. Change of the urban growth boundary shall be based upon consideration of the following factors:

- a. Demonstrated need to accommodate large range urban growth requirements;*
- b. Need for housing, employment opportunities and livability;*
- c. Orderly and economic provision of public facilities and services;*
- d. Maximum efficiency of land uses within and on the fringe of the existing urban area,;*
- e. Retention of agricultural land until needed for development;*
- f. Environmental, energy, economic and social consequences; and*
- g. Compatibility between the proposed urban uses and nearby agricultural activities*

Findings: The City has identified that the area within the UGB north of Highway 18 does not present the ideal land use pattern for future urban growth for reasons identified in the body of the report and restated below:

- The parcelized nature of the existing parcels does not lend itself to future development at urban densities. The proposed area to be added is less parcelized and less developed, enabling the provision of urban services in a more efficient manner. The geographic area to be added to the UGB is smaller than the area to swapped out, enabling development at higher densities.
- The existing road system is constrained by existing water bodies and significant slopes. The existing configuration of Ferry and Ash Streets creates the possibility for a rectilinear road system for future development within the area to be added to the UGB. This analysis is supported by Section 6.5 of the City Comprehensive Plan, which expresses many of the same concerns regarding constraints on potential development North of Hwy. 18.
- The extension of utilities across Highway 18 is likely cost-prohibitive due to lack of potential development support. The extension of utilities to the area to be added will still be expensive, but likely less so and will benefit properties within the existing UGB as well as potential new development.
- There are 38 acres of land within the 100 year flood plain, restricting the ability to efficiently develop the are at urban densities.
- The area is physically separated from downtown Dayton by Highway 18, whereas the area to be added is adjacent to the existing city limits and has direct access to Downtown via Ferry St.
- ESE considerations are discussed in depth earlier in the report under the analysis of the Goal 14 locational factors.
- There are no incompatibilities with farm uses in the area to be added.

C. Chapter 7- Housing and Public Land Needs

3. Housing densities shall be consistent with the suitability of the land to support development and shall avoid natural hazards such as unstable soils, steep topography, flood/slide hazard areas and soils with poor drainage.

Findings: The UGB land swap requires the land added to the UGB to have substantially similar residential capacity as the land to be removed. The land to be added will be designated “Residential” on the Dayton comprehensive map, allowing urban development at a minimum of 4 units per acre, consistent with the Dayton Comprehensive plan. City of Dayton zoning will be assigned at the time of annexation. Zone change applications are required to show compliance with the city’s housing needs identified in the comprehensive plan and the criteria of the LUDC. The area to be added does not contain any steep topography or flood hazard areas.

11. The City shall continually monitor the urban land supply and residential development to ensure adequate opportunities are available to meet current and future housing needs.

Findings: As part of the UGB swap process, the City identified that the current UGB orientation does not provide the most efficient and cost-effective development pattern to meet the identified housing need. The proposed amendment presents a more efficient, serviceable land area for future development based on the ability to extend urban services and the city's street system.

D. Chapter 9- Public Facilities and Services

2. Water, sewer and storm drainage services shall be adequately provided and maintained in order to meet the residential, commercial and industrial needs of the city.

Findings: The City Engineer has determined that the provision of public services is possible. Preliminary maps for the provision of water and sewer service are included as attachments ___ and ___ to this report. The City Engineer has identified that sewer system improvements will require the construction of a new pump station, force main, and gravity sewer. The sewer improvements would provide gravity sewer service for the area already within the UGB between Ash St. and Highway 18. Water services can be extended as development occurs within the area to be added.

5. The City shall not provide sewer and water services to lands outside the City limits.

Findings: No city sewer and water services shall be provided to areas outside of the city limits. Annexation of the land within the UGB outside of the city limits shall be required prior to extension of public facilities.

14. The City shall coordinate local planning with communication agencies so the availability and quality of service will be maintained.

Findings: All new development includes communication with relevant private agencies.

E. Chapter 10- Transportation

5. The City shall continue to investigate all sources of funding for street improvement and to upgrade City streets as funds become available.

Findings: Development on the land to be added to the UGB shall trigger street improvements as required per the Dayton Land Use and Development Code. Any additional streets needed as the land added develops will be identified and added to the City's TSP.

6. The City shall coordinate with Yamhill County and the Oregon Department of Transportation with regard to City actions and needs which may affect traffic on State and County roads within the Urban Growth Boundary.

Findings: Ash Road and Ferry Street are under Yamhill County and ODOT jurisdiction respectively. Future development along these roads within the area to be added to be coordinated with Yamhill County and ODOT.

8. The City shall ensure that transportation improvements are used to guide urban development and are designated to serve anticipated future needs.

Findings: Review of future subdivision applications including the creation of new streets shall be done in compliance with the development code. It is recommended that the TSP be updated to include a future streets plan for the area to be added.

16. The highest priority for sidewalk improvements and maintenance should be on the arterial and collector streets, especially those sidewalks in proximity to the schools.

Findings: Street improvements will be required concurrent to development on the land to be added. Sidewalks will be required per the provisions of the LUDC. The city will prioritize the development of sidewalks from the area to be added along Ferry St. towards Dayton High School and Grade School to ensure pedestrian access from future residential development to Dayton's schools.

VI. COMPREHENSIVE PLAN MAP AMENDMENT

The area to be added to the UGB must be designated with a City of Dayton Comprehensive Plan Map designation. The criteria for a comprehensive plan map amendment are outlined in the Dayton LUDC section 7.3.110.03.

- A. Compliance is demonstrated with the Statewide Land Use Goals that apply to the subject properties or to the proposed land use designation. If the proposed designation requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply*

Findings: Applicable Statewide Planning Goals:

Goal 1- Citizen Involvement: Goal 1 requires citizen involvement in the planning process. The City has received input from a technical advisory committee throughout the UGB Swap process. The committee included Dayton citizens in addition to agency representatives and city staff. The city also held a public open house to provide property owners involved in the UGB Swap and CPMA with the opportunity to comment or ask questions of staff on September 30, 2021. Notice was provided to DLCD on October 3, 2021 and via newspaper over 20 days prior to the Planning Commission hearing in compliance with local and state notice requirements.

Goal 2- Land Use Planning: Findings: Dayton's comprehensive plan and the land use and development code that implements the comprehensive plan provides a policy framework as the basis for the analysis contained in this report. The comprehensive plan and development code also provide the criteria by which the swap request and map amendment will be reviewed.

Goal 10- Housing: The comprehensive plan map amendment is to re-designate 13.38 acres of Yamhill County VLDR land and 88.62 acres of Yamhill County AF-10 land to the City of Dayton Residential Comprehensive Plan Designation as part of the UGB land swap legislative amendment. The land to be added to the UGB must be designated Residential to replace the Residential-designated land removed

from the UGB as part of the UGB land swap amendment. Per OAR 660-024-0070(3), cities do not need to re-evaluate their residential land needs if the land swapped has a substantially equivalent residential capacity. For the land to be added to the UGB to maintain the ability to reach “substantial equivalence,” the land must be designated Residential. Sections 6.5 and 6.6 of the Dayton Comprehensive Plan identify concerns regarding the efficiency of residential land uses within the Urban Growth Area north of Hwy. 18, specifically regarding the ability of this land to accommodate needed residential development due to parcelization, slopes, and flood plain. Section 6.5 states that the land on the South side of Hwy. 18 is most suitable for urban development.

Goal 11- Public Facilities and Services: The City Engineer has determined that the provision of public services is possible. Preliminary maps for the provision of water and sewer service are included as Exhibits D and R to this report. The City Engineer has identified that sewer system improvements will require the construction of a new pump station, force main, and gravity sewer. The sewer improvements would provide gravity sewer service for the area already within the UGB between Ash St. and Highway 18. Water services can be extended as development occurs within the area subject to the CPMA.

Goal 12- Transportation: The area subject to the CPMA has existing access via Ferry and Ash Streets running East to West. Improvements to those streets will be coordinated with ODOT and Yamhill County at the time of future development. It is anticipated that up to three new streets will be needed to connect Ash and Ferry Streets. While direct access from Highway 18 is not permitted, Ash St. provides secondary access to the area to be added. Ferry St. provides access directly to Downtown Dayton to the East of the area to be added. It is likely that additional local streets will be required upon development of the area to be added.

B. *Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.*

Findings: Consistency with the applicable policies of the Dayton Comprehensive plan is discussed in depth for the findings for the UGB land swap legislative amendment earlier in this report. Because the UGB amendment includes the requirement to designate the land swapped in as Residential, staff finds that the above findings show that the CPMA is consistent with the applicable goals and policies of the comprehensive plan.

C. *The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Findings: Administrative rules governing the UGB swap require that the land swapped into the UGB subject to the CPMA be designated Residential to provide a substantially equivalent residential capacity as the land to be swapped out. Because the land subject to the amendment is proposed to be brought in as part of the UGB swap to meet the identified land need, the CPMA is consistent with the projected residential land need in the comprehensive plan, which shows that there is sufficient residential land to meet the City’s housing needs.

D. *The Plan provides more than the projected need for lands in the existing land use designation.*

Findings: The proposed amendment offers a substantially equivalent, though slightly greater residential land supply than the land within the existing UGB to swapped out. Preliminary calculations by staff identified a residential capacity of 412 units for the land subject to the CPMA, replacing land with an identified capacity of 354 units.

E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity or significantly adversely affect existing or planned uses on adjacent lands.

Findings: Adjacent city zones are zoned R-1 within the City of Dayton. Land subject to the CPMA will be zoned residential upon annexation into the City, consistent with the land use pattern on adjacent lands. Adjacent land to North and South is zoned EFU. Development and street improvements on the area to be developed to mitigate any potential effects on adjacent land.

F. Public facilities and services necessary to support uses allowed in the proposed designation are available or will be available in the near future.

Findings: The area subject to the CPMA is not currently within the Dayton city limits. As identified in section IV.B of the staff report, future annexation and subsequent development will require extension of water services concurrent to development and sewer improvements prior to development.

VII. Dayton-Yamhill County UGB Agreement Criteria

Article IV of the Dayton-Yamhill County UGB agreement requires additional consideration of the following criteria:

1. Dayton Comprehensive Plan

a. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals

Findings: ORS 197.296 requires cities to analyze their housing needs over a 20-year planning period. Dayton's most recent HNA was conducted in 2009 any found that there was sufficient residential land within the UGB to accommodate the city's identified housing needs. UGB swaps are intended as an alternative to pure UGB expansion, allowing cities to identify more efficient alternatives for future urban development while maintaining the existing balance of land within the UGB. As discussed throughout the body of this report, OAR 660-024-0070(3) states that if the residential capacity of the land to be added is roughly proportional to that being removed, the city does not need to reevaluate its residential land needs via an updated housing needs analysis. Capacity calculations are included in sections III and IV of this report and show a substantial equivalence in the residential capacity of the area to be removed (357 units) and the area to be added (412 units).

b. Need for housing, employment opportunities, and livability

Findings: The proposed UGB swap is a swap of residential land. As identified throughout the report and in under criterion 1a above, staff finds that the identified housing need is met by the UGB swap.

c. Orderly and economic provision of urban services

Findings: Findings related to the orderly and economic provision of urban services may be found in Section IV.B of this report.

d. Maximum efficiency of land within and in the fringe of the existing urban area

Findings: One of the benefits of the UGB Swap is that the land pattern of the area to be added provides the potential for the more efficient utilization of land within the UGB. The area within the UGB planned to be removed is heavily parcelized, meaning that there is limited potential for future subdivision and funding sources for the extension of urban infrastructure. The area to be added is comprised of predominantly larger parcels with an existing rectilinear road pattern easily compatible with future residential development. Sections 6.5 and 6.6 of the Dayton Comprehensive Plan identify concerns regarding the efficiency of residential land uses within the Urban Growth Area north of Hwy. 18, specifically regarding the ability of this land to accommodate needed residential development due to parcelization, slopes, and flood plain. Specifically, Section 6.5 states that the land on the South side of Hwy. 18 is most suitable for Urban development.

e. Environmental, Energy, Economic, and Social Consequences

Findings: ESE findings for the area to be added to the UGB can be found in Section IV.B of this report.

f. Retention of Agricultural Land as defined, with Class I being the highest priority for retention and Class VI the lowest priority

Findings: The area to be added to the UGB does not contain agricultural lands as defined by Statewide Planning Goal III. The area contains land designated AF-10 (marginal land) and VLDR-1 (rural residential land).

g. Compatibility with the proposed urban uses with nearby agricultural activities

Findings: As discussed in Section IV.B above:

“The entirety of the subarea 1 consists of land identified as high priority for inclusion in the UGB per OAR 660-024-0067(2)(a). Subarea 1 is bordered to the East by the Dayton city limits, to the North by Highway 18, by EF-80 zoned land across Ferry St. to the South and abutting EF-80 zoned land to the West. Proposed development in subarea 1 would be residential and would not have any negative impacts on the agricultural activities to the South. The 50-acre EF-80 property to the West is city-owned with no existing agriculture activities. Any residential development abutting the EF-80 property will be subject to buffering requirements in the Dayton Land Use and Development Code and input from Yamhill County. Staff finds that the proposed residential uses are compatible with nearby agriculture activities.”

2. Yamhill County Comprehensive Plan

- See attached Exhibit S

VIII. Comprehensive Plan Text Amendment

The proposed amendment is to the Land Use and Urbanization Element of the Dayton Comprehensive Plan. The amendment consists of the addition of a 3rd goal to the above element stating that Dayton:

3. To recognize the importance of the adjacent farmland and the rural farm community to the local economy and larger Dayton and Yamhill County Community.

In addition, the proposed text change amends policy 6g and adds a policy 6f as follows (additions are italicized):

g. Compatibility between the proposed urban uses and nearby agricultural activities. The City of Dayton shall consider the impact on farmland in any decisions regarding and alteration or expansion of the Urban Growth Boundary.

h. The City of Dayton shall require buffers for new urban development adjacent (including land across public or private right-of-ways) to land designated by Yamhill County as Exclusive Farm Use to mitigate potential conflicts with farm uses. The City shall also require a deed statement recognizing that farm uses shall not be forced to change practices due to the presence of urban development.

The amendments are also included as Exhibit S to this report.

Text Amendments to the Comprehensive Plan are processed as Type IV actions. Criteria for a comprehensive plan text amendment are listed in LUDC Section 7.3.112.03 as follows:

- 1. Impact of the proposed amendment on land use and development patterns within the city, as measured by:
 - 1. Traffic generation and circulation patterns;*
 - 2. Demand for public facilities and services;*
 - 3. Level of park and recreation facilities;*
 - 4. Economic activities;*
 - 5. Protection and use of natural resources;*
 - 6. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.**

Findings: The proposed amendment will have no additional impact on the any of the six categories listed above.

- 2. A demonstrated need exists for the product of the proposed amendment.*

Findings: The purpose statement of the Land Use and Urbanization element of the states the need to provide an orderly transition between urban and rural uses. Implementation of this policy will result in a development code text amendment to ensure future urban development on land within the UGB outside of the City Limits adjacent to Exclusive Farm Use properties is properly buffered. Requiring buffers between urban and rural uses will ensure the purpose statement is met and address the need to institute policies to implement an orderly and efficient transition from urban to rural uses.

- 3. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

Findings: Applicable statewide planning goals are as follows:

Goal 1- Citizen Involvement: Goal 1 requires citizen involvement in the planning process. The City has received input from a technical advisory committee throughout the UGB Swap process. The committee included Dayton citizens in addition to agency representatives and city staff. The impetus for the proposed text amendment were submitted comments by a property owner adjacent to the proposed UGB Swap area.

Goal 2- Land Use Planning: Dayton’s comprehensive plan and the land use and development code that implements the comprehensive plan provides a policy framework as the basis for the analysis contained in this report. The comprehensive plan and development code also provide the criteria by which the swap request and map amendment will be reviewed. The proposed policy will provide the impetus for development code updates implementing the proposed policy.

Goal 3- Agricultural Lands: The intent of the added policy is to address concerns related to the compatibility of urban rural lands. Goal 3 addresses the need to maintain land designated as exclusive farm use on a County comprehensive plan- The proposed policy ensures that future urban development on the urban fringe will be compatible with, and appropriately buffered from, existing farm uses and operations. This policy change came to fruition upon conversations with adjacent farmland property owners and Friends of Yamhill County regarding the importance of protecting farmland adjacent to urban development from urban uses. A letter of support from friends of Yamhill County is attached for the proposed text amendment and UGB amendment.

Goal 10- Housing: The comprehensive plan map amendment is to re-designate 13.38 acres of Yamhill County VLDR land and 88.62 acres of Yamhill County AF-10 land to the City of Dayton Residential Comprehensive Plan Designation as part of the UGB land swap legislative amendment. The land to be added to the UGB must be designated Residential to replace the Residential-designated land removed from the UGB as part of the UGB land swap amendment. Per OAR 660-024-0070(3), cities do not need to re-evaluate their residential land needs if the land swapped has a substantially equivalent residential capacity. For the land to be added to the UGB to maintain the ability to reach “substantial equivalence,” the land must be designated Residential.

4. *The amendment is appropriate as measured by at least one of the following criteria:*
1. *It corrects identified error(s) in the provisions of the plan.*
 2. *It represents a logical implementation of the plan.*
 3. *It is mandated by changes in federal, state, or local law.*
 4. *It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Findings: The proposed text amendment is a logical implementation of the comprehensive plan in that it addresses the goal of “providing an efficient transition from urban to rural.” Part of ensuring an efficient transition is creating policies and code requirements protecting farmland from adjacent urban uses, particularly when the Urban Growth Boundary is adjusted to a new region. Requiring additional consideration of compatibility between new urban uses and existing farmland is beneficial to both the

City and its neighbors in ensuring the growing urban area does not create conflict and incompatibilities with existing farm operations.

IX. Conclusions

Based on the findings within the staff report, staff recommends the Dayton Council adopt the findings in the staff report and approve the UGB Swap (City File Number LA 2021-02), Comprehensive Plan Map Amendment (City File Number CPMA 2021-01), and Comprehensive Plan Text Amendment (City File Number CPA 2022-01) via approval of Ordinance #653.

X. Example Motions

1. I move to adopt the findings in the staff report and approve LA 2021-02, CPMA 2021-01, and CPA 2022-01 via Ordinance #653
2. I move to deny LA 2021-02, CPMA 2021-01, and CPA 2022-01 and modify the staff findings as follows...
3. I move to continue this hearing to (time/date certain) to obtain the following information....

ORDINANCE NO. 653

AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE DAYTON COMPREHENSIVE PLAN TEXT AND COMPREHENSIVE PLAN MAP TO CHANGE A PORTION OF THE CITY URBAN GROWTH BOUNDARY

WHEREAS, the City of Dayton (“City”) has a limited amount of land inside the City urban growth boundary (“UGB”) into which the City can grow; and

WHEREAS, most of the remaining undeveloped land inside the UGB is located across Highway 18 where it will be difficult to develop to urban uses and densities because of parcelization patterns, topographical and environmental constraints, and related challenges to extending urban services and facilities to the area; and

WHEREAS, the City is required by state land use laws to maintain a 20-year supply of buildable land; and

WHEREAS, because of the difficulty developing lands inside the current UGB, the City determined to exchange land located inside the UGB for land located outside the UGB that provides for more efficient and serviceable growth opportunities for the City; and

WHEREAS, a decision to amend the City’s UGB is subject to specific state laws, statewide planning goals, and City comprehensive plan policies; and

WHEREAS, a decision to amend the City’s UGB requires concurrence from Yamhill County, which must also amend its land use regulations to reflect the new location of the UGB;

WHEREAS, a decision to amend the City’s UGB requires amending the City’s comprehensive plan (“CPA”) and the City’s comprehensive plan map (“CPMA”);

WHEREAS, notice of the proposed UGB amendment was provided to the state Department of Land Conservation and Development (“DLCD”) and affected property owners as provided by state law; and now, therefore;

The City of Dayton ordains as follows:

- Section 1.** The City Council adopts the findings in the Staff Report dated January 6, 2022, attached to this Ordinance as Exhibit 1 in support of the CPA and CPMA.
- Section 2.** The City Council adopts as part of the comprehensive plan the UGB map attached to this Ordinance as Exhibit 2.
- Section 3.** The City Council adopts the comprehensive plan text amendment attached to this Ordinance as Exhibit 3.
- Section 4.** This Ordinance becomes effective 30 days after adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Dayton on this [____] day of [____], 2022.

Mode of Enactment:

Date of first reading: _____ In full _____ or by title only _____

Date of second reading: _____ In full _____ or by title only _____

____ No Council member present at the meeting requested that the ordinance be read in full.

____ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

Elizabeth Wytoski, Mayor

Date of Signing

ATTESTED BY:

Patty Ringnalda, City Recorder

Date of Enactment

CITY OF DAYTON

416 Ferry Street – P. O. Box 339
Dayton, OR 97114-0039
503-864-2221 fax 503-864-2956

STAFF REPORT

Joint Planning Commission – January 13, 2022

REPORT DATE: January 6, 2022

FILE NUMBER: LA 2021-02, CPMA 2021-01

APPLICANT: City of Dayton

REQUEST:

1. An Urban Growth Boundary land swap involving 176.83 acres removed from the UGB and 106.34 acres added.
2. A comprehensive plan map amendment to designate the land added to the urban growth boundary as “Residential” on the Dayton comprehensive plan map.

CRITERIA:

Dayton Land Use and Development Code (LUDC)
7.3.110- Comprehensive Plan Map Amendments
Dayton- Yamhill County UGB Rules
Article IV
Oregon Administrative Rules (OAR)
(As referenced within the body of the report)

EXHIBITS:

- A: Urban Growth Boundary Swap Map
- B: Environmental Constraints Map
- C: Study Area Map with Subareas
- D: Future Utility Map
- E: City Zoning Map
- F: City Comprehensive Plan Map
- G: Fisher Farms Well Map
- H: Highway and Rail Map
- I: Contour Map
- J: Groundwater Map
- K: USGS Protected Areas
- L: Landslide Map
- M: Farmland Classification Map
- N: Slopes Map
- O: Cultural Resources Map
- P: Dayton Soils Map
- Q: Critical Habitat Map
- R: Future Sewer Map

I. INTRODUCTION

The State of Oregon has a prescribed process for expanding or swapping land within the Urban Growth Boundary. The purpose of a UGB is to allow cities to develop efficiently within a limited area while ensuring they have an adequate land supply based on analysis of economic development and housing needs within planning periods set out in 20-year increments. UGBs also ensure that farm and forest land is not encroached upon by urban development. The process for a UGB swap is intended to be thorough and data-driven with involvement from multiple agencies and the public. The State of Oregon's process is prescribed through a set of OARs (Oregon Administrative Rules) providing guidance and structure for the land required to be considered for a potential UGB Swap. The Department of Land Conservation and Development provided a step-by-step process intended to guide City staff through the swap process. An abbreviated version of this process is listed below:

1. Determine the land use designation and the urban capacity for the land to be removed from the UGB.
2. Determine the needed land use designations and the urban capacity of the land to be added to the UGB.
3. Determine the location of the land to be added to replace the land to be removed utilizing OAR 660-024-065. Land unsuitable for urban development should be excluded and potential locations ("study areas") should be identified.
4. Classify land in the study area under OAR 660-024-0067 by priority, with exception (non-resource) land the highest priority. If highest priority land can satisfy the land need generated by the removal of lands within the UGB, then
5. Rank potential swap areas based on the four Goal 14 factors.
6. Gain approval for recommended swap area from the Dayton Planning Commission and City Council.
7. Gain approval from the Yamhill County Planning Commission and the Yamhill County Board of Commissioners.

II. PROJECT BACKGROUND & PROCESS

The City of Dayton has a limited geographical area of land outside of the City Limits within the Urban Growth Boundary. The majority of this land is comprised of approximately 177 acres of VLDR (very low density residential) and EFU (Exclusive Farm Use) zoned Yamhill County land Northwest of Highway 18. Due to its heavily parcelized nature and difficulties in providing City infrastructure to this land, the City had identified it as a target to swap out of the Dayton UGB. Staff identified approximately 156 acres of county-zoned land zoned AF-10 (Agriculture-Forest), VLDR-1 (Very Low Density Residential) and EFU (Exclusive Farm Use) as a priority area to be considered for addition to the UGB. The land is located to the West of the current City Limits and contains multiple well sites the City would like to bring online within the next few years. The well sites are located on the AF-10 portion of the tract, known as "Fisher Farms." The intent of the UGB Swap project is to evaluate alternative swap locations that are feasible, comply with applicable Oregon Administrative Rules, and give Dayton the most efficient path forward for future growth.

Oregon cities are required to maintain a 20-year supply of land for residential and employment needs within the UGB. Doing so is important to ensure cities can accommodate future growth while protecting farmland and natural resources in compliance with Statewide Planning Goals 3, 4, 10, and 14. Needed land supply is analyzed through periodic updates to the housing and land use elements of the comprehensive plan in accordance with the provisions of ORS 197.196. If the identified 20-year land needs exceed the capacity of the land within the UGB, the City may consider a UGB expansion. The identified land to be removed from the Dayton UGB as part of the swap project is designated low-density residential on the comprehensive plan map. The most recent update to the housing element of the Dayton comprehensive plan took place in 2008 and determined that there is sufficient land within the UGB to accommodate the city's 20-year housing needs. Per OAR 660-024-0070(3), if the residential capacity of the land to be added is roughly proportional to that being removed, the city does not need to reevaluate its residential land needs via an updated housing needs analysis.

The land to be added to the UGB requires a Comprehensive Plan Amendment ("CPMA") to assign the land a City of Dayton Comprehensive Plan Designation. Per LUDC Section 17.101.04.C, CPMA's are processed as Type IV actions and criteria are found in LUDC Section 7.3.110.03. The city initiated CPMA will be processed concurrently to the UGB amendment.

Article III.A of the Dayton-Yamhill County Urban Growth Boundary Agreement Document requires a joint Planning Commission hearing between the City of Dayton Planning Commission and the Yamhill County Planning Commission. Findings shall include the applicable ORS and OAR criteria, along with the criteria outlined in Article IV of the UGB Agreement and the Comprehensive Plan of each jurisdiction. Each Planning Commission shall forward their individual findings to the City Council and Board of Commissioners respectively. Both governing bodies must approve the UGB and Comprehensive Plan Map Amendments.

ORS 197.633 and OAR 660-023-0175 require DLCD approval of all UGB amendments greater than 50 acres for cities greater than 2500 people. The DLCD director decides whether the amendments comply with applicable land use laws or refers the decision to the Land Conservation and Development Commission ("LCDC"). If not referred to LCDC, the Director may either approve the decision or remand the decision back to the local government for revision.

Notice of the first evidentiary hearing was provided to DLCD on October 3, 2021. Measure 56 Notice was mailed to all property owners subject to the UGB land swap and CPMA applications on December 10, 2021. Notice was posted in the McMinnville News Register on December 10, 2021.

III. LAND TO BE REMOVED FROM THE URBAN GROWTH BOUNDARY

City staff have identified the area included to be removed as that within the existing UGB North of Highway 18. The land to be removed consists of approximately 176 acres and is predominantly composed of large lot rural residential properties, with a small amount of EFU-zoned land North of Highway 18. Approximately 22.5 acres of the land to be removed is ODOT ROW and is therefore not considered buildable residential land per OAR 660-008-0005(2). Staff evaluated the area to be removed from the UGB to determine the development capacity in accordance with Statewide Planning Goal 10 and Oregon Administrative Rule 660-008-0005(2) as follows:

- A. MWVCOG staff exported a list of all properties within the existing UGB across Highway 18 as identified as land to be removed.

- B. Utilizing the Yamhill County Assessor’s “Stat Class” code and the total acreage of each property, staff sorted the properties into vacant, partially vacant, and developed land. Using the assumptions for rural residential growth as identified in the 2015 report “Analysis of development on rural residential lands” the properties within the area to be removed were filtered based on developable acres. The assumptions are as follows:
- a. Partially vacant parcels between ½ and 2 acres develop will develop at a rate of 2 units per acre.
 - b. Partially vacant parcels greater than 2 acres will develop at urban capacities. Since the density of the R-1 zone is 4 units per acre, the assumption is that these parcels would develop at that rate.
 - c. ¼ acre of capacity was subtracted for existing residences.
- C. OAR 660-008-0005(2) describes buildable land as “*residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered “suitable and available” unless it:*
- a. *Severely constrained by natural hazards as determined under statewide planning goal 7*
 - b. *Is subject to natural resource protection measures as determined under statewide planning goals 5, 6, 15, 16, 17, and 18.*
 - c. *Has slopes of 25% or greater.*
 - d. *Is within the 100-year flood plain.*
 - e. *Cannot be provided with public facilities.*

Based on the above exclusion criteria, staff subtracted land falling under the criteria from each constrained parcel. The total land excluded amounted to 38.37 acres, all within the floodplain.

- D. Staff conducted a parcel-by-parcel analysis using the above assumptions and found the following:

	Vacant & PV Acres <2 acres	Vacant & PV Acres >2 acres	Floodplain Acres
Total Acres	26.52	76.06	38.37
Capacity	53.04	304.24	
Total Capacity	357.28 Units		

Table 1

- E. It should also be noted that approximately 22.5 acres of land adjacent to the Northern boundary of Highway 18 is ODOT ROW and cannot therefore be considered buildable. During TAC meeting #2, ODOT indicated that there were no plans to sell any portion of the ROW.

- F. One parcel (R4318 02500) is only partially within the existing UGB. Therefore, only the 1.5 acres within the existing UGB of the 28 total acres were considered buildable.
- G. All land within the area to be removed from the UGB is designated “R” on the City’s comprehensive plan map.

IV. STUDY AREA- DETERMINING THE LOCATON OF THE LAND TO BE ADDED TO THE UGB

In accordance with OAR 660-024-0065(1)(B), the City of Dayton considered all lands within ½ mile of the existing UGB and exception areas contiguous to the ½ mile buffer area as required per OAR 660-024-0065(c)(A).

A. Land to be excluded from the UGB Swap Study Area

Within the study area, the city must exclude lands that are patently unsuitable for urban development as determined under OAR 660-024-0065(4), with additional details regarding public facilities listed in OAR 660-024-0065(7). Generally, these are areas that cannot reasonably be serviced with public facilities, are subject to significant natural hazards, have some or a high level of environmental or natural resource protection, or are federal lands. Lands within the study area to be excluded from a more detailed analysis are listed below.

Area A to be excluded:

Parcels included: R4318 00700, R4318 00801, R4318 00600, R4318 00701, R4318 00800, R4318 00900, R4318 01000, R4413 00300, and R4318 01100.

The parcels within Exclusion Area A (Subarea 3 on the Study subarea map) are contiguous to the existing urban growth boundary of the area to be removed and are comprised of 66 acres of VLDR- 2.5, AF-10, and HI zoned land. Area A is located Northwest of the existing UGB between the existing UGB boundary and Lafayette highway, North of SE Fletcher Road. The primary collector/arterial access to this area is via Fletcher Road and the Lafayette Highway.

The properties comprising Area A are subject to multiple factors justifying exclusion under OAR 660-024-0065(4) and OAR 660-024-0065(7) as follows:

- OAR 660-024-0065(4)(b)(B) states that the city may exclude land from the preliminary study area if the land is within the Special Flood Hazard Area (SFHA) on the applicable FIRM map. As identified on the flood map, approximately 16 acres along the Northern border of the study area are within the flood area.
- OAR 660-024-0067(7)(a) states that contiguous areas of at least 5 acres where 75% or more of the land has a slope of 25% or more may be excluded. As shown on the “Dayton Slopes” map and identified in the City Engineer’s analysis of the preliminary study areas, significant slopes meeting the criteria of the above section exist through the Eastern parcels of the study area.
- OAR 660-024-0067(7)(b) states that land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period may be excluded. An evaluation of the ability to provide public services is determined utilizing subsections 7b and 7c of this section, As discussed in the City Engineer’s comments:

- The new streets will need to be looped internally where possible, but this may not be feasible due to the location of the river bank and the fact that the industrial zone parcel separates the potential residential properties.
- Since this area lies beyond the UGB area which is being swapped, the cost to extend sewer service out to this area would be substantially greater than for the existing UGB areas north of Hwy 18, and there would be substantially less land to absorb the costs of these improvements.
- Furthermore, this land is located beyond a major drainage ravine which crosses Fletcher Road, which will necessitate a new pump sewer pump station and very long pressure force main to provide service to this area.
- Since this area lies beyond the UGB area which is being swapped, the cost to extend water service out to this area would also be substantially greater than for the existing UGB areas north of Hwy 18, and there would be substantially less land to absorb the costs of these improvements.
- The water system expansion would be required before the first property could be developed, and there is not enough land to support the costs for extending this infrastructure across Hwy 18 and along Fletcher Road to this area.

Area B to be excluded:

Parcels Included: R4321 02200, R4321 01900, R4321 02090, R4321 02000, R4321 01801, R4321 01800, R4321 01700

The parcels within Exclusion Area B (Subarea 7 on the Study area map) are contiguous to the existing urban growth boundary area to be removed and are comprised of approximately 16 acres of VLDR and PI zoned land. The majority of this area is the existing Oddfellows cemetery, not considered buildable residential land under OAR 660-008-0005(2). The remaining residential land is occupied by large lot, rural residential development consistent with the zoning requirements of the Yamhill County VLDR-1 zone. Area B is located Southeast of the existing UGB between Thompson Lane and Hwy 221. Primary collector/arterial access comes via Thompson Lane and Highway 221.

The properties comprising Area B are subject to multiple factors justifying exclusion under OAR 660-024-0065(7) as follows:

- OAR 660-024-0067(7)(a) states that contiguous areas of at least 5 acres where 75% or more of the land has a slope of 25% or more may be excluded. As shown on the “Dayton Slopes” map and identified in the City Engineer’s analysis of the preliminary study areas, significant slopes meeting the criteria of the above section exist through the Northern, VLDR-1 zoned parcels of the study subarea.
- OAR 660-024-0067(7)(b) states that land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period may be excluded. An evaluation for the ability to provide public services are determined utilizing subsections 7b and 7c of this section, As discussed in the City Engineer’s comments:

- Given that the entire middle portion of this property is the existing Oddfellows Cemetery, there does not appear to be sufficient land left for new public streets, so that property will most likely develop with common private driveways off Thompson Lane.
- It should be noted that while the Thompson Lane right-of-way north to Palmer Lane exists on the maps, this undeveloped R/W crosses a ± 50-foot deep ravine (*Macy Gulch*), which would require a major bridge structure to span. There is not enough land to be developed in this area to support such a project, and it is unlikely that the County would agree to participate in such a project.
 - It appears that the existing gravity sanitary sewer along Wallace Road is not deep enough to serve this area without a new public sewer pump station. Given the limited amount of land available for development in this area, it is unlikely that any development could support the cost of a new public sewer pump station and associated force main (*likely to be \$500K or more*).
 - Extension of water service to serve this property to urban standards (*ie. fire flows*) would most likely require installation of a looped waterline along the undeveloped R/W across Macy Gulch, the cost of which would most likely exceed what any development in this area could support and would likely have to be done as a City project.

Area C to be excluded:

Parcels Included:

R431700602, R431700700, R431700400, R430802100, R431700800, R431700601, R430701800, R431700600, R430802000, R430700700, R430701500, R431800100, R430801900, R430701401, R430701502, R430701600, R431701000, R430703000, R430701900, R431801100, R431801200, R430702100, R431800201, R431800200, R431701100, R430701700, R430702000, R430701301, R430701501, R430701400

The parcels within Exclusion Area C (Subarea 4 on the Study area map) are contiguous to the existing area of the urban growth boundary to be removed and are comprised of approximately 750 acres of EFU, VLDR, and PRO zoned land. Area C is located North of the existing UGB and is roughly bounded by the UGB boundary and Yamhill River to the South, Kreder Road to the East, and the Yamhill River to the West. In accordance with OAR 660-025-00065(1)(c)(A), exception land abutting exception land within the ½ mile buffer area has also been included in the subarea.

The properties comprising Area C are subject to multiple factors justifying exclusion under OAR 660-024-0065(4) and OAR 660-024-0065(7) as follows:

- OAR 660-024-0065(4)(b)(B) states that the city may exclude land from the preliminary study area if the land is within the Special Flood Hazard Area (SFHA) on the applicable FIRM map. As identified on the flood map, approximately 186 acres along the Yamhill River area are within the SFHA.
- OAR 660-024-0067(7)(b) states that land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. An evaluation for

the ability to provide public services are determined utilizing subsections 7b and 7c of OAR 660-024-0067. Subsection 7c states that “impediments to service provision” include:

- A. Major rivers that would require new bridge crossings to serve planned urban development.
- C. Freeways.....that would require new grade separated crossings to serve planned urban development

Area C is located across Hwy 18, North of the area of the existing UGB to be swapped out. Area C is also located across the Yamhill River from the existing UGB and city limits. Due to these constraints, staff finds that Area C can be excluded from consideration under OAR 660-024-0665 subsections 7b(A) and 7b(C).

Area D to be excluded:

Parcels Included: R4318 02300, R4318 02000, R4318 02100, R4318 02500, R4318 02501, R4318 02500, R4318 02400,

The parcels within Exclusion Area D (Subarea 2 on the Study area map) are contiguous to the existing urban growth boundary to be removed and are comprised of approximately 150 acres of EFU zoned land. Area D is located West of the existing UGB and is roughly bounded by the UGB boundary to the East, Highway 18 to the South, SE Fletcher Road to the North, and the Lafayette Highway to the West. The study area is majority forested to the West, with farm uses and associated residential structures to the East.

The properties comprising Area D are subject to multiple factors justifying exclusion under OAR 660-024-0065(4) and OAR 660-024-0065(7) as follows:

- OAR 660-024-0065(7)(b) states that land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. An evaluation for the ability to provide public services are determined utilizing subsections 7b and 7c of this section. Area D is located across Highway 18 and would be connected to the existing UGB via a “cherry stem” should it be added to the UGB. Given that the impetus for the UGB swap was to add land to the UGB capable of supporting the needed extension of utilities via development. It is illogical and inconsistent with the intent of the UGB swap to add land with similar impediments to services to replace that being removed.
- OAR 660-024-0065(7)c includes *significant scenic, natural, cultural, or recreational resources on a published state or federal inventory that would substantially impede the construction or placement of necessary public facilities and services* as a reason for exclusion. There is a stretch of wetland as identified on the NWI (national wetlands inventory) map running from SW to NW that would impede development and construction of necessary utilities and services. Staff finds the wetland qualifies as a significant natural resource that would impede development and construction of public facilities.

B. Final Study Area- OAR 660-024-0067

Upon excluding the four areas above due to factors identified in OAR 660-024-0065, the remaining study area consists of the land outside of the exclusion areas A-D. The total study area was divided into subareas for the purpose of further analysis. Subareas highlighted in red were excluded under OAR 660-024-0065.

Subarea	Rough Location	Size (Acres)
1	Southwest of existing UGB, between Highway 18 and Highway 233	102
2	West of the existing UGB, bounded by Highway 18 to the South, Lafayette Highway to the West, and SE Fletcher Road to the North.	143
3	Northwest of the existing UGB between the existing UGB boundary and Lafayette highway, North of SE Fletcher Road.	129.27
4	North of the existing UGB and is roughly bounded by the UGB boundary and Yamhill River to the South, Kreder Road to the East, and the Yamhill River to the West	750.45
5	Northeast of the UGB, roughly bounded by Kreder Road to the West, the Yamhill River to the East, and Highway 99 West to the North.	998.22
6	Southeast of the UGB bounded by the Yamhill River to the North and SE Wallace Road to the West	396.7
7	Southeast of existing UGB, between SE Thompson Road and SE Wallace Road	47.21
8	South of existing UGB between highway 233 and SE Thompson Lane. SE Webfoot Road bisects Subarea 8.	770.68

Per OAR 660-024-0067(1)(a), a city considering a UGB amendment must decide which land to add to the UGB by evaluating all land remaining in the study area after excluding land under OAR 660-024-0065. OAR 660-024-0067(2) lists the types of land by priority for inclusion in the UGB. Generally, land is classified in the following order of priority for inclusion:

1. Urban reserve, exception, and non-resource land are of equal first priority.
2. Marginal land as designated under ORS 197.247

3. Forest or farmland that is not predominantly high value farmland.
4. Agricultural land that is predominantly high-value farmland.

Looking at the remaining study area (subareas 1, 5, 6, and 8), the only subarea containing first priority land is subarea 1, the area the city has prioritized for inclusion in the UGB. Therefore, if the land within the subarea 1 has sufficient residential capacity to match that to be removed from the UGB, lower priority land within the remainder of the UGB buffer area does not need to be considered for inclusion. Statewide Planning Goal 14 (OAR 660-015-0000(14)) requires that the location of land to be include in an urban growth boundary be analyzed based on four location factors. Despite excluding subarea 7 from the final study area using OAR 660-024-0065(7), staff has analyzed the area using the Goal 14 Location Factors to provide additional justification for exclusion. The four Goal 14 Location Factors are as follows:

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

SUBAREA 1

Efficient accommodation of identified land needs

Analysis of the residential capacity of the area to be removed identified an approximate residential capacity of 357 units. Using the same assumptions (identified in Part III.B of this report), staff determined that subarea 1 had a residential capacity of 612 units, well above the identified need. However, after removing the 50 acres of vacant EFU land identified as map and tax lot number R4319 01501 from the subarea 1 due to its status as 3rd priority land, the capacity of subarea 1 was calculated to be 412 units, within 17% and therefore deemed “substantially equivalent” to the 357 units of residential capacity of the land to be removed.

*NOTE: Parcels R4319 01100 and 1202 contain the aforementioned well sites (shown on Exhibit G). The City is required to maintain ownership or control for a 100 foot radius around the well (ORS 333-061-0050.2.a.B). While this requirement does not necessarily affect the overall ability of the site to be developed, it may limit what can be developed within the 100-foot radius around the well sites.

Orderly and economic provision of public facilities and services;

OAR 660-024-0067(9) requires the consideration of the following when applying Boundary Location Factor 2:

- a) The impacts to existing water, sanitary sewer, storm water, and transportation facilities that serve nearby areas already inside the UGB.
- b) The capacity of existing public facilities and services to serve areas already inside the UGB, as well as areas proposed for addition to the UGB.

Findings: Subarea one is the only subarea with sufficient residential capacity also allowing for the extension of public facilities without crossing significant natural or manmade hurdles. Subarea one is contiguous to the existing UGB, has existing access from Ash and Ferry Roads, and has the potential to be serviced by the extension of existing utilities. An analysis of the impact and resultant needs on public facilities provided below:

Water:

- Exhibit D illustrates the preliminary options for providing a new water service to serve the proposed UGB land swap area. This map only shows the looped line around the perimeter of the UGB swap area. Additional 8-inch or larger lines will need to be constructed between Ash Road and Ferry Street along all future streets constructed in this area, in order to provide for fire flows & redundancy.
- Unlike the sewer system improvements, the water system expansion can be constructed incrementally as the land develops, although some offsite looping should be anticipated in order to provide adequate fire flows and connectivity if development patterns skip over intervening properties in the interim.

Sanitary Sewer:

- Exhibit R contains a map and preliminary sketch illustrating a preliminary evaluation of possible options for providing a new sewer pump station and associated gravity sewers to serve the proposed UGB land swap area. This map and sketch are somewhat rough, but show that gravity sewer service can be provided for this entire area from a single sewer pump station located near the low point on Ash Road (*the new pump station would require a new pressure sewer force main along Ash Street, and a new gravity sewer*).
 - o The sketch shows the approximate depth of the new gravity sewers to accommodate the sewer pipes to be extended out to serve all the proposed UGB swab areas.
- In addition to the UGB land swap area, this sewer pump station would also provide for gravity sewer service for most of the area between Ash Street and Hwy 18 (*ie. areas currently within the UGB, which cannot be served by gravity from the existing sewer system*).
- To provide sewer service to any of the UGB swap area, the new pump station, new force main and new gravity sewers would have to be constructed first. At this stage, we would anticipate at least \$0.75 million each for the pump station and the force main, and another \$0.75-1 million for the new gravity sewers (*ie. about \$2.5 – 2.75 million for the project*).
- The pump station, force main and gravity sewers will likely need to be done as a City project, although the financing for this may not be feasible until such time as there is the potential for significant development within the UGB land swap area, so that there would be revenue to repay this City financing (*ie. via sewer user fees, SDCs and/or reimbursement fees to support the payback of the pump station/force main/gravity sewer construction*).

Stormwater:

- The storm drainage system can be constructed incrementally as the land develops, although some offsite improvements should be anticipated to connect to the drainage ravine(s), if development patterns do not start next to the existing drainage ways.

Transportation:

- Primary street access to this area will be via Ferry Street (*Aumsville/Dayton Hwy*) and Ash Road (*direct access from Hwy 18 is not allowed*).
- Ferry Street/Hwy 155 is an ODOT right-of-way.
 - o As the proposed UGB Subarea 1 is developed, the spacing of access points connecting to the ODOT right-of-way will need to be verified with ODOT. At this point, we assume that new street spacing will need to be no closer than existing block spacing in town (*ie. min of about 300 feet between adjacent street intersections, & maximum of about 500 feet*).
 - Given that there is about 2,800 feet from the existing west UGB to the west end of Study Area 1, and assuming a 500-foot average spacing for new streets, this equates to an expected maximum of 5-6 new streets connecting to Ferry Street/Hwy 155.
 - o Frontage improvements to Ferry Street/Hwy 155 will be required on the development side (*ie. widening, curb, gutter, sidewalk, storm drainage improvements*) as the property fronting on this road is developed (*similar to improvements to Ferry Street which were constructed when Country Heritage Estates was developed*).
- Ash Road is a Yamhill County right-of-way.
 - o As the proposed UGB Area 1 is developed, the spacing of access points connecting to the Ash Road right-of-way will need to be verified with Yamhill County. At this point, we assume that new street spacing will need to be no closer than existing block spacing in town (*ie. min of about 300 feet between adjacent street intersections, & maximum of about 500 feet*).
 - a. Given the length of Ash Road, and anticipated setback requirements from the Hwy 18 intersection, we would expect a maximum of 3 new streets connecting to Ash Road west of the current UGB (*ie. likely one street east of the ravine that crosses Ash Road, and two streets west of the ravine*).

Frontage improvements to Ash Road will be required (*widening, curb, gutter, sidewalk, storm drainage improvements*) as the property fronting on this road is developed

- c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials, and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Findings: Access to subarea one is taken via Ferry and Ash Roads. As identified in the findings for subsections a and b above, it is anticipated that roads will be developed connecting Ferry Street, Ash Street, and the existing VLDR land between Ash and Ferry Streets at the time of development. Similarly, improvements to existing transportation facilities will be required in concert with ODOT and Yamhill County requirements as needed.

Comparative environmental, energy, economic, and social consequences; and

Environmental: There are no identified wetlands or areas within the SFHA present in subarea 1, once TL 1501 is excluded from the area proposed to be added. Subareas 2, 3, 4, 5, and 8 all have significant natural features (wetlands and rivers) that would be heavily impacted should they be added to the UGB. The proposed area to be swapped out also contains natural features which will not be subject to future urban development under the proposed swap.

Subarea 1 also offers more walkable and bikeable access to schools, parks and commercial areas of Dayton should it develop. In contrast to the subareas on the North side of Highway 18 where a highway crossing would be necessary, potential residents will be able to walk or bike to various amenities and public services without having to cross any major arterials.

Energy: While the introduction of the potential for residential development at urban densities will increase the population and therefore increase energy consumption, it will also allow the City to make needed improvements to existing streets in the area upon development and emphasize sustainable development. In contrast to subareas across Highway 18 and the existing UGB area to be removed, the extension of services will consume less energy to accommodate new development.

Economic: Allowing for the development of subarea 1 at urban capacities will raise Dayton's population, benefiting businesses along Ferry St. and in Dayton's downtown. A larger population could also draw additional businesses to Dayton due to increasing demand. The city engineer has also identified subarea 1 as the most cost-effective area for provision of utilities in relation to other subareas with first priority land under consideration.

Social: As discussed above, the location of subarea 1 allows for easy access to Downtown Dayton, schools, parks, and other amenities. Currently, Highway 18 provides a physical barrier between the rural residential areas to the North and Dayton's downtown. Contribution from a Dayton resident during the TAC process revealed concern with the physical access barriers future residents in the UGB would face within other Subareas. Residential development in subarea 1 is more likely than in both other subareas and the existing UGB due to the relative ease of service provision, larger lots and contiguity to the existing Dayton City limits.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

The entirety of the subarea 1 consists of land identified as high priority for inclusion in the UGB per OAR 660-024-0067(2)(a). Subarea 1 is bordered to the East by the Dayton city limits, to the North by Highway 18, by EF-80 zoned land across Ferry St. to the South and abutting EF-80 zoned land to the West. Proposed development in subarea 1 would be residential and would not have any negative impacts on the agricultural activities to the South. The 50-acre EF-80 property to the West is city-owned with no existing agriculture activities. Any residential development abutting the EF-80 property will be subject to buffering requirements in the Dayton Land Use and Development Code and input from Yamhill County. Staff finds that the proposed residential uses are compatible with nearby agriculture activities.

SUBAREA 7

Efficient accommodation of identified land needs

Analysis of the residential capacity of the area to be removed identified an approximate residential capacity of 354 units. Using the same assumptions (identified in Section III.B of this report), staff determined that subarea 7 had a residential capacity of 599 units, well above the identified need. Only 29 units of subarea 7 are located on high priority land. The remainder (approximately 577 units) is located on third priority land. The city is not able to consider the 3rd priority land without determining that there is not enough available first or second priority land to meet the identified need. Because subarea 1 contains enough 1st priority land to meet the residential land need, a portion of subarea 1 would need to be added prior to considering the remainder of subarea 7. Staff finds that due to the insufficient supply of buildable first priority land, the accommodation of the identified need is not efficient.

Orderly and economic provision of public facilities and services;

OAR 660-024-0067(9) requires the consideration of the following when applying Boundary Location Factor 2:

- a) The impacts to existing water, sanitary sewer, storm water, and transportation facilities that serve nearby areas already inside the UGB.
- b) The capacity of existing public facilities and services to serve areas already inside the UGB, as well as areas proposed for addition to the UGB.

Findings: As identified under “sanitary sewer” below, the proposed area 3 does not have

Water:

Extension of water service to serve this property to urban standards (*ie. fire flows*) would most likely require installation of a looped waterline along the undeveloped R/W across Macy Gulch, the cost of which would most likely exceed what any development in this area could support, and would likely have to be done as a City project.

Sanitary Sewer:

It appears that the existing gravity sanitary sewer along Wallace Road is not deep enough to serve this area without a new public sewer pump station. Given the limited amount of land available for development in this area, it is unlikely that any development could support the cost of a new public sewer pump station and associated force main (*likely to be \$500K or more*).

Stormwater:

Since this land is immediately adjacent to Macy Gulch, the storm drainage system could be constructed incrementally as the land develops and is not anticipated to present any unusual development hurdles.

Transportation:

Wallace Road /Hwy 221 is an ODOT right-of-way.

- As the proposed UGB Area 3 is developed, it is anticipated that all new street access will need to come from Thompson Lane.
 - o Given that the entire middle portion of this property is the existing Oddfellows Cemetery, there does not appear to be sufficient land left for new public streets, so that property will most likely develop with common private driveways off Thompson Lane.
 - o Since new access points from Hwy 221/Wallace Road will most likely not be allowed, it is unlikely that improvements to Hwy 221/Wallace Road will be able to be triggered by future development.

Thompson Lane is a Yamhill County right-of-way.

- As the proposed Subarea 7 is developed, the spacing of access points connecting to the Thompson Lane right-of-way will need to be verified with Yamhill County.
- We anticipate that frontage improvements to Thompson Lane will be required (*widening, curb, gutter, sidewalk, storm drainage improvements*) as the property fronting on this road is developed, but the City will most likely end up being responsible for the cost of the street improvements across the frontage with the cemetery (*which appears to be more than half of the frontage*).
- It should be noted that while the Thompson Lane right-of-way north to Palmer Lane exists on the maps, this undeveloped R/W crosses a \pm 50 foot deep ravine (*Macy Gulch*), which would require a major bridge structure to span. Once again, there is not enough land to be developed in this area to support such a project, and it is unlikely that the County would agree to participate in such a project.

c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials, and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Findings:

Access to subarea 7 is taken via Thompson Lane and Wallace Road. As identified in the findings for subsections a and b above, it is unlikely that additional access points from Wallace Road would be allowed, limiting the ability to require improvements along Wallace Road into Dayton. The only access to Downtown Dayton is Wallace Road, a highway unsafe for bike and pedestrian uses. Because of the identified unlikelihood of future improvements to Wallace Road, it would be difficult for future residents to have non-vehicular access to downtown. It is also noted that while Thompson Ln. ROW extends North, it crosses Macey Gulch. It is unlikely that Yamhill County would support the funding of a bridge to extend over Macey Gulch.

Comparative environmental, energy, economic, and social consequences; and

Environmental: There are no major environmental impacts associated with a potential UGB expansion into this area. No natural resources, wetlands, or riverine areas would be affected.

Energy: Expansion of the UGB to include Subarea 7 would increase the cost of extending services over Macey Gulch and provision of these services would be inefficient due to the relatively small amount of residences they would service. There would be no positive impacts to the bike/ped transportation system given the identified inability to create local streets through the Subarea or extend Thompson Ln. into Downtown.

Economic: The residential capacity of the first priority land in subarea is limited in relation to subarea 1 and would cost the City and future developers a substantial amount of money to extend the necessary public services across Macey Gulch. As identified in the comments related to location factor 2, the cost-benefit ratio of extending urban services to those who would benefit or pay for a portion of the extension is significantly less balanced than that identified for Subarea 1. The limited residential development capacity would also generate a minimal population gain of little economic impact to Dayton as a whole.

Social: Subarea 7 and the neighboring portion currently within the UGB (along Palmer Lane and Water St.) are isolated from downtown by Palmer Creek and Macey Gulch. While there would be no negative social consequences to adding Subarea 7 to the UGB, its comparative benefit to Subarea 1 is minimal.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

The majority of Subarea 7 is comprised of land zoned EFU with existing agriculture operations. While there is a small quantity of rural residential at the Northern end of Subarea 7, the remaining land is occupied by Oddfellows Cemetery and EFU land considered low priority for inclusion. Should all of Subarea 7 be added to the UGB; street improvements, utility extensions, and potential residential development could have negative effects on existing agricultural operations.

V. CONSISTENCY WITH STATEWIDE PLANNING GOALS

A. Goal 1: Citizen Involvement

To provide for widespread citizen involvement in the planning process, and to allow citizens the opportunity to review and comment on proposed changes to comprehensive land use plans prior to any formal public hearing to consider the proposed changes

Findings: Goal 1 requires citizen involvement in the planning process. The City has received input from a technical advisory committee throughout the UGB Swap process. The committee included Dayton citizens in addition to agency representatives and city staff. The city also held a public open house to provide property owners involved in the UGB Swap with the opportunity to comment or ask questions of staff on September 30, 2021. No objections to the swap were raised at the public open house. Questions were asked about potential annexations, the annexation process, utility needs, and the need to provide affordable housing in Dayton. Notice was provided to DLCD on October 3, 2021 and via newspaper on December 10, over 20 days prior to the Joint Planning Commission hearing in compliance

with local and state notice requirements. Measure 56 notice was mailed to all property owners within the proposed swap area on December 10, 2021.

B. Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to land use and to ensure a factual base for such decisions and actions.

Findings: Dayton’s comprehensive plan and the land use and development code that implements the comprehensive plan provides a policy framework as the basis for the analysis contained in this report. The comprehensive plan and development code also provide the criteria by which the swap request and map amendment will be reviewed.

C. Goal 3: Agricultural Lands

Findings: Not applicable pursuant to OAR 660-024-0020(1)(b)

D. Goal 4: Forest Lands

Findings: Not applicable pursuant to OAR 660-024-0020(1)(b)

E. Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Findings: The proposed UGB amendment will have little impact on open space and scenic and historic areas. The amendment will remove vacant and partially vacant land currently within the UGB adjacent to the Yamhill River, reducing the potential for urban impacts to the river. There are also mapped wetlands with the area to swapped out of the UGB, as identified in Exhibit B. The area to be added to the UGB includes multiple well sites accessing groundwater as identified in Exhibit G.

F. Goal 6: Air, Water, and Land Resource Quality

Findings: There are no identified impacts to air, water, or land resource quality.

G. Goal 7: Areas Subject to Natural Hazards

To protect life and property from natural disasters and hazards.

Findings: As indicated by Exhibit B, there are approximately 38.37 acres of land to be removed from the UGB located within the 100 year flood plain, while the area to be swapped into the UGB has no identified wetlands or other natural hazards identified. There are also large portions of the area to be removed (particularly along the northern boundary of the existing UGB adjacent to the Yamhill River and along the path of the unnamed creek running from East to West) with slopes greater than 25%. The area to be added to the UGB has minimal slopes, with the highest gradient at approximately 10% in the northeastern portion of the area to be added.

H. Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the State and visitors and, where appropriate, to provide for the siting of necessary recreation facilities including destination resorts.

Findings: There are no parks currently located in either the area to be removed from the UGB or the area to be added. The area to be added to the UGB is located in proximity to Dayton high school, Dayton elementary school, and 11th St. Park. The city's Parks Master Plan was last updated in 2004 and does not call out any specific need for additional parkland. Because the residential capacity of the UGB is not changing, there is minimal impact on the population and therefore the need for additional parkland.

I. Goal 9: Economic Development

To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens

Findings: There is no industrial or commercial land included in the proposed UGB swap. Goal 9 is therefore not applicable.

J. Goal 10: Housing

To provide for the housing needs of citizens of the State

Findings: The proposed UGB amendment will result in substantially the same residential capacity as the existing UGB configuration. As identified in Section IV.B of this report, the proposed area to be added to the UGB has a residential capacity of 412 units. The calculated capacity of 412 units exceeds the calculated capacity of 352 units of the area to be swapped out but is within 17% of the current residential capacity. Because the residential capacity is substantially the same, the City does not need to reassess its housing needs per OAR 660-024-0070(3).

K. 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 and rural development

Findings: The City Engineer has reviewed the proposal and has identified that the ability for future development to support the cost to extend the necessary public facilities to Subarea 1 is significantly greater than that either the area within the existing UGB or the other identified subareas (detailed findings regarding public facilities may be found in Section IV.B of the staff report). Subarea 1 is also directly adjacent to the existing city limits, whereas the land to be removed from the UGB is separated by Hwy. 18. Fire and police services are available to service the area at the time of a future annexation(s).

L. Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system

Findings: The proposed area to be swapped into the UGB has existing access via Ferry and Ash Streets running East to West. Improvements to those streets will be coordinated with ODOT and Yamhill County at the time of future development. It is anticipated that up to three new streets will be needed to connect Ash and Ferry Streets. While direct access from Highway 18 is not permitted, Ash St. provides secondary access to the area to be added. Ferry St. provides access directly to Downtown Dayton to the East of the area to be added.

M. Goal 13: Energy Conservation

To conserve energy

Findings: The area to be added to the UGB is a smaller geographic area than the area to be removed, giving the opportunity for a more energy efficient provision of public services. The area will also be required to develop in accordance with the existing Dayton development standards, including sidewalk requirements and other transportation and access options to reduce automobile dependence.

N. Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use

Findings: As discussed under Goal 13, the smaller geographic area of the land to be added combined with the lack of natural and built barriers (Highway 18, wetlands, rivers) enable a more efficient transition from urban-rural land uses. Specifically, the area to be removed is developed with existing rural residential and farm uses- Adding urban uses to the area to be removed would likely create uses incompatible with existing residential uses, cost exorbitant amounts of money to extend urban services, and conflict with existing natural resources and rural development patterns. The area to be added to the UGB has unencumbered access to downtown Dayton and has the ability to take on urban development patterns due to its relatively rectilinear, generally undeveloped nature.

VI. CONSISTENCY WITH DAYTON COMPREHENSIVE PLAN POLICIES

A. Chapter 3: Natural, Scenic, and Historic Resources

Policies relevant to the UGB amendments are found starting on page 16 of the Comprehensive Plan area and are listed below:

3. The significant natural features within the City shall be managed for the benefit of the community and shall include all waterways, natural drainageways, wetlands, flood plains, land with significant natural vegetation, and valued scenic views and sites.

Findings: There are no existing identified significant natural features on or adjacent to the land to be added to the UGB. The land to be removed from the UGB contains portions of the Yamhill River, streams, and wetlands that will no longer be subject to potential urban development.

4. The City shall ensure that as development occurs, adequate land will be retained in permanent open space and establish regulations to encourage open spaces in new residential development.

Findings: As part of the UGB amendment, the land to be added to the UGB will assigned a “Residential” comprehensive plan designation. Should either all or portions of the land to be added be annexed at a later date, the annexation will include a zone assignment. Future development will be subject to the requirements of the applicable sections of the Dayton Land Use and Development Code, including section within 7.1.2 and 7.2.2 governing the provisions of open space in residential developments.

8. The City will pursue additional sources of water, increase storage capacity and proceed with other system improvements based on the adopted "City of Dayton Water System Master Plan."

Findings: There are three existing well sites located on TL 1100, owned by the City of Dayton. The City Engineer recommends that these wells be attached to existing and proposed waterlines identified in the water system master plan. Services to the area to be added to the UGB will require incremental upgrades upon development of the properties comprising the overall area.

9. The City shall support the upgrading and maintenance of the water system as a vital element to the continued well-being of the community.

Findings: The UGB land swap will enable a more cost-effective and efficient upgrade and extension of the existing water system.

12. The City will pursue grants of other funding to complete a local wetland inventory. Until such a study is completed, the City shall utilize the National Wetland Inventory Maps and the State-wide Wetland Inventory maps to provide information on the location of wetlands within the community.

Findings: While the City does not yet have a local wetland inventory, the National Wetland Inventory maps were used as the data source for findings made within this report. The area to added to the UGB does not contain any identified wetlands per NWI.

B. Chapter 4- Natural Hazards

There are no identified natural hazards within the are to be swapped into the UGB.

C. Chapter 6- Land Use and Urbanization

1. The City shall define a growth policy consistent with population projections and expectations and identify possible future development areas on the Plan map.

Findings: The UGB amendment maintains substantially the same residential capacity as the area to added and therefore does not trigger the need for a new housing needs analysis. The city has identified that development costs associated with the extension of utilities make the area to be added more feasible for future development due to its location on the South side of Highway 18 and lack of natural hazards.

6. Change of the urban growth boundary shall be based upon consideration of the following factors:

a. Demonstrated need to accommodate large range urban growth requirements;

- b. Need for housing, employment opportunities and livability;*
- c. Orderly and economic provision of public facilities and services;*
- d. Maximum efficiency of land uses within and on the fringe of the existing urban area;.*
- e. Retention of agricultural land until needed for development;*
- f. Environmental, energy, economic and social consequences; and*
- g. Compatibility between the proposed urban uses and nearby agricultural activities*

Findings: The City has identified that the area within the UGB north of Highway 18 does not present the ideal land use pattern for future urban growth for reasons identified in the body of the report and restated below:

- The parcelized nature of the existing parcels does not lend itself to future development at urban densities. The proposed area to be added is less parcelized and less developed, enabling the provision of urban services in a more efficient manner. The geographic area to be added to the UGB is smaller than the area to swapped out, enabling development at higher densities.
- The existing road system is constrained by existing water bodies and significant slopes. The existing configuration of Ferry and Ash Streets creates the possibility for a rectilinear road system for future development within the area to be added to the UGB.
- The extension of utilities across Highway 18 is likely cost-prohibitive due to lack of potential development support. The extension of utilities to the area to be added will still be expensive, but likely less so and will benefit properties within the existing UGB as well as potential new development.
- There are 38 acres of land within the 100 year flood plain, restricting the ability to efficiently develop the are at urban densities.
- The area is physically separated from downtown Dayton by Highway 18, whereas the area to be added is adjacent to the existing city limits and has direct access to Downtown via Ferry St.
- ESE considerations are discussed in depth earlier in the report under the analysis of the Goal 14 locational factors.
- There are no incompatibilities with farm uses in the area to be added.

C. Chapter 7- Housing and Public Land Needs

3. Housing densities shall be consistent with the suitability of the land to support development and shall avoid natural hazards such as unstable soils, steep topography, flood/slide hazard areas and soils with poor drainage.

Findings: The UGB land swap requires the land added to the UGB to have substantially similar residential capacity as the land to be removed. The land to be added will be designated “Residential” on the Dayton comprehensive map, allowing urban development at a minimum of 4 units per acre, consistent with the Dayton Comprehensive plan. City of Dayton zoning will be assigned at the time of annexation. Zone change applications are required to show compliance with the city’s housing needs identified in the comprehensive plan and the criteria of the LUDC. The area to be added does not contain any steep topography or flood hazard areas.

11. The City shall continually monitor the urban land supply and residential development to ensure adequate opportunities are available to meet current and future housing needs.

Findings: As part of the UGB swap process, the City identified that the current UGB orientation does not provide the most efficient and cost-effective development pattern to meet the identified housing need. The proposed amendment presents a more efficient, serviceable land area for future development based on the ability to extend urban services and the city’s street system.

D. Chapter 9- Public Facilities and Services

2. Water, sewer and storm drainage services shall be adequately provided and maintained in order to meet the residential, commercial and industrial needs of the city.

Findings: The City Engineer has determined that the provision of public services is possible. Preliminary maps for the provision of water and sewer service are included as attachments __ and __ to this report. The City Engineer has identified that sewer system improvements will require the construction of a new pump station, force main, and gravity sewer. The sewer improvements would provide gravity sewer service for the area already within the UGB between Ash St. and Highway 18. Water services can be extended as development occurs within the area to be added.

5. The City shall not provide sewer and water services to lands outside the City limits.

Findings: No city sewer and water services shall be provided to areas outside of the city limits. Annexation of the land within the UGB outside of the city limits shall be required prior to extension of public facilities.

14. The City shall coordinate local planning with communication agencies so the availability and quality of service will be maintained.

Findings: All new development includes communication with relevant private agencies.

E. Chapter 10- Transportation

5. The City shall continue to investigate all sources of funding for street improvement and to upgrade City streets as funds become available.

Findings: Development on the land to be added to the UGB shall trigger street improvements as required per the Dayton Land Use and Development Code.

6. The City shall coordinate with Yamhill County and the Oregon Department of Transportation with regard to City actions and needs which may affect traffic on State and County roads within the Urban Growth Boundary.

Findings: Ash Road and Ferry Street are under Yamhill County and ODOT jurisdiction respectively. Future development along these roads within the area to be added to be coordinated with Yamhill County and ODOT.

8. The City shall ensure that transportation improvements are used to guide urban development and are designated to serve anticipated future needs.

Findings: Review of future subdivision applications including the creation of new streets shall be done in compliance with the development code. It is recommended that the TSP be updated to include a future streets plan for the area to be added.

16. The highest priority for sidewalk improvements and maintenance should be on the arterial and collector streets, especially those sidewalks in proximity to the schools.

Findings: Street improvements will be required concurrent to development on the land to be added. Sidewalks will be required per the provisions of the LUDC. The city will prioritize the development of sidewalks from the area to be added along Ferry St. towards Dayton High School and Grade School to ensure pedestrian access from future residential development to Dayton's schools.

VI. COMPREHENSIVE PLAN AMENDMENT

The area to be added to the UGB must be designated with a City of Dayton Comprehensive Plan Map designation. The criteria for a comprehensive plan map amendment are outlined in the Dayton LUDC section 7.3.110.03.

- A.** *Compliance is demonstrated with the Statewide Land Use Goals that apply to the subject properties or to the proposed land use designation. If the proposed designation requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply*

Findings: Applicable Statewide Planning Goals:

Goal 1- Citizen Involvement: Goal 1 requires citizen involvement in the planning process. The City has received input from a technical advisory committee throughout the UGB Swap process. The committee included Dayton citizens in addition to agency representatives and city staff. The city also held a public open house to provide property owners involved in the UGB Swap and CPMA with the opportunity to comment or ask questions of staff on September 30, 2021. Notice was provided to DLCD on October 3, 2021 and via newspaper over 20 days prior to the Planning Commission hearing in compliance with local and state notice requirements.

Goal 2- Land Use Planning: Findings: Dayton’s comprehensive plan and the land use and development code that implements the comprehensive plan provides a policy framework as the basis for the analysis contained in this report. The comprehensive plan and development code also provide the criteria by which the swap request and map amendment will be reviewed.

Goal 10- Housing: The comprehensive plan map amendment is to re-designate 13.38 acres of Yamhill County VLDR land and 88.62 acres of Yamhill County AF-10 land to the City of Dayton Residential Comprehensive Plan Designation as part of the UGB land swap legislative amendment. The land to be added to the UGB must be designated Residential to replace the Residential-designated land removed from the UGB as part of the UGB land swap amendment. Per OAR 660-024-0070(3), cities do not need to re-evaluate their residential land needs if the land swapped has a substantially equivalent residential capacity. For the land to be added to the UGB to maintain the ability to reach “substantial equivalence,” the land must be designated Residential.

Goal 11- Public Facilities and Services: The City Engineer has determined that the provision of public services is possible. Preliminary maps for the provision of water and sewer service are included as Exhibits D and R to this report. The City Engineer has identified that sewer system improvements will require the construction of a new pump station, force main, and gravity sewer. The sewer improvements would provide gravity sewer service for the area already within the UGB between Ash St. and Highway 18. Water services can be extended as development occurs within the area subject to the CPMA.

Goal 12- Transportation: The area subject to the CPMA has existing access via Ferry and Ash Streets running East to West. Improvements to those streets will be coordinated with ODOT and Yamhill County at the time of future development. It is anticipated that up to three new streets will be needed to connect Ash and Ferry Streets. While direct access from Highway 18 is not permitted, Ash St. provides secondary access to the area to be added. Ferry St. provides access directly to Downtown Dayton to the East of the area to be added.

B. *Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.*

Findings: Consistency with the applicable policies of the Dayton Comprehensive plan is discussed in depth for the findings for the UGB land swap legislative amendment earlier in this report. Because the UGB amendment includes the requirement to designate the land swapped in as Residential, staff finds that the above findings show that the CPMA is consistent with the applicable goals and policies of the comprehensive plan.

C. *The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Findings: Administrative rules governing the UGB swap require that the land swapped into the UGB subject to the CPMA be designated Residential to provide a substantially equivalent residential capacity as the land to be swapped out. Because the land subject to the amendment is proposed to

be brought in as part of the UGB swap to meet the identified land need, the CPMA is consistent with the projected residential land need in the comprehensive plan, which shows that there is sufficient residential land to meet the City's housing needs.

D. *The Plan provides more than the projected need for lands in the existing land use designation.*

Findings: The proposed amendment offers a substantially equivalent, though slightly greater residential land supply than the land within the existing UGB to swapped out. Preliminary calculations by staff identified a residential capacity of 412 units for the land subject to the CPMA, replacing land with an identified capacity of 354 units.

E. *The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity or significantly adversely affect existing or planned uses on adjacent lands.*

Findings: Adjacent city zones are zoned R-1 within the City of Dayton. Land subject to the CPMA will be zoned residential upon annexation into the City, consistent with the land use pattern on adjacent lands. Adjacent land to North and South is zoned EFU. Development and street improvements on the area to be developed to mitigate any potential effects on adjacent land.

F. *Public facilities and services necessary to support uses allowed in the proposed designation are available or will be available in the near future.*

Findings: The area subject to the CPMA is not currently within the Dayton city limits. As identified in section IV.B of the staff report, future annexation and subsequent development will require extension of water services concurrent to development and sewer improvements prior to development.

VII. Dayton-Yamhill County UGB Agreement Criteria

Article IV of the Dayton-Yamhill County UGB agreement requires additional consideration of the following criteria:

1. Dayton Comprehensive Plan

a. *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals*

Findings: ORS 197.296 requires cities to analyze their housing needs over a 20-year planning period. Dayton's most recent HNA was conducted in 2009 any found that there was sufficient residential land within the UGB to accommodate the city's identified housing needs. UGB swaps are intended as an alternative to pure UGB expansion, allowing cities to identify more efficient alternatives for future urban development while maintaining the existing balance of land within the UGB. As discussed throughout the body of this report, OAR 660-024-0070(3) states that if the residential capacity of the land to be added is roughly proportional to that being removed, the city does not need to reevaluate its residential land needs via an updated housing needs analysis. Capacity calculations are included in sections III and IV of this report and show a substantial equivalence in the residential capacity of the area to be removed (357 units) and the area to be added (412 units).

b. *Need for housing, employment opportunities, and livability*

Findings: The proposed UGB swap is a swap of residential land. As identified throughout the report and in under criterion 1a above, staff finds that the identified housing need is met by the UGB swap.

c. Orderly and economic provision of urban services

Findings: Findings related to the orderly and economic provision of urban services may be found in Section IV.B of this report.

d. Maximum efficiency of land within and in the fringe of the existing urban area

Findings: One of the benefits of the UGB Swap is that the land pattern of the area to be added provides the potential for the more efficient utilization of land within the UGB. The area within the UGB planned to be removed is heavily parcelized, meaning that there is limited potential for future subdivision and funding sources for the extension of urban infrastructure. The area to be added is comprised of predominantly larger parcels with an existing rectilinear road pattern easily compatible with future residential development.

e. Environmental, Energy, Economic, and Social Consequences

Findings: ESE findings for the area to be added to the UGB can be found in Section IV.B of this report.

f. Retention of Agricultural Land as defined, with Class I being the highest priority for retention and Class VI the lowest priority

Findings: The area to be added to the UGB does not contain agricultural lands as defined by Statewide Planning Goal III. The area contains land designated AF-10 (marginal land) and VLDR-1 (rural residential land).

g. Compatibility with the proposed urban uses with nearby agricultural activities

Findings: As discussed in Section IV.B above:

“The entirety of the subarea 1 consists of land identified as high priority for inclusion in the UGB per OAR 660-024-0067(2)(a). Subarea 1 is bordered to the East by the Dayton city limits, to the North by Highway 18, by EF-80 zoned land across Ferry St. to the South and abutting EF-80 zoned land to the West. Proposed development in subarea 1 would be residential and would not have any negative impacts on the agricultural activities to the South. The 50-acre EF-80 property to the West is city-owned with no existing agriculture activities. Any residential development abutting the EF-80 property will be subject to buffering requirements in the Dayton Land Use and Development Code and input from Yamhill County. Staff finds that the proposed residential uses are compatible with nearby agriculture activities.”

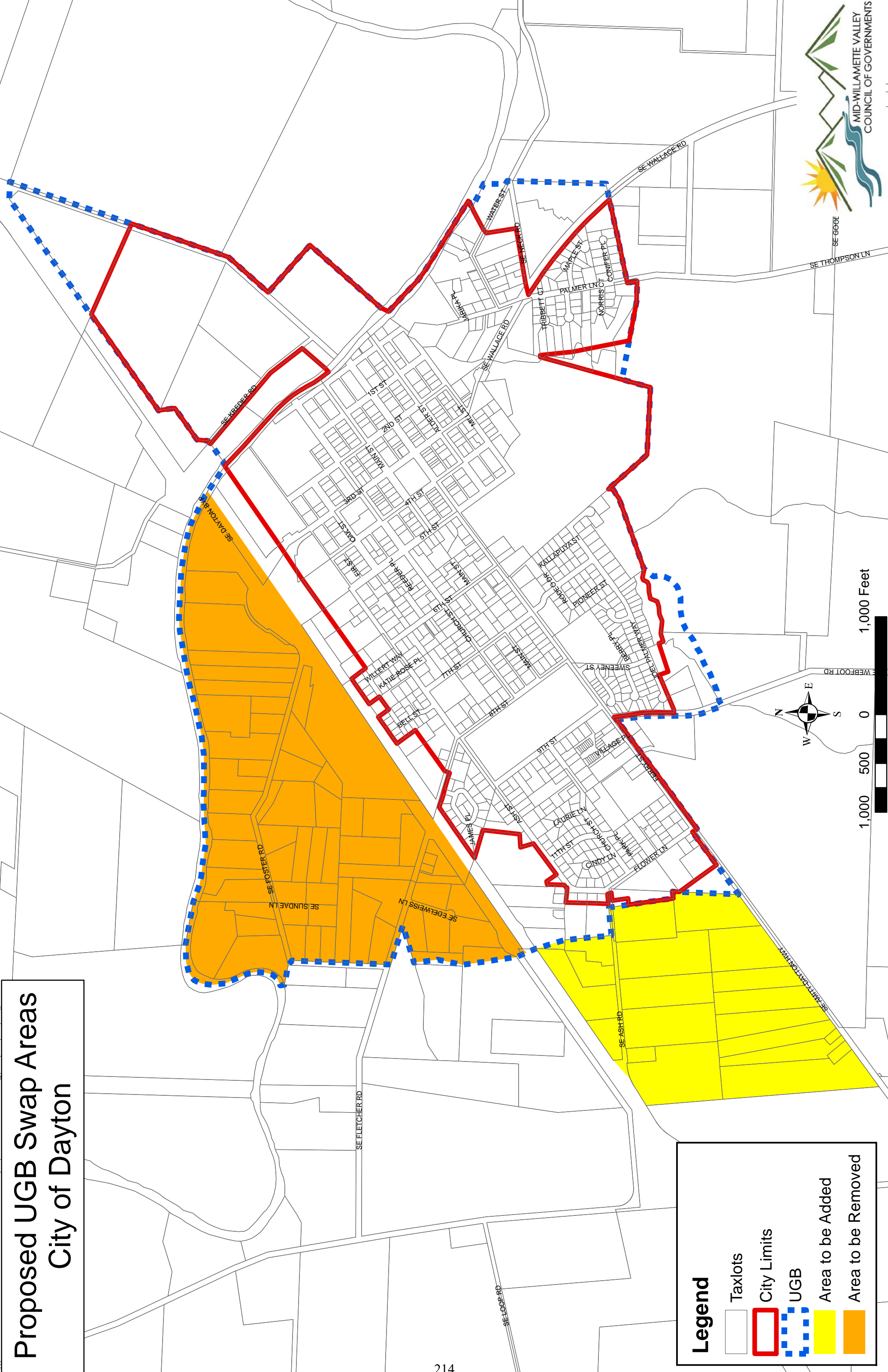
2. Yamhill County Comprehensive Plan

See attached Exhibit S

VIII. Conclusions

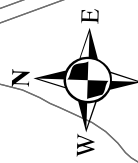
Based on the findings within the staff report, staff recommends the Dayton Planning Commission and the Yamhill County Planning Commission recommend approval of the UGB Swap (City File Number LA 2021-02) Comprehensive Plan Amendment (City File Number CPMA 2021-01) to the Dayton City Council and Yamhill County Board of Commissioners.

Proposed UGB Swap Areas City of Dayton

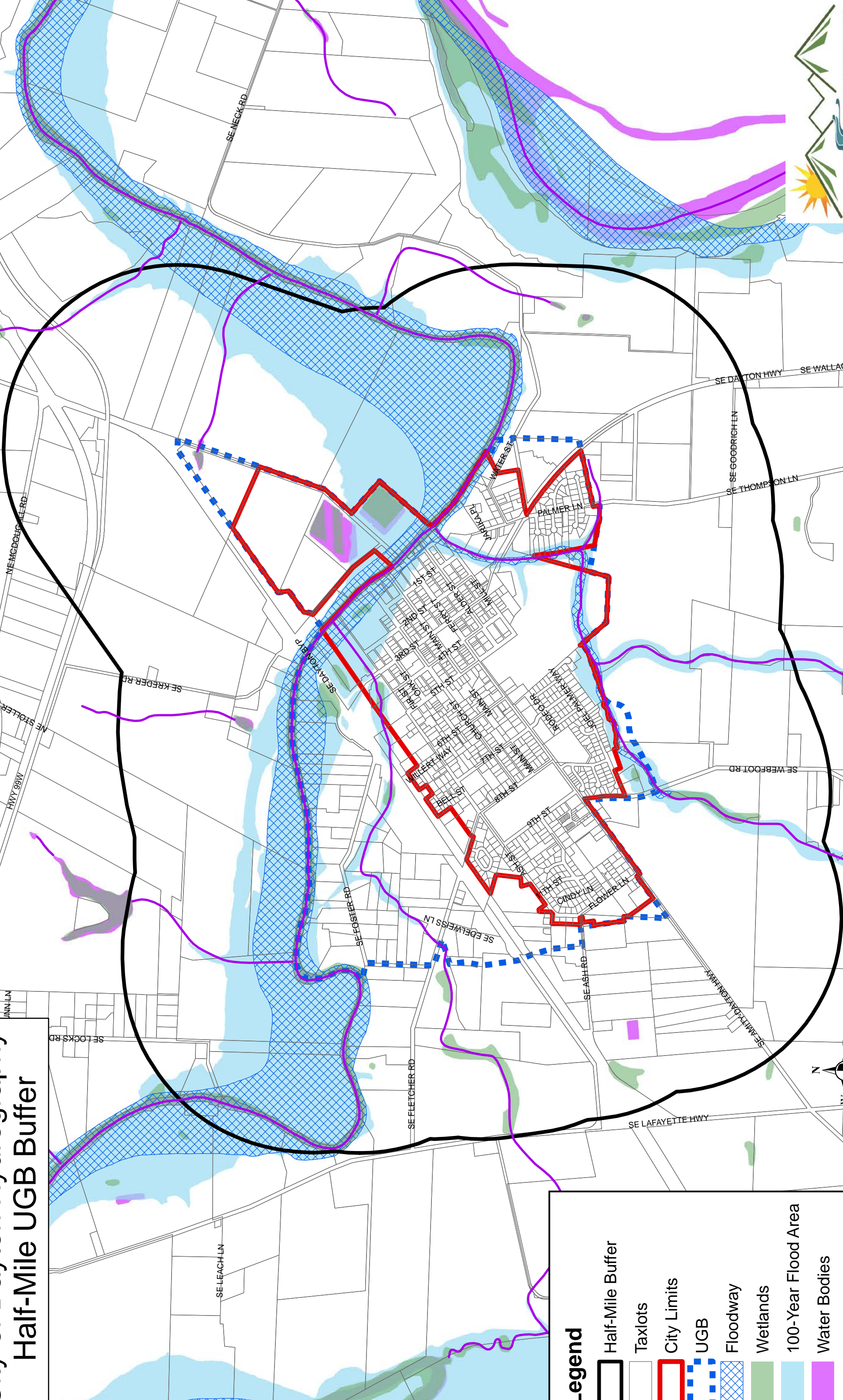


Legend

- Taxlots
- City Limits
- UGB
- Area to be Added
- Area to be Removed



City of Dayton Hydrography Half-Mile UGB Buffer

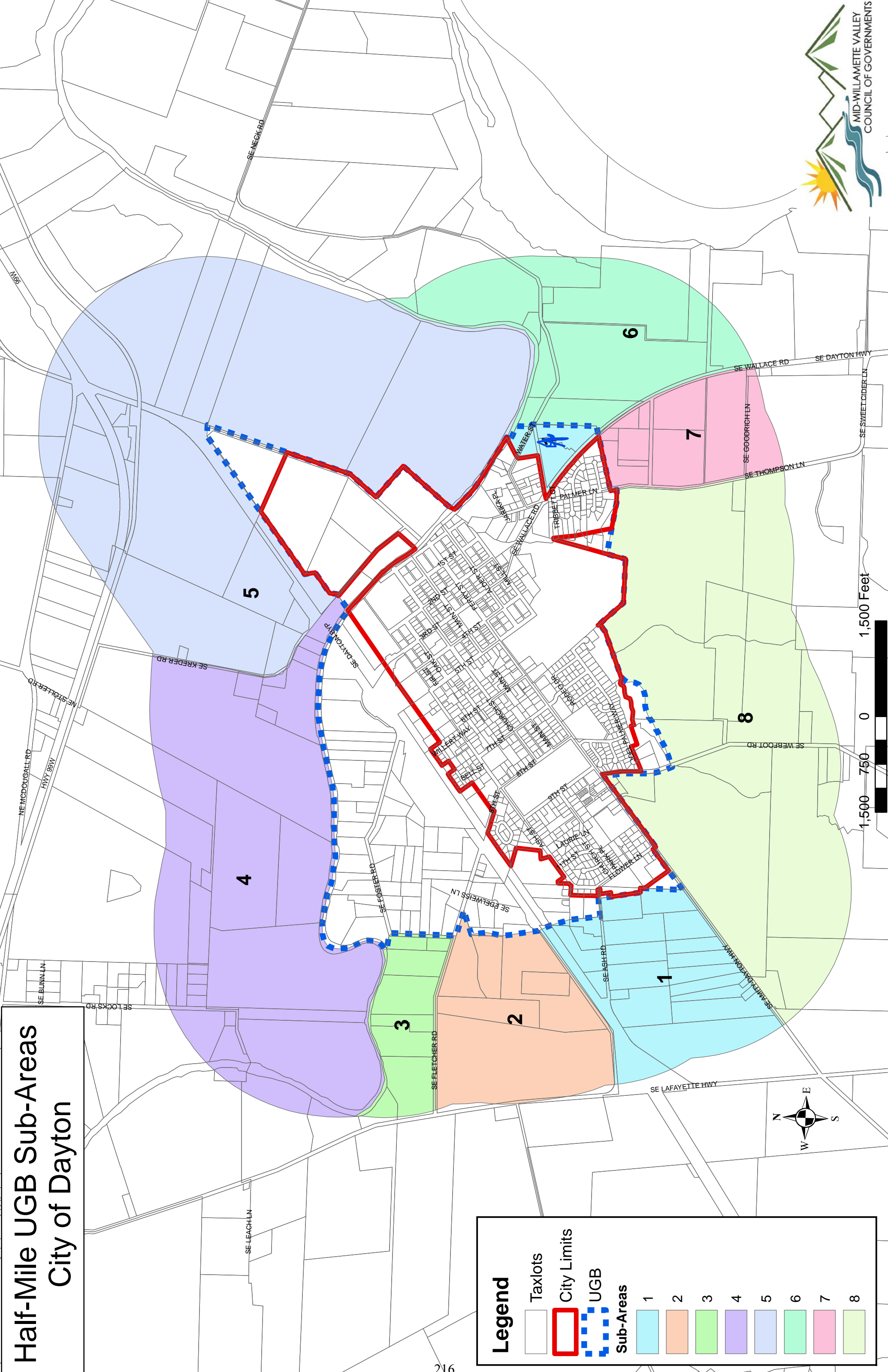


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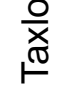


- Half-Mile Buffer
- Taxlots
- City Limits
- UGB
- Floodway
- Wetlands
- 100-Year Flood Area
- Water Bodies
- Streams











Half-Mile UGB Sub-Areas City of Dayton

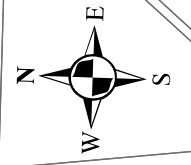


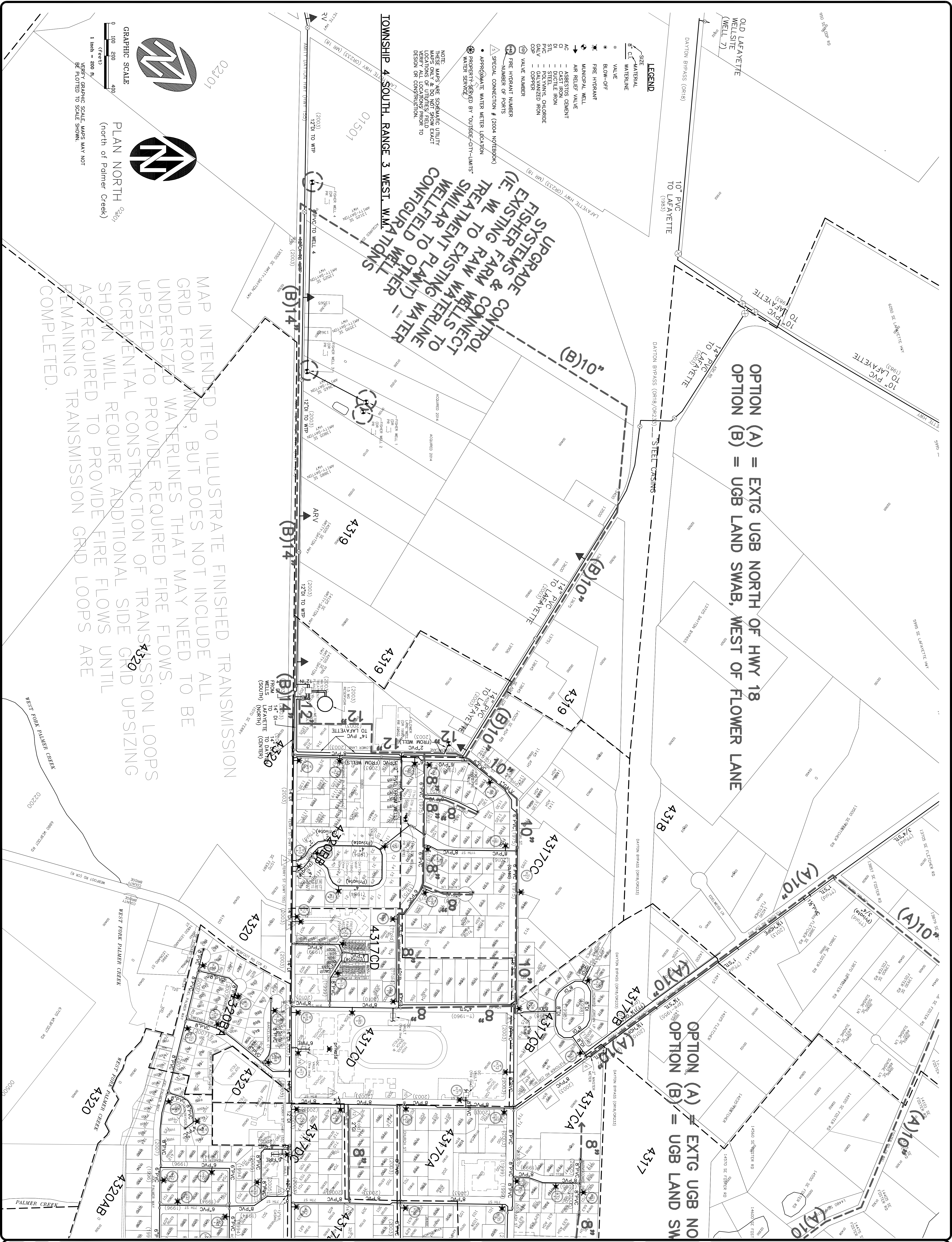
Legend

-  Taxlots
-  City Limits
-  UGB

Sub-Areas

-  1
-  2
-  3
-  4
-  5
-  6
-  7
-  8





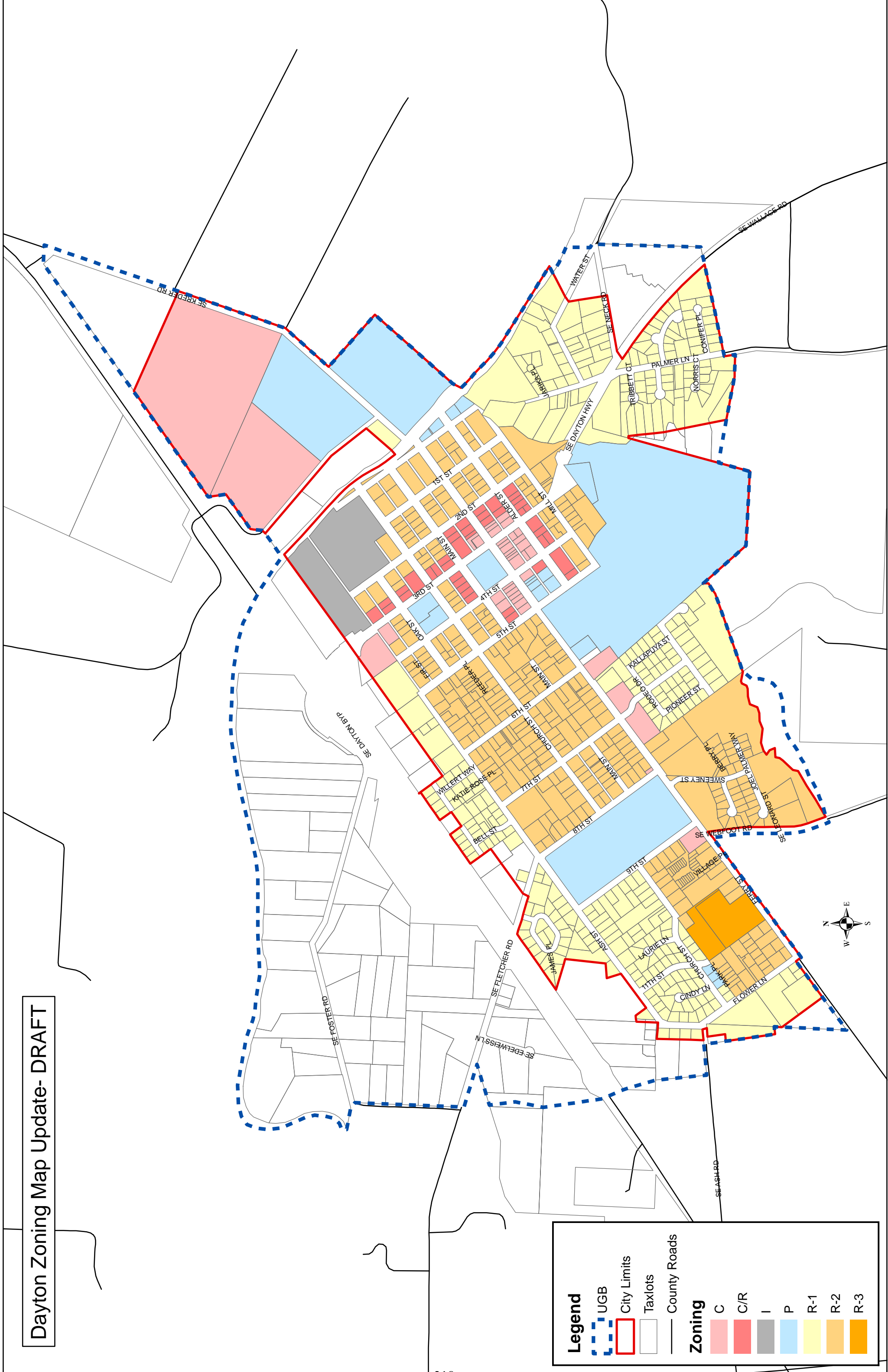
<p>CITY OF DAYTON, OREGON</p> <p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com</p>	<p>MAP UPDATED: 9-27-2016</p>	<p>SCALE VERIFY SCALE HORIZ: 1" = 100' VERT: 1" = 10'</p> <p>DSN: DM DRN: DM CKD: DM DATE: AUG 2006</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY												
NO.	DATE	DESCRIPTION	BY																

SHEET 1 OF 1
 JOB NUMBER 2609.1013.0

**UGB LAND SWAP, FUTURE WATER MAIN MAP
 (BASED ON 2011 WMP & SUBSEQUENT STUDIES)
 (NOT ALL LINES SHOWN)**

217

Dayton Zoning Map Update- DRAFT



Legend

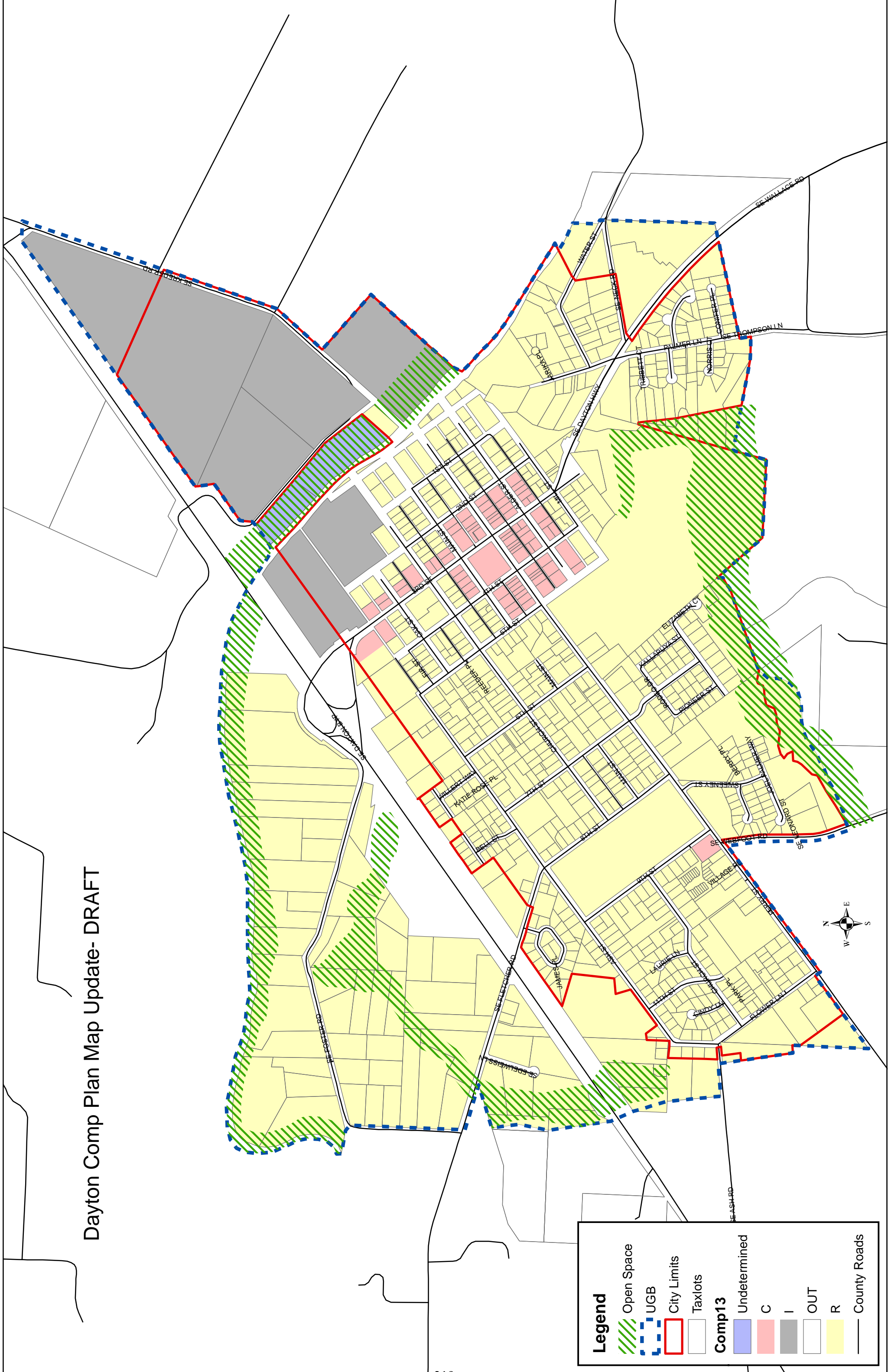
- UGB
- City Limits
- Taxlots
- County Roads

Zoning

- C
- C/R
- I
- P
- R-1
- R-2
- R-3



Dayton Comp Plan Map Update- DRAFT



Legend

- Open Space
- UGB
- City Limits
- Taxlots
- Comp13**
- Undetermined
- C
- I
- OUT
- R
- County Roads

NO.	DATE	DESCRIPTION

DATE: AUG 2006
SCALE: AS SHOWN
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HORIZ. SCALE: 1" = 40'
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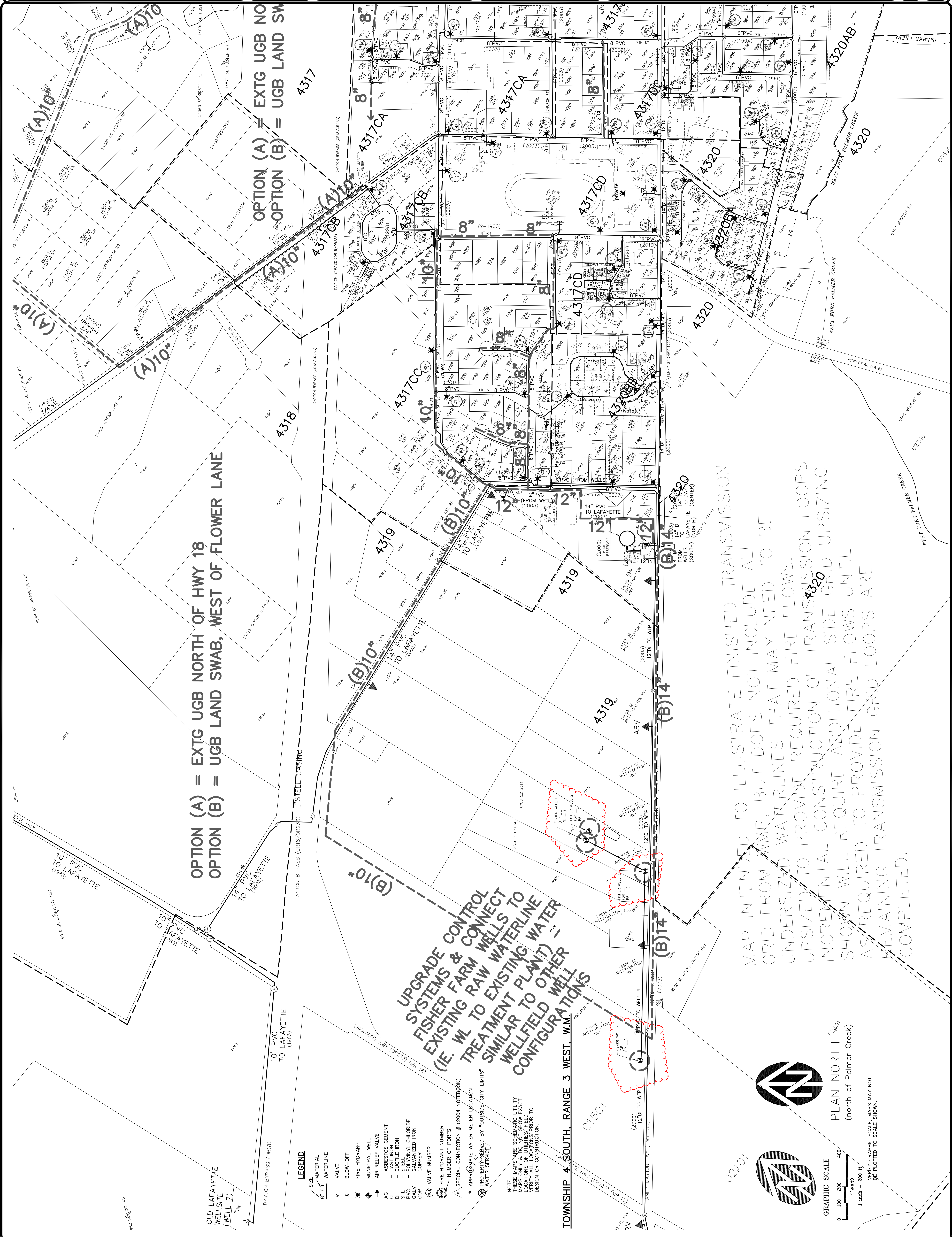
MAP UPDATED: 9-27-2016

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3641 Fairview Industrial Dr., S.E., Suite 100, Salem, OR 97302
Phone: (503) 580-2474 Fax: (503) 580-3986
E-mail: westtech@westtech-eng.com

UGB LAND SWAP, FUTURE WATER MAIN MAP
(BASED ON 2011 WMP & SUBSEQUENT STUDIES)
(NOT ALL LINES SHOWN)

CITY OF DAYTON, OREGON

SHEET 1 OF 1
JOB NUMBER 2609.1013.0



OPTION (A) = EXTG UGB NORTH OF HWY 18
OPTION (B) = UGB LAND SWAB, WEST OF FLOWER LANE

OPTION (A) = EXTG UGB NORTH OF HWY 18
OPTION (B) = UGB LAND SWAB, WEST OF FLOWER LANE

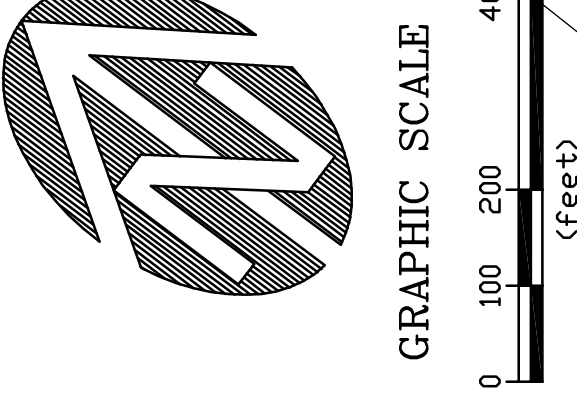
UPGRADE CONTROL SYSTEMS & CONNECT FISHER FARM WELLS TO EXISTING RAW WATERLINE (IE. WL TO EXISTING WATER TREATMENT PLANT) SIMILAR TO OTHER WELLFIELD WELL CONFIGURATIONS

MAP INTENDED TO ILLUSTRATE FINISHED TRANSMISSION GRID FROM WMP, BUT DOES NOT INCLUDE ALL UNDERSIZED WATERLINES THAT MAY NEED TO BE UPSIZED TO PROVIDE REQUIRED FIRE FLOWS. INCREMENTAL CONSTRUCTION OF TRANSMISSION LOOPS SHOWN WILL REQUIRE ADDITIONAL SIDE GRID UPSIZING AS REQUIRED TO PROVIDE FIRE FLOWS UNTIL REMAINING TRANSMISSION GRID LOOPS ARE COMPLETED.

- LEGEND**
- SIZE
 - 8" C.I. WATERLINE
 - VALVE
 - BLOW-OFF
 - FIRE HYDRANT
 - MUNICIPAL WELL
 - AIR RELIEF VALVE
 - ASBESTOS CEMENT
 - CAST IRON
 - DUCTILE IRON
 - PVC
 - POLYETHYLENE GLYCOL
 - GALV
 - COP
 - COPPER
 - VALVE NUMBER
 - FIRE HYDRANT NUMBER
 - NUMBER OF PORTS
 - SPECIAL CONNECTION # (2004 NOTEBOOK)
 - APPROXIMATE WATER METER LOCATION
 - PROPERTY SERVED BY "OUTSIDE-CITY-LIMITS" WATER SERVICE

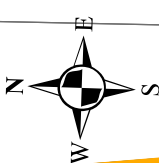
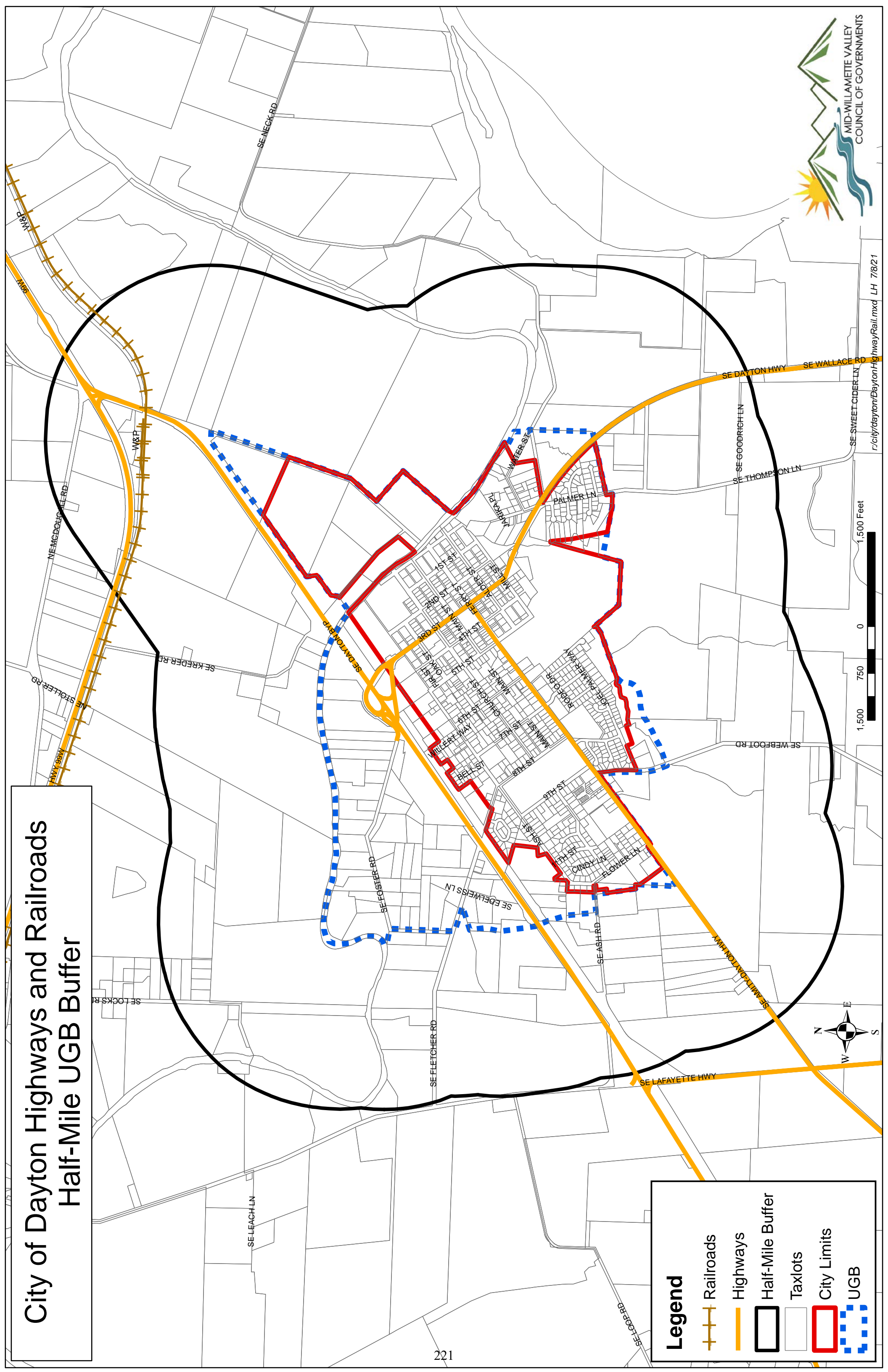
NOTE: MAPS ARE SCHEMATIC UTILITY MAPS AND DO NOT SHOW EXACT LOCATIONS OF UTILITIES FIELD DESIGN OR CONSTRUCTION.

TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.



VERIFY GRAPHIC SCALE. MAPS MAY NOT BE PLOTTED TO SCALE SHOWN.

City of Dayton Highways and Railroads Half-Mile UGB Buffer







Legend	
Railroads	Highways
Half-Mile Buffer	Taxlots
City Limits	UGB















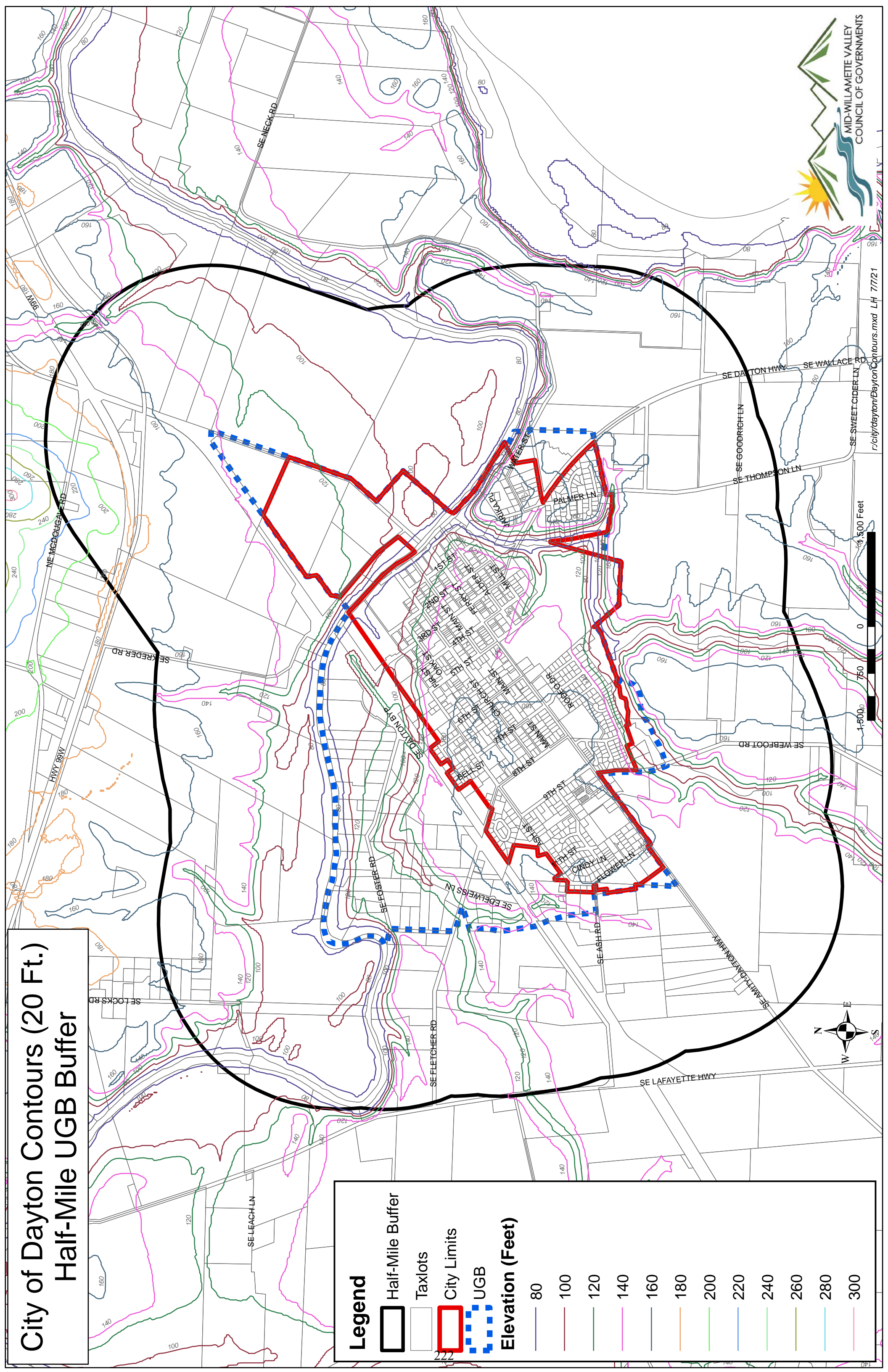
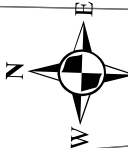
City of Dayton Contours (20 Ft.) Half-Mile UGB Buffer

Legend

-  Half-Mile Buffer
-  Taxlots
-  City Limits
-  UGB

Elevation (Feet)

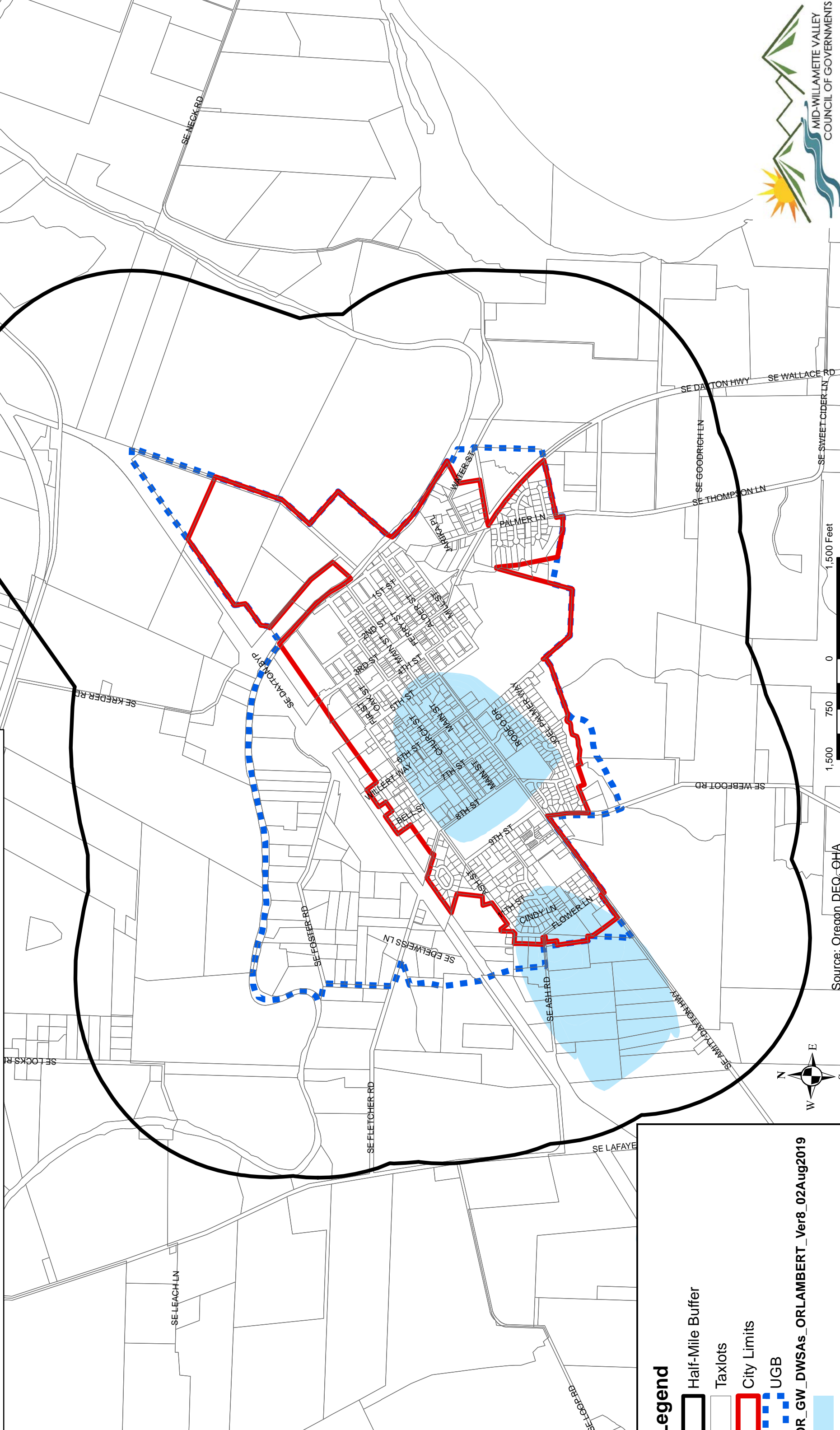
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-  280
-  300



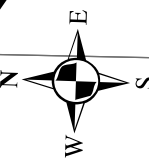
City of Dayton Drinking Water From Ground Water Half-Mile UGB Buffer



r:\city\dayton\Dayton Groundwater.mxd LH 7/9/21



Source: Oregon DEQ, OHA








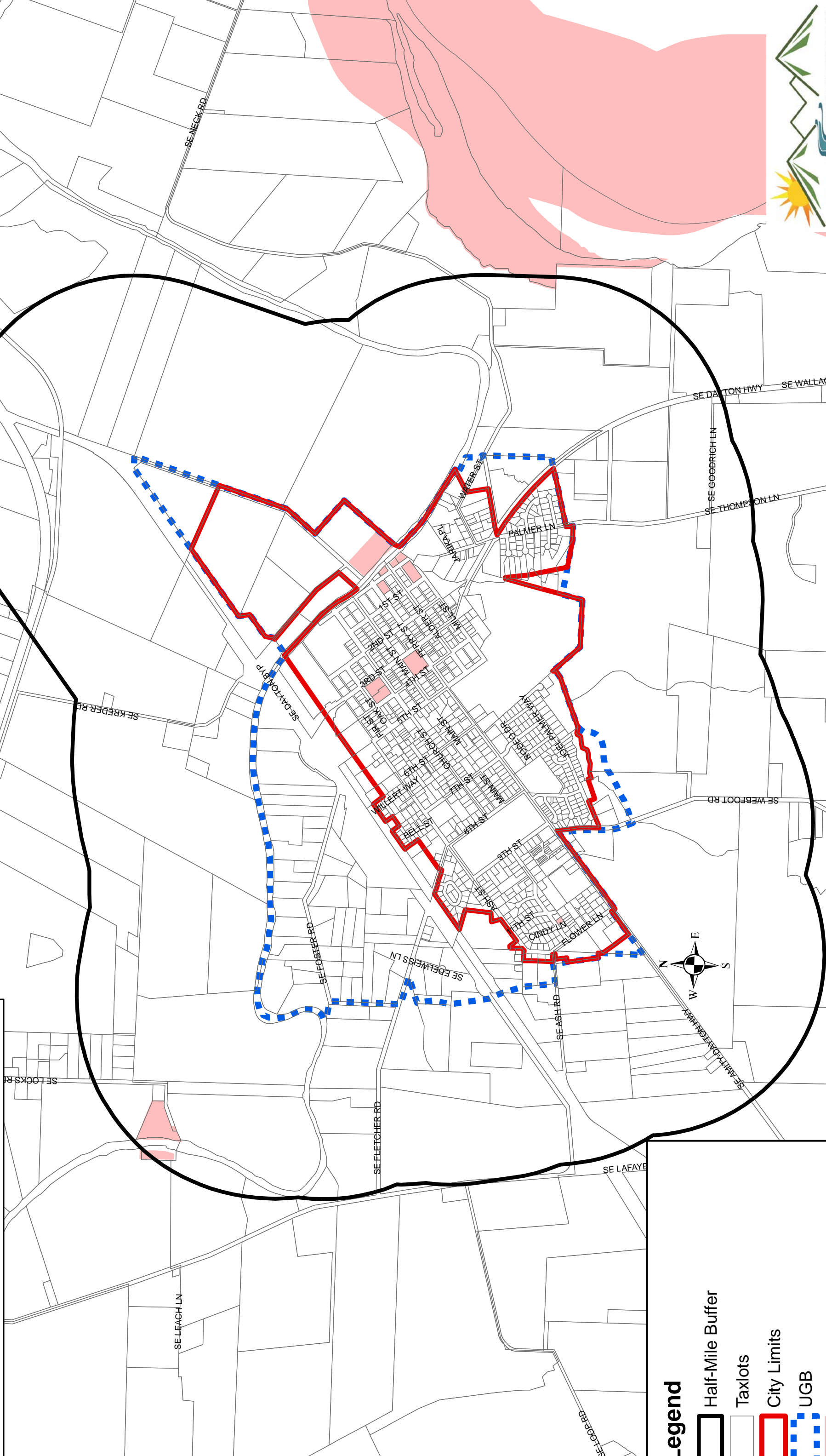
Legend

- Half-Mile Buffer
- Taxlots
- City Limits
- UGB
- OR_GW_DWSAs_ORLAMBERT_Ver8_02Aug2019

City of Dayton Protected Areas Half-Mile UGB Buffer

Legend

-  Half-Mile Buffer
-  Taxlots
-  City Limits
-  UGB
-  USGS Protected Areas (PAD-US)













Source: U.S. Geological Survey Gap Analysis Project (GAP), Sept. 2018, Protected Areas Database of the United States (PADUS), Version 2.0 Combined Feature Class
r:/city/daytom/DaytonNaturalAreas.mxd LH 7/9/21

City of Dayton Landslide Areas Half-Mile UGB Buffer



Legend

-  Half-Mile Buffer
-  Taxlots
-  City Limits
-  UGB
-  Historic Landslide Records (points)
-  Scarp
-  Head Scarp
- Deposits**
- DESCRIPTION**
-  Talus-Colluvium
-  Fan
-  Landslide

Source: Oregon Landslide Information Database (SLIDO)





Contents

-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if protected from flooding or not frequently flooded during the growing

City of Dayton Slope Half-Mile UGB Buffer



City of Dayton Slope Map UGB Buffer
 7/2021
 1:500 Feet

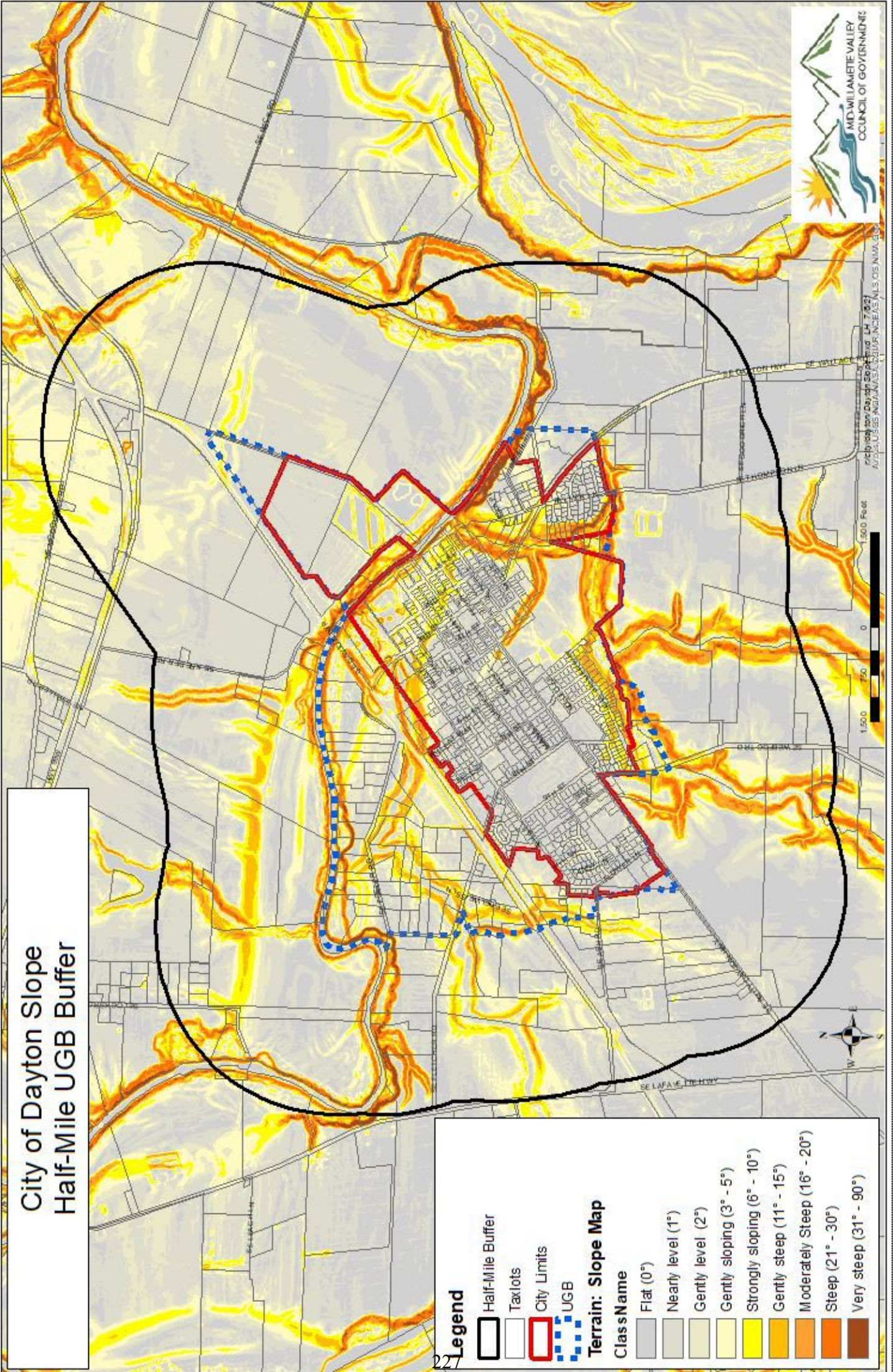


Legend

- Half-Mile Buffer
- Taxlots
- City Limits
- UGB





Terrain: Slope Map

Class Name	Color
Flat (0°)	Lightest gray
Nearly level (1°)	Light gray
Gently level (2°)	Light tan
Gently sloping (3° - 5°)	Light yellow
Strongly sloping (6° - 10°)	Yellow
Gently steep (11° - 15°)	Orange-yellow
Moderately steep (16° - 20°)	Orange
Steep (21° - 30°)	Dark orange
Very steep (31° - 90°)	Dark brown






















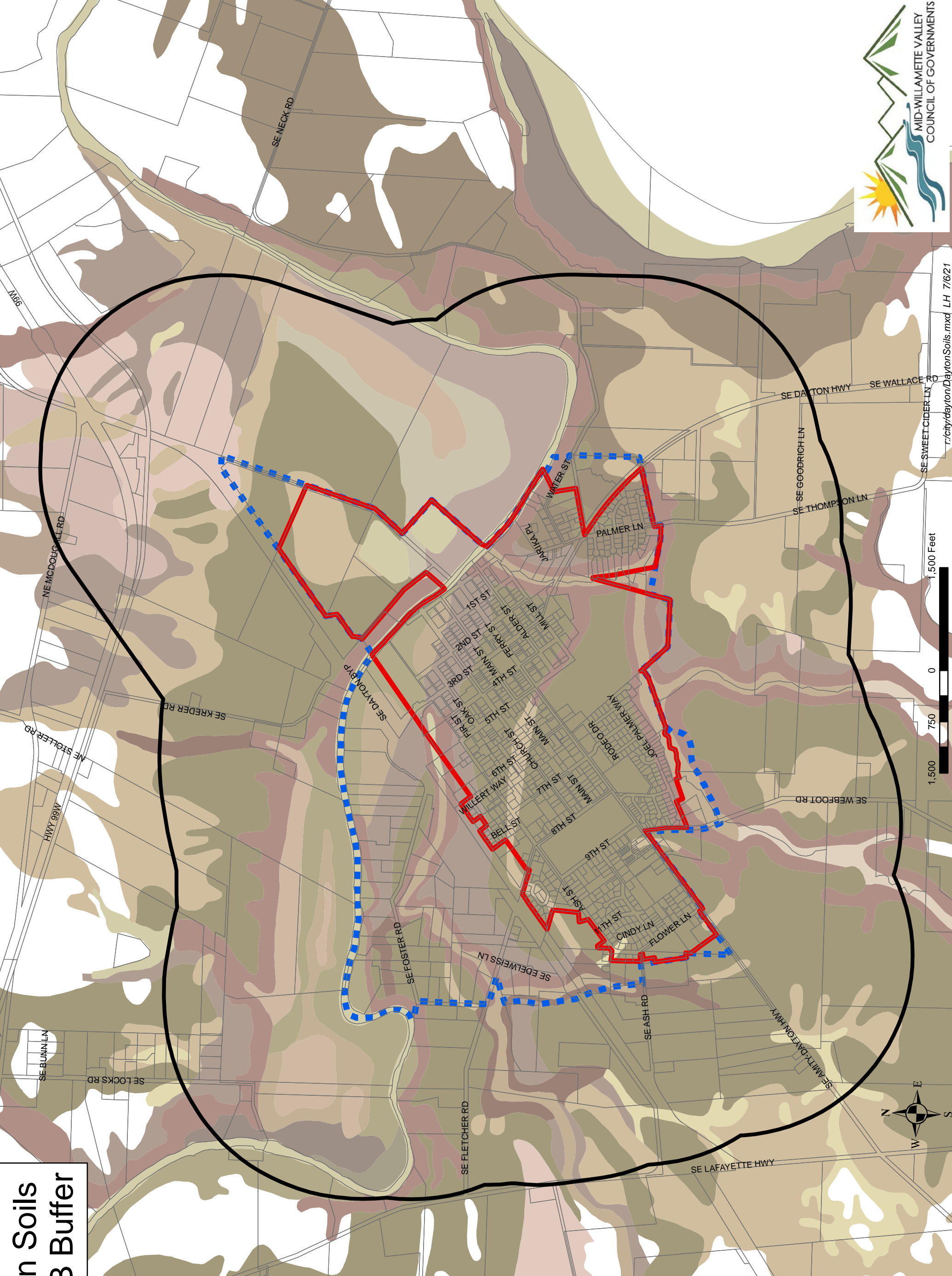
City of Dayton Soils Half-Mile UGB Buffer

Legend

-  Half-Mile Buffer
-  Taxlots
-  City Limits
-  UGB

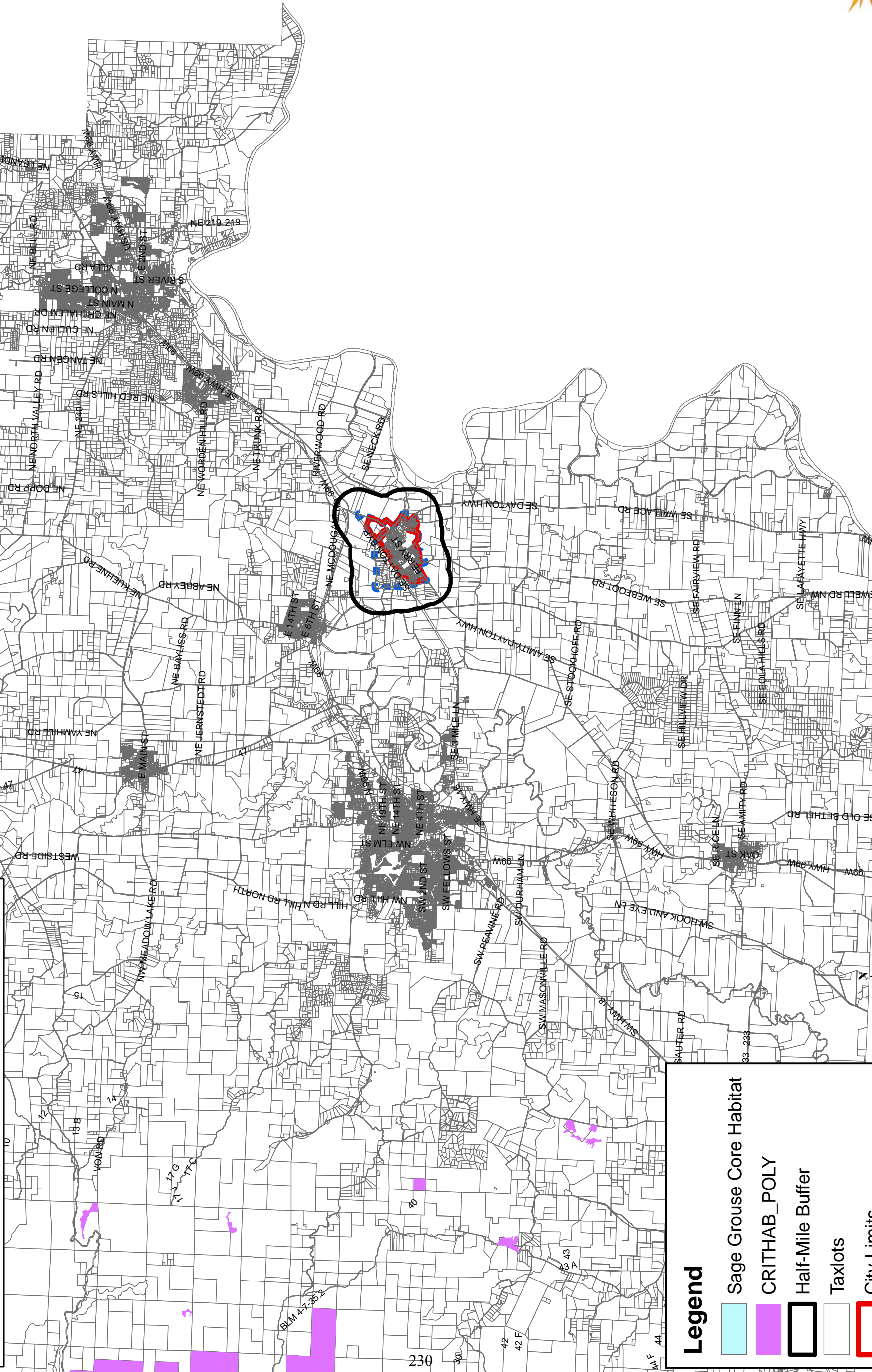
Soils

	2002A
	2007A
	2009A
	2012A
	2013A
	2015A
	2041A
	2042A
	2300A
	2301A
	2304C
	2306A
	2309A
	2310A
	2310C
	2310D
	2310F
	2711D
	W



r:/city/dayton/DaytonSoils.mxd LH 7/6/21

City of Dayton Critical Habitat Half-Mile UGB Buffer



Legend

- Sage Grouse Core Habitat
- CRITHAB_POLY
- Half-Mile Buffer
- Taxlots
- City Limits
- UGB



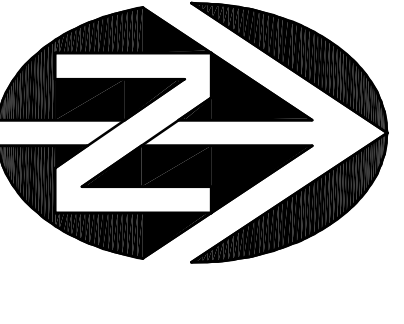
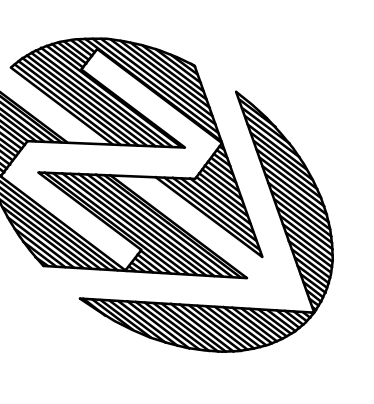
**OPTION (A) = EXTG UGB NORTH OF HWY 18
 OPTION (B) = UGB LAND SWAP, WEST OF FLOWER LANE**

- PIPE MATERIALS**
- CR - CONCRETE (RUBBER GASKET JOINT)
 - CM - CONCRETE (MORTAR JOINT)
 - AC - ASBESTOS CEMENT
 - PVC - POLYVINYL CHLORIDE
 - DI - DUCTILE IRON
 - CI - CAST IRON

LEGEND

- SANITARY SEWER LINE
- PIPE DIAMETER
- PIPE MATERIAL
- MANHOLE
- MANHOLE NO.
- MANHOLE BARREL DIAMETER
- NOT FIELD VERIFIED
- MAINLINE CLEANOUT
- CLEANOUT NO.
- SEWER PUMP STATION
- APPROXIMATE SEWER SERVICE LOCATION (V=verified)
 (Lots w/out mark are unknown or not yet mapped)
- SEWER BASIN BOUNDARY

TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

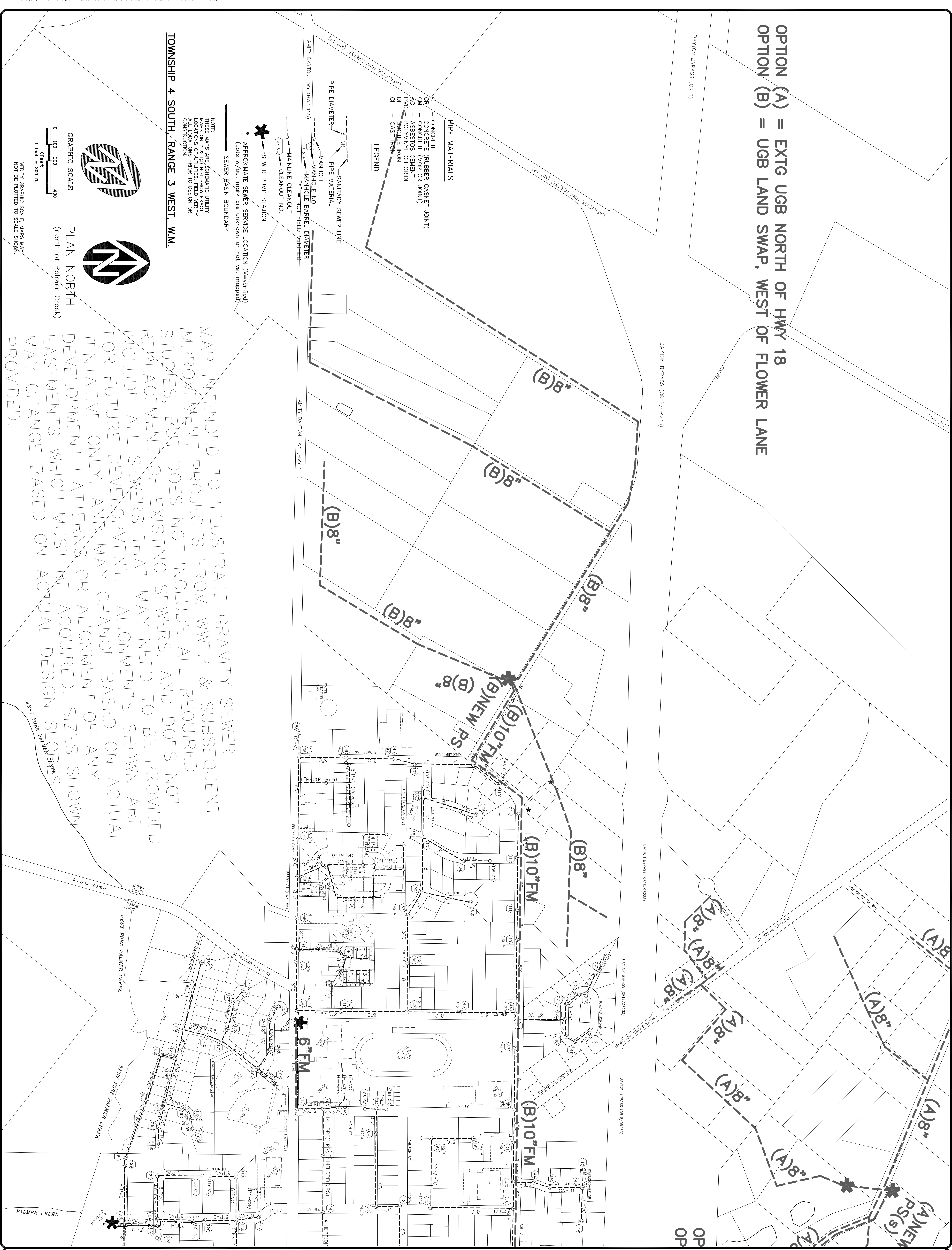


GRAPHIC SCALE
 0 100 200 400
 (feet)
 1 inch = 200 ft

PLAN NORTH
 (north of Palmer Creek)

VERIFY GRAPHIC SCALE, MAPS MAY NOT BE FLOTTED TO SCALE SHOWN

MAP INTENDED TO ILLUSTRATE GRAVITY SEWER IMPROVEMENT PROJECTS FROM WWFP & SUBSEQUENT STUDIES, BUT DOES NOT INCLUDE ALL REQUIRED REPLACEMENT OF EXISTING SEWERS, AND DOES NOT INCLUDE ALL SEWERS THAT MAY NEED TO BE PROVIDED FOR FUTURE DEVELOPMENT. ALIGNMENTS SHOWN ARE TENTATIVE ONLY, AND MAY CHANGE BASED ON ACTUAL DEVELOPMENT PATTERNS OR ALIGNMENT OF ANY EASEMENTS WHICH MUST BE ACQUIRED. SIZES SHOWN MAY CHANGE BASED ON ACTUAL DESIGN SLOPES PROVIDED.



SHEET 1 OF 1 JOB NUMBER 2609.1016.0	CITY OF DAYTON, OREGON UGB LAND SWAP, FUTURE SEWER MAIN MAP (BASED ON 2012 WWFP & SUBSEQUENT STUDIES) (NOT ALL LINES SHOWN)	 WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com	MAP UPDATED: 2-29-2017	SCALE VERIFY SCALE HORIZ: 1" = 100' VERT: 1" = 10' IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY												
NO.	DATE	DESCRIPTION	BY																		

Dayton UGB Swap- Yamhill County Criteria

I. An Urban Growth Boundary (UGB) amendment requires the City to submit a land use application to Yamhill County addressing the following criteria:

1. Applicable statutory provisions contained in ORS and OAR
2. Applicable goals and policies of the Yamhill County Comprehensive Plan
3. Criteria within the Dayton-Yamhill County UGB Agreement

II. Applicable statutory provisions contained in ORS and OAR

Findings: All applicable statutory provisions related to Urban Growth Boundary amendments are contained in the attached document, entitled "Exhibit A." Exhibit A provides detailed analysis of the applicable OARs in staff report form.

III. Applicable goals and policies of the Yamhill County Comprehensive Plan

The following goals and policies are applicable to the proposed UGB Swap Amendment:

- Section 1, Goal 1-

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

A. Yamhill County will, in cooperation with the cities and special districts of the county, encourage urban growth to take the form of a series of compact, balanced communities, each with its own business and community center and each related to industrial areas and other centers of employment.

Findings: Urban Growth is intended to be compact and allow easy access to business centers, including downtowns. The current City of Dayton Urban Growth Boundary extends north of Highway 18 bounded by the highway and the Yamhill River. Currently, the only access to the city's downtown and commercial center is via car, limiting the ability of residents to easily and safely utilize the benefits of Dayton's downtown core. Additionally, the majority of parcels to be removed as part of the UGB swap proposal contain development with large-lot rural residential homes, minimizing the future development potential. The area proposed to be added has a higher calculated development capacity despite its geographic area being approximately 60 acres less than the area to be removed.

B. Yamhill County will cooperate and coordinate with each of the cities in the development of urban growth boundaries and will adopt an urban area growth management agreement with each city which outlines a growth management plan for unincorporated areas within the boundary and the means by which the boundary can be modified.

Findings: Staff have addressed the criteria found in the UGA in Section VII of the attached Exhibit A.

C. Yamhill County will recognize the lands within established urban growth boundaries as the appropriate and desired location for urban development.

Findings: The impetus for the proposed UGB amendment is to allow the City of Dayton to provide development opportunities in an area that encourages compact development, has existing or easily created bike and pedestrian access, has minimal natural barriers to development, and allows for the extension of utilities in a cost-efficient manner. As discussed above, the area identified to be added to the UGB allows for a compact development pattern while mitigating transportation concerns and utility costs. Its location along Ash Street allow for easy access to Dayton’s downtown, schools, and parks, and moves potential urban development South of Highway 18 to provide for a more cohesive urban form. The area to removed from the UGB is more inline with typical rural residential development, allowing for the development of large-lot, low-density residential uses with associated farm uses as needed.

D. Yamhill County will coordinate with the City of Newberg to adopt an Urban Reserve Area (URA). The URA identifies high priority lands to include with the Newberg UGB to meet long-term urban growth needs to the year 2030. Interim rural development within the Urban Reserve Area will be regulated with tools such as corridor plans, shadow plats, clustering and redevelopment plans to ensure that long term options for urban development are protected. (Ord. 596)

Findings: This policy does not apply as Newberg is not the local jurisdiction in question.

- Section 1, Goal 2-

To encourage the containment of urban services and facilities and other public capital improvements within existing urbanizing areas in order to achieve an orderly pattern of urban growth.

A. Yamhill County will continue to seek full cooperation and coordination among the cities, the school districts, other special-purpose districts of the county and the county itself in jointly planning and programming all land use, urban services and facilities and other public improvements having an impact on the rate and direction of urban growth.

Findings: City staff have engaged ODOT, Yamhill County, the City Engineer, and DSL during the technical advisory committee phase of the project. Notice will be provided to the school district and other relevant public and private agencies at the time of public hearing. Extensive findings regarding public facilities and infrastructure are contained within Exhibit A and include input from the City Engineer and ODOT.

B. Yamhill County will seek to establish a general commitment by all providers of urban services that no subdivision of lands in designated urban areas on the Plan Map will be permitted without the provision of urban services commensurate with the location, nature and scale of the proposed development, recognizing the overall capital program for community services and the ultimate net cost to the community of the services to be provided.

Findings: Any future annexation of any lands included in the UGB Swap proposal will include extensive evaluation of the ability to provide public facilities to development proposed to take place on said lands. There is not an annexation proposed as part of this proposal, nor is there a subdivision or other land use application included concurrent to the UGB amendment. There are no active annexation proposals on any parcels in the area proposed to be removed from the UGB.

C. Yamhill County will coordinate with the cities to ensure that rural residential development contiguous with urban growth boundaries does not restrict long-term options for urban expansion.

Findings: One of the primary motivators for the UGB swap amendment is to allow for the City to swap land with minimal development potential for an area with greater development potential. Staff acknowledge the need to communicate with the County regarding the area within the UGB and the City Limits boundary to ensure rural residential development contiguous to the City Limits allows for future residential development at the urban densities prescribed by the City Comprehensive Plan in order to limit the need for future UGB expansions.

- Section 1, Goal 3-

To create convenient and attractive residential neighborhoods which can be efficiently serviced with roads, utilities, schools, parks and commerce, and can take advantage of desirable physical features; and to give a satisfactory range of choice to the prospective householder through the imaginative use of a variety of design concepts.

A. Yamhill County will continue to recognize that the appropriate location of medium-density residential development is in areas having a full range of urban services and amenities within or immediately adjacent to central business districts; immediately adjacent to public traffic generators, such as schools, parks, hospitals, and regional or neighborhood shopping centers; or in selected small areas having unique scenic qualities and a location where community water supply and sewage-disposal systems, adequate access by way of a road of collector or higher status and other urban services necessary to meet the needs of the intended residents can and will be provided.

Findings: The proposed area to be added to the UGB will be designated as “R” on the Dayton Comprehensive Plan Map, but is designated as a combination of AF-10 (between Ash St. and Dayton-Amity Hwy.) and VLDR-1 (North of Ash St.). Staff finds that higher density development on lands under County jurisdiction is appropriate within the area to be added should it be proposed. Any future annexations will be required to connect to City utilities in compliance with the Dayton Land Use and Development Code. Expansion of public facilities will be necessitated by future urban development in the area. Comments are discussed extensively in Exhibit A.

B. Yamhill County will continue to recognize that the appropriate location of lowdensity residential development is in areas where adequate access and services to satisfy the scale of ultimate development can and will be provided. Such areas would generally be within, or contiguous with, existing urban centers, but may also be in selected small areas having unique scenic qualities or, where the need may be demonstrated, in selected outlying areas of varying size having appropriate site qualities and other supporting services.

Findings: The majority of the residential land to be removed from the UGB falls into the low-density residential classification described under Criterion B. Staff finds that LDR land currently under County jurisdiction would be best suited remaining within the County, hence one of the benefits of the proposed UGB swap amendment.

***Sections B and C of the Urban Growth and Change and Economic Development are not applicable to this application as they refer directly to lands not within the UGB.**

- Section 2, Goal A

A. Yamhill County will provide for the preservation of farm lands through appropriate zoning, recognizing comparative economic returns to agriculture and alternative uses, changing ownership patterns and management practices, changing market conditions for agricultural produce, and various public financial incentives.

Findings: There are approximately 25 acres of farmland (EF-80) included in the proposed UGB Swap. Approximately 22.5 acres of the land is owned by ODOT, who has indicated no plans for future development. While this is within the UGB and therefore technically just a “placeholder” zone, the proposed UGB Swap would remove the farmland from the UGB, allowing for the EF-80 land to be utilized for farm uses as possible.

H. No proposed rural area development shall substantially impair or conflict with the use of farm or forest land, or be justified solely or even primarily on the argument that the land is unsuitable for farming or forestry or, due to ownership, is not currently part of an economic farming or forestry enterprise.

Findings: The area to be swapped out is comprised of marginal and rural residential lands. Any farm uses present shall continue until a potential annexation. At that time, staff have identified that urban uses will not conflict with any surrounding farm uses, and that any potential interference will be considered under the terms of a future development.

-Section 3, Goal A-

D. Yamhill County will, in cooperation with the State Highway Division and the cities of the county, establish a comprehensive list of recommended road improvements throughout the county, establish a suitable review mechanism for arriving at and amending priorities on a continuing basis and work towards the creation of an on-going capital improvement program closely coordinated with all agencies of government responsible, including cities for road location, construction, finance and maintenance.

Findings: Should the UGB swap be approved, future annexation and subsequent development shall be subject to the development standards of the City of Dayton and applicable jurisdiction. Ash Road (Yamhill County Jurisdiction) and Dayton-Amity Hwy. (ODOT jurisdiction) will likely require improvements concurrent with future development. The City will involve Yamhill County and ODOT in the development process as is typical with annexation and land use applications. Until a potential future annexation, streets will continue to be subject to existing regulations.

- Section 4, Goal A -

A. Yamhill County will coordinate with the cities within its jurisdiction to provide an orderly phasing of water, sanitary sewerage, storm drainage and other public services and facilities within the urban growth boundaries.

Findings: Extensive findings from the City Engineer related to public facilities and transportation infrastructure are located in Exhibit A. Staff finds that the provision of urban services to the area to be

added is significantly more likely due to the ability of the proposed area to be added to fund needed water and sewer extensions. The current area within the UGB does not have the development capacity or urban form to support the funding of the extension of services across Hwy. 18. The rectilinear shape of the area to be added yields itself to a road system to service future residential development and the City will coordinate with potential developers, ODOT, and Yamhill County with regards to road improvements.

B. Public facilities and services for rural areas will be provided and maintained at levels appropriate for rural use only.

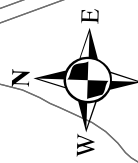
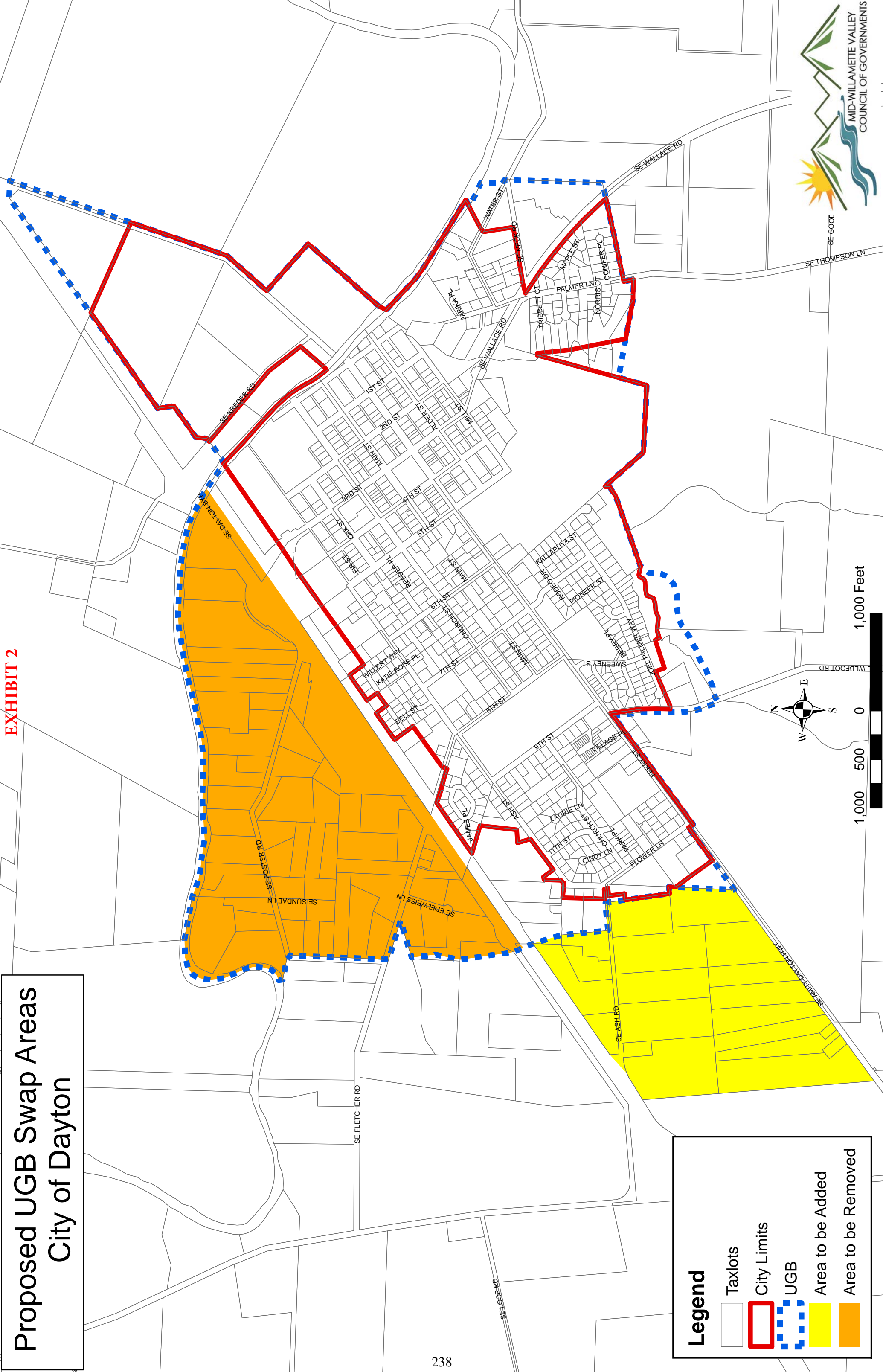
Findings: Public facilities within the County will be maintained under County regulations until a potential future annexation and subsequent development.

IV. Criteria within the Dayton-Yamhill County UGB Agreement

Findings: Criteria within the UGA are located in Exhibit A, attached. Findings related to the Yamhill County Comprehensive Plan are located above. City Staff assume that the County Planning Department will make additional findings of compliance relating to Comprehensive Plan Criteria.

EXHIBIT 2

**Proposed UGB Swap Areas
City of Dayton**



Legend

- Taxlots
- City Limits
- UGB
- Area to be Added
- Area to be Removed

DAYTON COMPREHENSIVE PLAN

Goals

1. To provide for an orderly and efficient transition from rural to urban land use.
2. To ensure a compact urban growth pattern.
- 3. To recognize the importance of the adjacent farmland and the rural farm community to the local economy and larger Dayton and Yamhill County Community.*

Policies

1. The City shall define a growth policy consistent with population projections and expectations and identify possible future development areas on the Plan map.
2. The City shall encourage the availability of sufficient land for various urban uses to ensure choices in the market place.
3. The City shall efficiently utilize existing facilities and services by permitting infilling of existing, substandard residential lots.
4. Methods and devices the City shall consider for guiding urban land uses include the multiple use and joint development practices and capital improvement programming.
5. The City and Yamhill County shall mutually adopt an urban growth boundary management agreement for the purpose of guiding urbanization for those County lands located inside the boundary.
6. Change of the urban growth boundary shall be based upon consideration of the following factors:
 - a. Demonstrated need to accommodate large range urban growth requirements;
 - b. Need for housing, employment opportunities and livability;
 - c. Orderly and economic provision of public facilities and services;
 - d. Maximum efficiency of land uses within and on the fringe of the existing urban area;
 - e. Retention of agricultural land until needed for development;
 - f. Environmental, energy, economic and social consequences; and
 - g. Compatibility between the proposed urban uses and nearby agricultural activities. *The City of Dayton shall consider the impact on farmland in any decisions regarding and alteration or expansion of the Urban Growth Boundary.*
 - h. The City of Dayton shall require buffers for new urban development adjacent (including land across public or private right-of-ways) to land designated by Yamhill County as Exclusive Farm Use to mitigate potential conflicts with farm uses. The City shall also require a deed statement*

recognizing that farm uses shall not be forced to change practices due to the presence of urban uses consistent with ORS 30.390. Zoning Ordinance amendments implementing this policy will be adopted before any affected land is annexed into the City.

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: First Reading and Adoption of Ordinance 654 – Amending Chapters 2 and 3 of the Dayton Municipal Code
Date: June 21, 2022

History/Background

At the March 21, 2022, City Council Work Session, and the June 6th City Council Regular Session, staff provided requested research regarding amending the Dayton Municipal code to allow alcohol to be served in public places. Council consensus was to update Section 2.15 using the Independence, Oregon’s language. And to remove the word “non-alcoholic” from section 3.11 definitions for Food Truck and Food Carts. The amended language is attached.

Per the Dayton City Charter, an Ordinance can be adopted in one meeting if the Ordinance has been available for viewing at least one week in advance of the meeting, that the vote is unanimous, and that an emergency clause is included in the Ordinance. All of these requirements have been completed.

City Manager Recommendation: I recommend approving the first reading and adoption of Ordinance 654.

Potential Motion to Approve the 1st Reading: “I move to approve the first reading of Ordinance 654 an Ordinance of the Dayton City Council Amending Dayton Municipal Code Chapter 2 Regarding Drinking in Public Places and Chapter 3 Regarding Definitions of Food Trucks and Push Carts and Declaring an Emergency.”

Potential Motion to Adopt Ordinance 654: “I move to adopt Ordinance 654 an Ordinance of the Dayton City Council Amending Dayton Municipal Code Chapter 2 Regarding Drinking in Public Places and Chapter 3 Regarding Definitions of Food Trucks and Push Carts and Declaring an Emergency.”

City Council Options:

- 1 – Approve the 2nd Reading and Adopt Ordinance 654 as recommended.
- 2 – Approve the 2nd Reading of and Adopt Ordinance 654 with amendments.
- 3 –Take no action and ask staff to do more research and bring further options back to the City Council.

CHAPTER TWO

2.15 Drinking In Public Places

~~It is unlawful for any person to drink alcoholic liquor upon any street, sidewalk, or other public right of way. It is unlawful for any person to have in his or her possession while upon any street, sidewalk, or other public right of way any bottle, can or other receptacle containing any alcoholic liquor which has been opened or seal broken or the contents of which have been partially removed.~~

Violation of this provision of the Dayton Municipal Code is a Class B violation.

Chapter 2 Amended Text:

2.15 Open Containers of Alcoholic Beverages in Public Places Prohibited.

- A. No person shall drink or consume any alcoholic beverages in or upon any street, sidewalk, alley, public grounds or other public place unless such place has been licensed for that purpose by the State Liquor Control Commission.
- B. No person shall possess any open container of alcoholic beverages in or upon any street, sidewalk, alley, public grounds or other public place unless such place has been licensed for that purpose by the State Liquor Control Commission.
- C. Definitions. The term "public place," for the purpose of this section, includes schools, places of amusement, parks, playgrounds, parking lots and premises used in connection with public passenger transportation.
- D. Violation of this provision of the Dayton Municipal Code is a Class B violation.

CHAPTER THREE

3.11.1 Definitions

When not clearly otherwise indicated by the context, the following words and phrases used in this section have the following meanings:

A. “Food Truck” means the sale of food and/or ~~non-alcoholic~~ beverages from a mobile unit, which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food, or trucks or vans of sufficient size to properly prepare food with a service window from which to serve food. This definition does not include outdoor barbecue grills, street vendors, or push carts. Exceptions include:

1. Residential lemonade stands and similar short-term sales.
2. Food or beverage services associated with private parties on private property where the general public is not invited.

B. “Push Cart” means the sale of food and/or ~~non-alcoholic~~ beverages from a cart pushed or moved by hand, dolly or other manual method, which is used for the purpose of transporting, preparing, processing or converting food for immediate consumption as a walk-up service.

**ORDINANCE NO. 654
CITY OF DAYTON, OREGON**

AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING DAYTON MUNICIPAL CODE CHAPTER 2 REGARDING DRINKING IN PUBLIC PLACES AND CHAPTER 3 REGARDING DEFINITIONS OF FOOD TRUCKS AND PUSH CARTS AND DECLARING AN EMERGENCY

WHEREAS, on March 21, and June 6, 2022, the City Council considered the information provided by staff in a public meeting and deliberated on the proposed action; and

WHEREAS, local business owners with sidewalk cafes have requested the ability to serve alcohol if permitted or licensed by the State Liquor Control Commission; and

WHEREAS, the City Council reviews all liquor license applications within the City's limits before licenses are issued by the State Liquor Control Commission; and

WHEREAS, the current economic downturn has made it difficult for local businesses and supporting their success is a concern of the Dayton City Council; and

WHEREAS, the City Charter under Chapter IV allows for the adoption of an Ordinance at a single meeting by unanimous approval if the proposed Ordinance is available in writing to the public at least one week before the meeting; and

WHEREAS, three copies of the Ordinance were available for public inspection in the office of the City Recorder starting on June 14, 2022; and

WHEREAS, a public hearing was held on June 21, 2022, allowing for public input; and

WHEREAS, the City desires that these changes go into effect immediately to allow local businesses, who satisfy the permitting and licensing requirements of the State Liquor Control Commission, to provide an additional service to their customers during the summer of 2022.

NOW, THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts Ordinance 654 with an effective date of June 21, 2022; and

Section 2. The City Council adopts the amendments to Chapters 2 of the Dayton Municipal Code attached as Exhibit A and incorporated by reference herein.

Section 3. The City Council adopts the amendments to Chapters 3 of the Dayton Municipal Code attached as Exhibit B and incorporated by reference herein.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 21st day of June 2022.

Mode of Enactment:

Date of first reading: _____ In full _____ or by title only _____

Date of second reading: _____ In full _____ or by title only _____

____ No Council member present at the meeting requested that the ordinance be read in full.

X A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

Mayor Elizabeth Wytoski

ATTEST

Patty Ringnalda, City Recorder

EXHIBIT A

CHAPTER TWO

2.15 Open Containers of Alcoholic Beverages in Public Places Prohibited.

- A. No person shall drink or consume any alcoholic beverages in or upon any street, sidewalk, alley, public grounds or other public place unless such place has been licensed for that purpose by the State Liquor Control Commission.
- B. No person shall possess any open container of alcoholic beverages in or upon any street, sidewalk, alley, public grounds or other public place unless such place has been licensed for that purpose by the State Liquor Control Commission.
- C. Definitions. The term "public place," for the purpose of this section, includes schools, places of amusement, parks, playgrounds, parking lots and premises used in connection with public passenger transportation.
- D. Violation of this provision of the Dayton Municipal Code is a Class B violation.

EXHIBIT B

CHAPTER THREE

3.11.1 Definitions

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A. “Food Truck” means the sale of food and/or beverages from a mobile unit, which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food, or trucks or vans of sufficient size to properly prepare food with a service window from which to serve food. This definition does not include outdoor barbecue grills, street vendors, or push carts. Exceptions include:

1. Residential lemonade stands and similar short-term sales.
2. Food or beverage services associated with private parties on private property where the general public is not invited.

B. “Push Cart” means the sale of food and/or beverages from a cart pushed or moved by hand, dolly or other manual method, which is used for the purpose of transporting, preparing, processing or converting food for immediate consumption as a walk-up service.



hagan hamilton

INSURANCE SOLUTIONS

June 8, 2022

Dayton City Councilors
Mayor Beth Wytoski
Rochelle Roaden, City Manager
PO Box 339
Dayton OR 97114

Re: Insurance Programs Stewardship Report
July 1, 2022 – June 30, 2023

I would like to thank you for your continued support of Hagan Hamilton as your Agent of Record for the insurance programs. Effective July 1, 2022 the following lines of coverage will be renewed for the City of Dayton:

- PROPERTY/LIABILITY (CIS)
- AUTO (CIS)
- MECHANICAL BREAKDOWN (CIS)
- WORKERS COMPENSATION (SAIF)

The proposed annual contribution for the CityCounty Insurance Services (CIS) Package is \$52,016 which represents a \$8,221 increase over the prior year contribution of \$43,795. This renewal premium includes property value increases of 2% combined with CIS member increase on property insurance rates of 18%. Property insurance premiums have increased significantly due to significant property destruction from wildfires worldwide, over the past 3 years.


Your SAIF workers compensation renewal of \$9,485 is an increase of \$2,000 from your 2021 premium of \$7,485. This higher premium reflects a 14% increase of projected payroll for the next budget year and a slight increase of your experience modification factor, from 1.44 to 1.45. It is important to reverse this trend as it benefits the City in many ways to maintain a safe work environment, which is reflected in the experience modification factor.

CIS continues to be the best option for cities, counties, and other qualified government entities in Oregon. They have worked hard to improve their risk management and legal services while maintaining competitive pricing and comprehensive coverage for the members. Thank you again for your support of me and Hagan Hamilton.

Best Regards,

Gary E. Eastlund CIC ARM CRM
Risk Management Consultant



The page is framed by a decorative border with a stylized American flag motif. The top and bottom borders feature a row of white stars on a dark blue background. The left and right borders consist of vertical stripes of red and white, with a dark blue background at the bottom. The central text is enclosed in a white rectangular box with a thin black border.

Please join us for an open house in
honor of Brian Van Bergen
as he embarks on a
New Adventure!

Hosted by:
Clerk's Office

When:
Thursday, June 30, 2022
2:30 p.m. – 5:30 p.m.

Where:
Clerk's Office
414 NE Evans St.,
McMinnville, OR 97128

Dayton's Old Timers Weekend Parade



PIRATES OF THE CARIBBEAN

Friday, July 29th

Starts at 6:00 PM

Staging area: Dayton HS Football field on 9th Street

Parade line Up begins at 4:30 pm with check in no later than 5:45 pm. To be including in the judging, please pre-register with City Hall.

Bike/Scooter/Wagon

Decorating—Junior High School parking lot from 4:00 -5:30 pm

Questions—contact Beth Wytoski at 503-434-3114 or beth.wytoski@gmail.com.



**Dayton Volunteer Firefighters
Association Chicken Dinner
Order Form**

Dinners include BBQ ¼ Chicken, Baked Beans, Potato Salad, Garlic Bread, and Pickles

When: Sunday, July 31, 2022, 11am-2pm
Where: Dayton City Park
Cost: \$15 per dinner



Ala Carte ½ Chicken = \$6

Reservations MUST be received by July 1, either online or returned to the Dayton Fire District Station #6 (500 7th Street, Dayton) by July 1. Cash, check, or Venmo will be accepted onsite.

Name: _____

Number of dinners: _____ x \$15 Total _____

Number of ½ chickens: _____ x \$6 Total _____

Questions? Email daytonfire@frontier.com. Checks should be made payable to Dayton Volunteer Firefighters Association



Western Oregon
UNIVERSITY

IN RECOGNITION OF THE SUCCESSFUL
COMPLETION OF THE FOLLOWING
PROFESSIONAL DEVELOPMENT WORKSHOP

JUSTICE, EQUITY, DIVERSITY, & INCLUSION 101 IN THE WORKPLACE

This certificate is presented to

CYNDI PARK

February 17 - April, 21 2022

Dr. Jaclyn Caires-Hurley
Instructor

Gregory M. Willeford
Instructor

Ariel Zimmer Suel
Instructor



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JOSH BILODEAU

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PATTY RINGNALDA

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Instructor

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This certificate is presented to

ROCHELLE ROADEN

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Instructor

Gregory M. Willeford
Instructor

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This certificate is presented to

STEVE SAGMILLER

February 17 - April, 21 2022

Dr. Jaclyn Caires-Hurley
Instructor

Gregory M. Willeford
Instructor

Ariel Zimmer Suel
Instructor