



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/22/2009

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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 002-09

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 04, 2009

This amendment was not submitted to DLCD for review prior to adoption Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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

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

Cc: Jessica Nunley, City of Newberg
Gloria Gardiner, DLCD Urban Planning Specialist

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MDR 2

DLCD

Notice of Adoption

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

In person electronic mailed

DEPT OF

APR 15 2009

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Newberg**

Local file number: **ZMA-08-003**

Date of Adoption: **4/6/2009**

Date Mailed: **4/13/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No**Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Zoning map amendment from R-2 (Medium Density Residential) to R-P (Residential Professional). No Comprehensive Plan amendment is necessary for the zoning map amendment as R-P is compatible with the existing MDR (Medium Density Residential) Comprehensive Plan designation. The zoning map amendment covers two adjacent parcels that are owned by the same entity. The sites contain a church & fellowship hall that are not used anymore, as well as a single family dwelling with a detached garage.

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

Plan Map Changed from:

to:

Zone Map Changed from: **R-2**

to: **R-P**

Location: **611 & 617 N Main Street**

Acres Involved: **0**

Specify Density: Previous: **8.8**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD FILE No. 002-09(17510)[15480]

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Local Contact: **Jessica Nunley**

Phone: **(503) 554-7744** Extension:

Address: **414 E First St**

Fax Number: **503-537-1272**

City: **Newberg**

Zip: **97132-**

E-mail Address:

jessica.nunley@ci.newberg.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax



ORDER No. 2009-0019

AN ORDER ADOPTING A ZONING DISTRICT CHANGE FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-P (RESIDENTIAL PROFESSIONAL) FOR TWO PROPERTIES LOCATED AT 611 & 617 N MAIN STREET; YAMHILL COUNTY TAX LOTS 3218DC-02501 & 3218DC-02600

RECITALS:

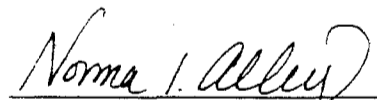
1. On March 12, 2009, the Newberg Planning Commission adopted Resolution No. 2009-264, recommending that the Newberg City Council approve the application of the Pamplin Foundation to change the zoning designation of two properties located at 611 & 617 N Main Street, tax lots 3218DC-02501 & 3218DC-02600, from R-2 (Medium Density Residential) to R-P (Residential Professional).
2. After proper notice, the Newberg City Council held a public hearing on April 6, 2009, to consider the request.
3. The City Council finds that the proposal is consistent with and promotes the goals and policies of the Comprehensive Plan and Development Code.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

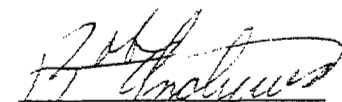
1. The amended Newberg zoning map, as described in Exhibit "C", is hereby adopted and by this reference incorporated to change the designation of Tax Lots 3218DC-02501 & 3218DC-02600 from R-2 (Medium Density Residential) to R-P (Residential Professional).
2. The findings is shown in Exhibit "B" is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: April 7, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of April, 2009.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 9th day of April, 2009.


Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through the Newberg Planning Commission at their 03/12/2009 meeting.

EXHIBIT A: LOCATION MAP

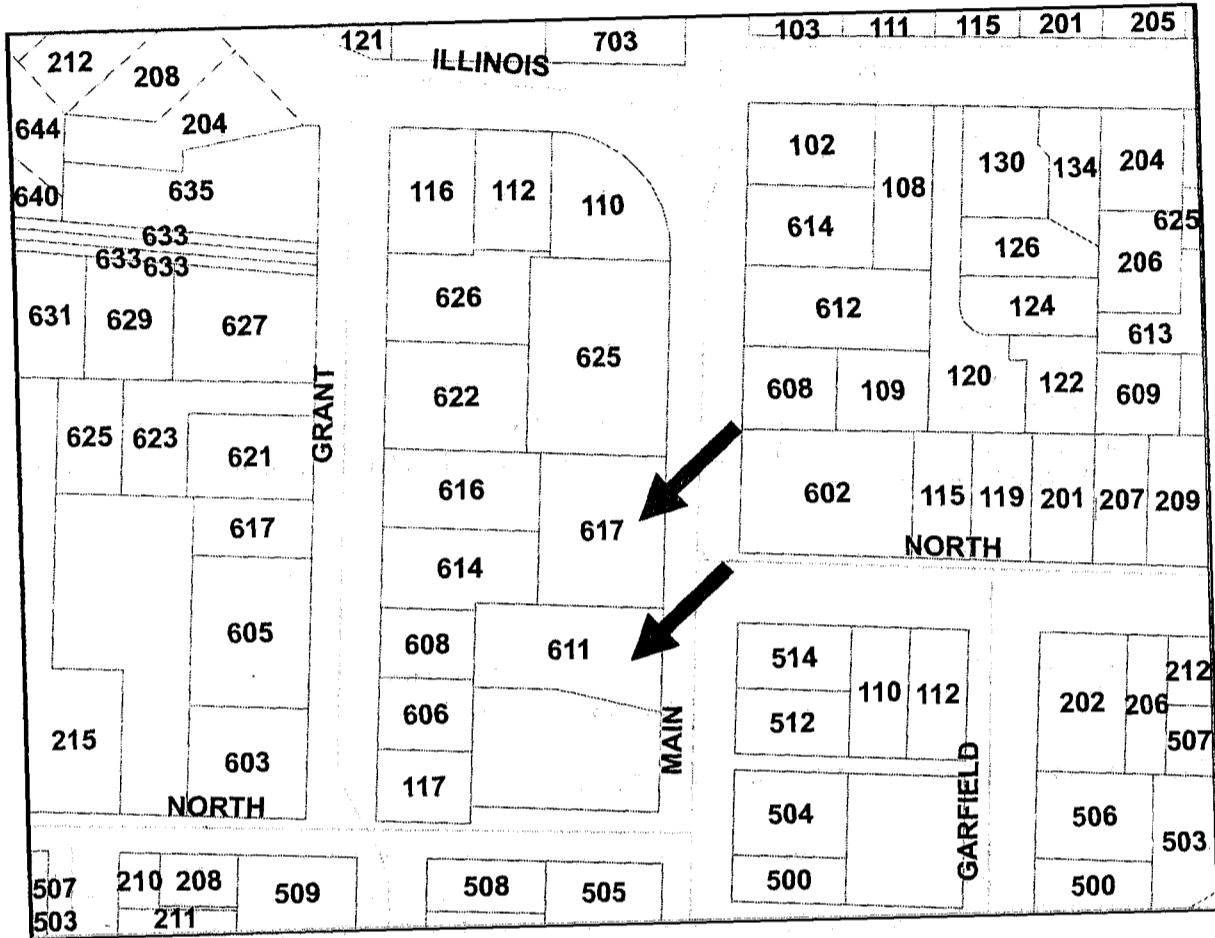


EXHIBIT B: DEVELOPMENT CODE CRITERIA & FINDINGS
ZMA-08-003
611 & 617 N Main Street

A. The proposed change is consistent with and promotes the objectives of the Newberg Comprehensive Plan and this Code.

Finding: The Comprehensive Plan does not have a specific category that describes the R-P zone when it describes the different land classifications. However, the Development Code describes the purpose of the R-P zone as follows:

“The R-P Residential-Professional District provides for a desirable mixing of residential land uses with professional office uses in possible close proximity to adjacent low density residential areas. The professional office building and parking coverage, traffic generation, open space and other external factors with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan. The R-P District is intended to be consistent with commercial or residential designations on the Newberg Comprehensive Plan. R-P Districts shall be located as to conform to goals and policies identified within the Newberg Comprehensive Plan and in areas which have a minimal impact on the livability or appropriate development of abutting property.”

The Comprehensive Plan also contains several policies applicable to this request. Those policies include the following:

H. The Economy

Policy 3.b. Adequate neighborhood commercial areas will be provided to serve localized needs.

J. Urban Design

Policy 3.d. Residents of the City should have access to neighborhood commercial facilities, and these uses should conform to the character of the area in which they are located.

The properties are currently designated as MDR (Medium Density Residential) on the Comprehensive Plan; therefore, they remain consistent with the objectives of the Comprehensive Plan whether they are zoned as R-P or R-2. The section of Main Street where the properties are located is classified as a minor arterial. Main Street has considerable traffic in that section, making these properties a natural fit for more of a professional type use as opposed to reverting to a single family type use. In addition, commercial and industrial uses start approximately one block south of these properties, making them an appropriate transition area for professional uses.

Many of the same uses are permitted in both zoning designations. The R-P zone additionally permits professional office uses as seen in the table below. In addition, the development standards for the two zones are very similar, with both having a 5,000 square foot minimum lot size requirement, the same lot coverage requirements for building and parking coverage, and the same maximum permitted height of 30 feet. The R-P zone has slightly more restrictive interior yard setbacks at 8 feet as compared to 5 feet for the R-2 zone. Any development within the R-P zone would also have to comply with all lighting regulations as well as landscaping and buffering regulations for any required onsite parking.

R-2 & R-P Permitted Uses

1. Bed and breakfast establishment (two or fewer guest sleeping rooms).
2. Churches.
3. Day nurseries.
4. Duplexes.
5. Group care homes.
6. Home occupations.
7. Manufactured homes on individual lots.
8. Multiple family dwelling.
9. Open space.
10. Private and public parks and playgrounds.
11. Public and semi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations and pump stations.
12. Single family dwellings.
13. Schools.
14. Transportation facilities and improvements.

Additionally Permitted Uses in R-P:

1. Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).
2. Clinics.
3. Dormitories.
4. General office use, provided that the use does not involve any retail activities.
5. Laboratories, biochemical and X-ray.
6. Offices for the following:
 - a. Accountants.
 - b. Attorneys.
 - c. Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.
 - d. Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.
 - e. Insurance brokers.
 - f. Lumber brokers.
 - g. Real estate sales.
 - h. Stockbrokers.
7. Planned unit developments.
8. Private and public community centers.
9. Private parking area as an accessory to a use already provided for within the R-P District.
10. Studios for the following:
 - a. Interior decorating
 - b. Photographers
 - c. Artists.

The character of the site is more suited to professional type uses due to its past use as a church facility and church-related uses. The majority of the site is already paved with parking spaces located at the rear of the two lots, behind the church and the dwelling. The dwelling has most recently been used as an office type building for the various church-related uses ongoing on the site. Because the site has been used for professional type uses associated with the church, it could easily be compatible to provide other professional office type uses on the same site. Both the Comprehensive Plan and Development Code reference compatibility with adjacent properties and this is achieved by the current buildings on the site. Any future development on the site would be required to go through a design review process and meet the same compatibility requirements.

B. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.

Finding: Water, sanitary sewer and storm drainage are available to support the uses allowed by the proposed changes. The City of Newberg provides police and fire protection to the site.

C. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

Finding: The proposed zone change is not expected to have any affect, either positive or negative, on the amount of traffic generated by this site. The R-P zone allows more types of uses than the R-2 zone allows, but those uses are not expected to generate more trips during the PM peak hour on Highway 99W than the previous use as a church/counseling facility and single family dwelling/food storage and distribution center. This proposal therefore will not significantly affect transportation facilities.

CONCLUSION: The proposed reclassification from R-2 to R-P meets the applicable criteria and is consistent with the Comprehensive Plan.

EXHIBIT C: LEGAL DESCRIPTION
ZMA-08-003

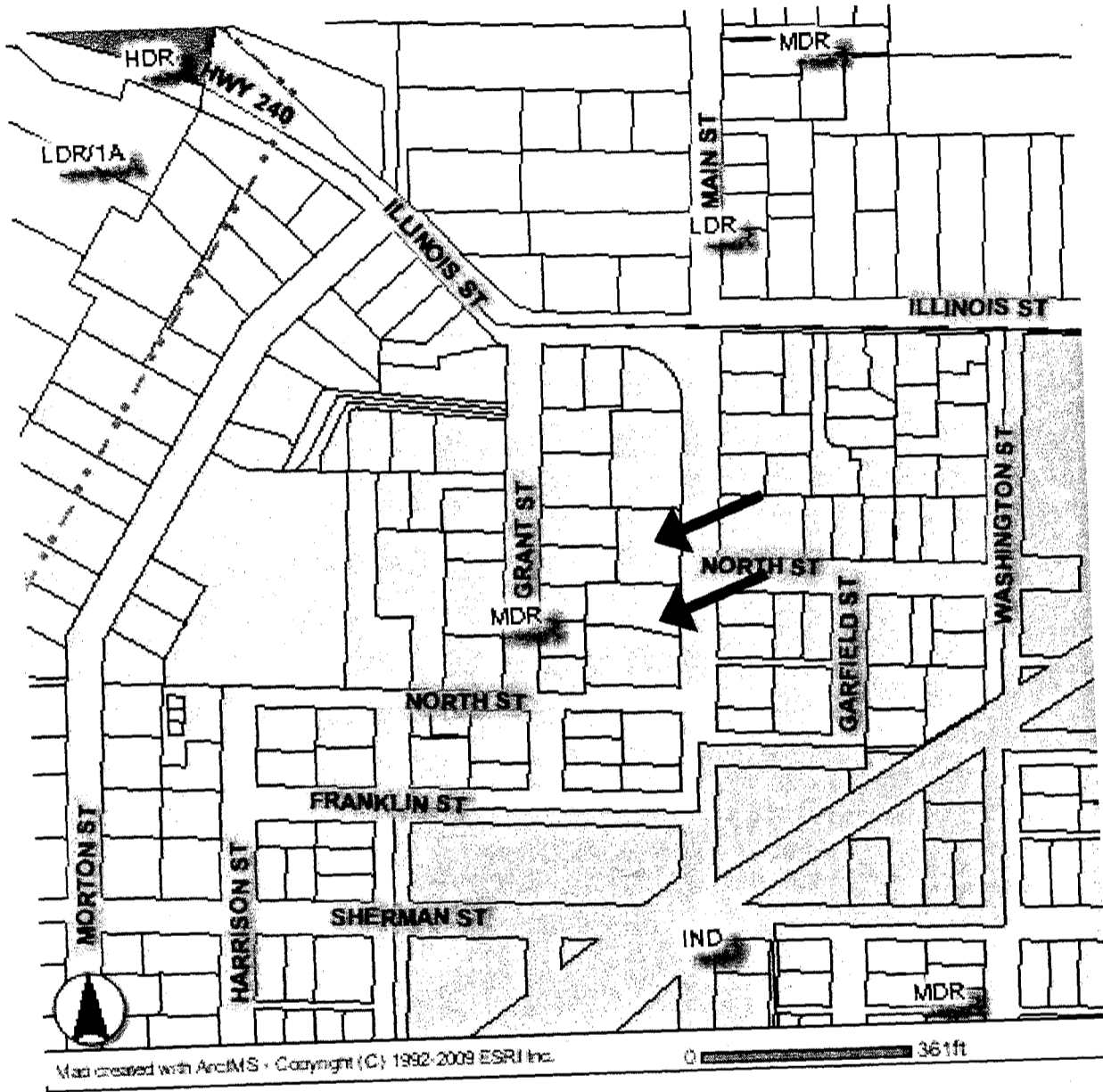
Parcel 1 – 611 N Main Street

Beginning at a point on the east line of Block 1, Ruddick and Woods Addition to the City of Newberg, in Yamhill County, Oregon, which point bears north 98.56 feet from the SE corner of Block 1, and then running N 78°28'40" W90.95 feet, then S89°48'15" W70.88 feet, then north 72.83 feet, then S89°14' E160.00, then south 88.61 feet to the place of beginning.

Parcel 2 – 617 N Main Street

Beginning at a point 29.5 feet south of the SE corner of Block 2 of Ruddick and Woods plat of the town of Newberg in Yamhill County, Oregon, then north to the NE corner of Lot 2 in said Block 2, then west 108 feet along the north line of Lots 2 and 5 of said Block 2, then south to a point 29.5 feet south of the south line of said Block 2, then east 108 feet to the place of the beginning.

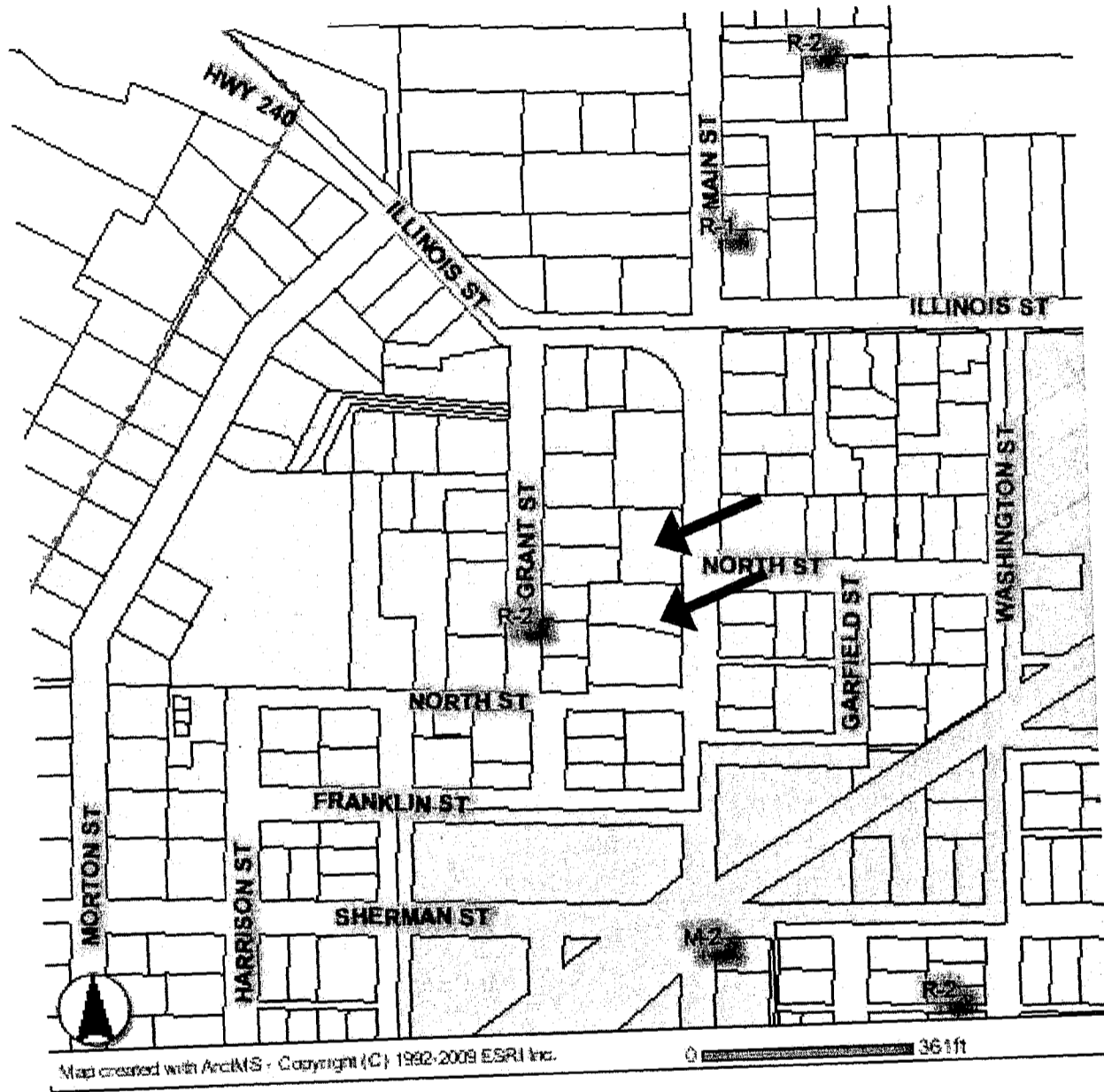
EXHIBIT D: COMPREHENSIVE PLAN MAP
ZMA-08-003



Map created with ArcGIS - Copyright (C) 1992-2009 ESRI Inc.

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EXHIBIT E: ZONING MAP
ZMA-08-003



Map created with ArcGIS - Copyright (C) 1992-2009 ESRI Inc.

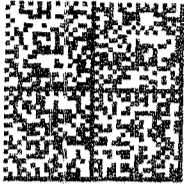
EXHIBIT F: AERIAL PHOTO



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ATTN: Plan Amendment Specialist

DLED

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

