



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

June 20, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 002-06

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 3, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-days notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

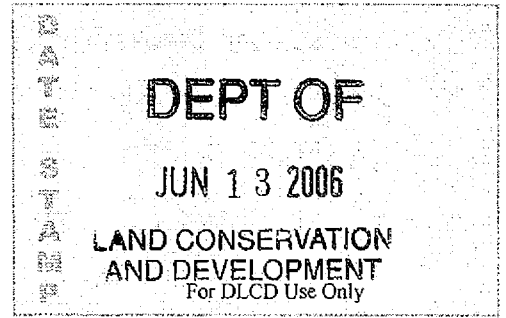
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Services Specialist (email)
Jason Locke, DLCD Regional Representative (email)
Matt Crall, DLCD Transportation and Land Use Planner (email)
Barton Brierley, City of Newberg Planning Director

<paa> ya/email

FOR **2** 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



Jurisdiction: City of Newberg Local file number: DCA-06-003

Date of Adoption: 6/5/2006 Date Mailed: 6/12/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 4/13/2006

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

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

Amended the Newberg Bypass Interchange Overlay standards to allow UGB Amendments in the NE Urban Reserve Area

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

Excluded all proposed changes to uses allowed in industrial zones

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 12

Was and Exception Adopted? YES NO

DLCD File No.: 002-06 (15046)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, Yamhill County

Local Contact: **Barton Brierley** Phone: **(503) 537-1212** Extension:

Address: **P.O. Box 970** City: **Newberg**

Zip Code + 4: **97132-** Email Address: **nplan@ci.newberg.or.us**

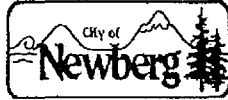
ADOPTION SUBMITTAL REQUIREMENTS

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 (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



ORDINANCE NO. 2006-2648

AN ORDINANCE AMENDING THE NEWBERG COMPREHENSIVE PLAN POLICIES TO ALLOW URBAN GROWTH BOUNDARY AMENDMENTS AND ZONE CHANGES ADJACENT TO THE PROPOSED NORTH SIDE ROAD PRIOR TO ADOPTION OF INTERCHANGE AREA MANAGEMENT PLANS

RECITALS:

1. On February 13, 2006, J.T. Smith Companies filed an application for amending the Newberg Comprehensive Plan text.
2. On March 20, 2006, the Newberg City Council adopted Resolution 2006-2634, initiating consideration of the amendments requested by J.T. Smith Companies.
3. On April 27, 2006, the Newberg Planning Commission held a public hearing on the proposed amendments, considered testimony, and unanimously recommended approval.
4. On June 5, 2006, the Newberg City Council held a hearing to consider the proposed amendments.
5. The City Council finds that the proposed amendments are consistent with the recommendations by the Oregon Department of Transportation.
6. The amendments would allow the City to consider a future amendment to the Urban Growth Boundary.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Comprehensive Plan Policies are modified as follows:

Note: Deleted text is ~~struckout~~.
Added text is double underlined.

1. Newberg Comprehensive Plan Section K, Transportation, Goal 4, Policies m and q, shall be amended as follows:
 - m. To enable the City and ODOT to adequately plan land uses and local circulation for the interchange areas, the City of Newberg will retain existing base zoning within the Interchange Overlay District in the interim period before IAMPs are prepared and adopted.

except as follows. Annexations will be allowed if the associated zone change is consistent with the acknowledged Newberg Comprehensive Plan designation for the property in effect at the date of adoption of the Interchange Overlay. Consistent with the exception under policy q. below for the East Newberg interchange, for the land north of Highway 99W within the Urban Reserve Area C, the City may adopt a comprehensive plan designation and implement that comprehensive plan map designation with a zoning map amendment consistent with its annexation requirements. Permitted and conditional uses that are authorized under existing base city zones will generally be allowed within the Interchange Overlay, with certain limitations on commercial uses in the industrial zones.

- q. The City agrees not to approve expansion of the Newberg UGB or Urban Reserve Areas around the East Newberg or Oregon 219 interchanges until LAMPs for the two interchanges are prepared and adopted by ODOT, Yamhill County and the City of Newberg. An exception to this policy will be allowed for a limited expansion of the Newberg UGB into the westerly portion of Urban Reserve Area C to accommodate construction of the Northern Arterial in the general location shown on the City of Newberg acknowledged Transportation System Plan, including that land north of Highway 99W within Urban Reserve Area C.
2. The findings shown in Exhibit A are hereby adopted.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: July 5, 2006.

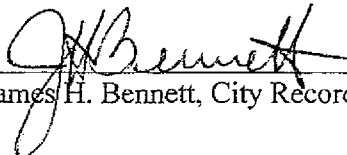
ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of June, 2006, by the following votes:

AYE: 6


NAY: 0

ABSENT: 0

ABSTAIN: 0


James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of June, 2006.


Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through Newberg Planning Commission 4 / 27 / 2006 meeting. Or, None.
(committee name) (date) (check if applicable)

Exhibit A to Ordinance 2006-2648

Findings

Newberg Comprehensive Plan Section K, Transportation, Goal 4, Policies k:

- k. The City will coordinate with ODOT, Yamhill County and affected property owners to participate in preparation and adoption of Interchange Area Management Plans (IAMPs) for the East Newberg and Oregon 219 Interchanges, consistent with the requirements of the 1999 Oregon Highway Plan and OAR 734-051-0200 (the Access Management Rule). The IAMPs will address the following at a minimum: access management standards, road connections and local street circulation, compatible land uses and bypass termini protection. The IAMPs will be designed to protect the function and capacity of the interchanges for at least a 20-year planning period.*

FINDING: The city is participating in preparation of an Interchange Area Management Plan for the East Newberg interchange. As part of that process, the City has coordinated with ODOT regarding the City's policies on UGB amendments in the interchange overlay area. ODOT is agreeable to allowing the limited UGB expansion into Urban Reserve Area C. Thus, the City has met its obligation to coordinate with ODOT.