



# 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/Costal Fax: (503) 378-6033

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

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

## NOTICE OF ADOPTED AMENDMENT

August 21, 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 007-06



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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 5, 2006**

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

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

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

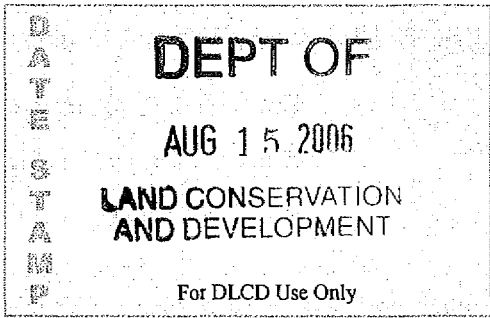
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Barton Brierly, City of Newberg

<paa> ya/



**FROM 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: ANX-05-043  
Date of Adoption: 8/7/2006 Date Mailed: 8/10/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 5/1/2006

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
**Comprehensive plan map change from Low Density Residential to Medium Density Residential**

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".  
**NA**

Plan Map Changed from: LDR (Low Density Res.) to: MDR (Medium Density Res.)  
Zone Map Changed from: VLDR-5 to: R-2  
Location: Waterfront Street Acres Involved: about 23.5  
Specify Density: Previous: 4.4 du/ac. New: 8.8 du/ac.  
Applicable Statewide Planning Goals: 10, 15

Was and Exception Adopted?  YES  NO

DLCD File No.: 007-06(15207)

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:

**Yamhill County, ODOT**

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.

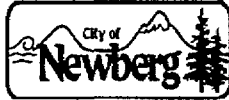
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



## **ORDINANCE NO. 2006-2651**

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**AN ORDINANCE DECLARING THAT APPROXIMATELY 98 ACRES ALONG WATERFRONT STREET AND ALL OR PARTS OF EWING YOUNG PARK AND YAMHILL COUNTY TAX LOTS 3219-700, 3219-301, 3230-400, 3230-500, 3230B-2300, 3230-1400, BE ANNEXED INTO THE CITY, THAT THE COMPREHENSIVE PLAN MAP BE CHANGED FROM LDR TO MDR (MEDIUM DENSITY RESIDENTIAL) FOR A PORTION OF THE AREA, THAT THE ZONE BE CHANGED TO R-2 AND CF (COMMUNITY FACILITY), AND THAT THE AREA BE WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT**

**SUBJECT TO A PUBLIC VOTE**

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### **RECITALS:**

1. On January 17, 2006, the Newberg City Council initiated annexation proceeding for the subject properties.
2. On June 22, 2006, the Newberg Planning Commission held a hearing on the application, and recommended approval.
3. After proper notice, on August 7, 2006 at the hour of 7:00 PM in the Newberg Public Safety Building, 401 E. Third, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
4. The Council finds that the requirements of the City of Newberg Comprehensive Plan and Newberg Development Code regarding annexations and comprehensive plan amendments have been met.

### **THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**

1. The City Council adopts the findings, which are attached hereto as Exhibit A and incorporated herein by reference.
2. Owners understand that annexation in to the city must be approved by the voters of the City. The City may place the matter before the voters of the City at a biennial General Election (held in May and November of each even numbered year), unless otherwise approved by

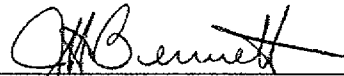
resolution of the City Council.

3. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the election date as identified by resolution of the City Council, the property shall be annexed and the following events shall occur:
- A. It is hereby ordered and declared that the property shown in Exhibit B and described in Exhibit C, is annexed and withdrawn from the Newberg Rural Fire Protection District.
  - B. The Newberg Comprehensive Plan map shall be amended as shown in Exhibit D.
  - C. The "Newberg, Oregon Zoning Map" shall be amended as shown in Exhibit E.
  - D. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of the following documents:
    - 1. A copy of this ordinance.
    - 2. A map identifying the location of said territory.
4. The existing houses must be connected to sanitary sewer and water when available. Costs of extending and connecting to utilities and other services will be borne by the owners.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 6, 2006.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 7<sup>th</sup> day of August, 2006, by the following votes:

**AYE: 5      NAY: 2      ABSENT: 0      ABSTAIN: 0**



James H. Bennett, City Recorder

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



Bob Stewart, Mayor

**LEGISLATIVE HISTORY**

By and through Planning Commission at 6/22/2006 meeting.

**Exhibits:**

- Exhibit A: Findings
- Exhibit B: Annexation Map
- Exhibit C: Legal Description
- Exhibit D: Revised Comprehensive Plan Map

Exhibit E: Revised Zoning Map

## EXHIBIT A: FINDINGS

### SECTION 1: ANNEXATION FINDINGS

A. **The following conditions must be met prior to or concurrent with City processing of any annexation request:**

1. *The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.*

**Finding:** All the property proposed for annexation is within the Newberg Urban Growth Boundary (UGB). Chehalem Creek is the Urban Growth Boundary on the west side. The creek, and thus the UGB, divides two of the properties. In these instances, only that portion of the property within the UGB is proposed for annexation.

2. *The subject site must be contiguous to the existing City limits.*

**Finding:** The properties are contiguous to the existing City limits on the north side.

**An application for an annexation may be granted through a Type III procedure only if the proposal conforms to the annexation criteria found in NDC § 151.262, as follows:**

- (A). *The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.*

**Finding:** A portion of the area proposed for annexation is a portion of Ewing Young Park. It is owned by the Chehalem Park and Recreation District (CPRD). This area has a comprehensive plan designation of P (Park). The skate park and most of the BMX track are within the Newberg City limits. The portion of the park proposed for annexation is largely undeveloped, but does contain some uses. It contains a portion of the BMX track, and a disc golf course. It also contains a few small farm structures. Chehalem Creek borders the property to the west, and a branch of the creek borders it to the south. This area is used for passive recreation.

Upon annexation, the park would continue to be used much the same as it is today. At some point in the future, the park could present opportunities to further develop a historic interpretative area, or for additional recreation facilities. This is in compliance with the Comprehensive Plan.

Much of the remainder of the annexation area is within the Newberg Riverfront Master Plan area. The plan envisions the area being developed with Medium and Low Density Residential development, trails, a stream corridor, and the Newberg-Dundee bypass. Annexation of this property would facilitate development in accordance with this plan. In

fact, if the area is not annexed, the area possibly could be developed under Measure 37 as rural residential uses, which would be a severe violation of the City's and County's comprehensive plans.

One change in the plan is requested to change the existing area designated Low Density Residential (LDR) to Medium Density Residential (MDR). Findings addressing this change are noted below. This change will actually increase the ability to implement the Riverfront Master Plan, as additional residential development would be possible in areas not affected by the Newberg-Dundee bypass.

- (B). *An adequate level of urban services must be available, or made available, within three years time of annexation. An adequate level of urban services shall be defined as:*
- (a) *Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.*
  - (b) *Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.*

**Finding:** The Newberg Riverfront Master plan details the utility and street improvements needed to serve the area. See Attachment L. The following is a summary of these needs:

Water: Water service is planned to be provided to this area by extending existing water lines in River Street and College Street.

Sanitary sewer: Sewer service is planned to serve this area by extending sewer lines from the main in River Street. A sanitary sewer pump station will need to be installed to serve a portion of this area.

Stormwater: The City's storm drainage master plan envisions that this area will flow largely to the Willamette River through storm drains. A storm water treatment facility (such as a biofiltration swale or pond) is planned to serve the area.

Roads: Various transportation facilities are needed to serve the area. These include improvements to College Street, River Street, 14<sup>th</sup> Street, Waterfront Street, and the extension of Blaine Street.

The above improvements are not likely to be completed within the next three years. Criterion E. below provides for an exception to the above criterion. See the findings below.

- (C) *Findings documenting the availability of police, fire, parks, and school facilities*



*and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.*

**Finding:** Police services are currently provided to the area by Yamhill County Sheriff's Office. Newberg Rural Fire District currently provides fire service. The proposed annexation will shift police and fire services to the City. The current development includes only two houses. This will add only a minimal addition to the police and fire services needed. The property taxes collected after development are roughly estimated to pay for the additional services needed. When development occurs, additional police and fire services will be needed, and additional property taxes will be generated to offset these costs.

The Chehalem Park and Recreation District owns property within the annexation area – Ewing Young Park (Note that the skate park and most of the BMX track are already within the City limits). The use of this park is not anticipated to change due to the annexation. Annexation could perhaps allow additional facilities, such as a restroom, at the park at some future time if this were desirable.

The property will generate additional needs for school facilities. The Newberg School District receives state funding on a per student basis. Thus, with the additional population, the school district will receive additional funding for school services. Development of the property will also generate additional property tax revenue that will go to fund school services.

**(D)** *The burden for providing the findings for divisions (A), (B) and (C) of this section is placed upon the applicant.*

**Finding:** The applicant is the City of Newberg. These findings have been prepared by City staff.

**(E)** *The City Council may annex properties where urban services are not and cannot practically be made available within the three year time frame noted in subsection (B) above, but where annexation is needed to address a health hazard, to annex an island, to address sewer or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the Council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.*

**Finding:** In this circumstance, annexation is needed to address specific legal issues. The property owners in the area have filed Measure 37 claims with Yamhill County. The property owners have agreed to hold these claims pending a decision on the annexation. This agreement is contingent upon having the property annexed as R-2. Annexing per this request is a specific legal or contractual constraint that would preclude placement of a limited use overlay on the property. If the claims are successful and development occurs, the development would be without City water and sewer services. It would be nearly impossible

to develop the area as envisioned by the Newberg Riverfront Master Plan. Development would consist of rural residential development, not the urban residential development envisioned by the plan. By annexing the property, the area could be developed as envisioned by the Riverfront Master Plan. Development would occur concurrent with the provision of utility services.

Also, note that the provision of adequate services in relation to development of this area is addressed through the adopted Riverfront Master Plan.

## **SECTION 2: COMPREHENSIVE PLAN AMENDMENT FINDINGS**

### **NDC § 151.122 (3) COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT CRITERIA. *The applicant must demonstrate compliance with the following criteria:***

- (a) ***The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;***

The following goals apply:

*I. Housing, Goal 2 b. The City will encourage medium density housing in an adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portion of the Riverfront District.*

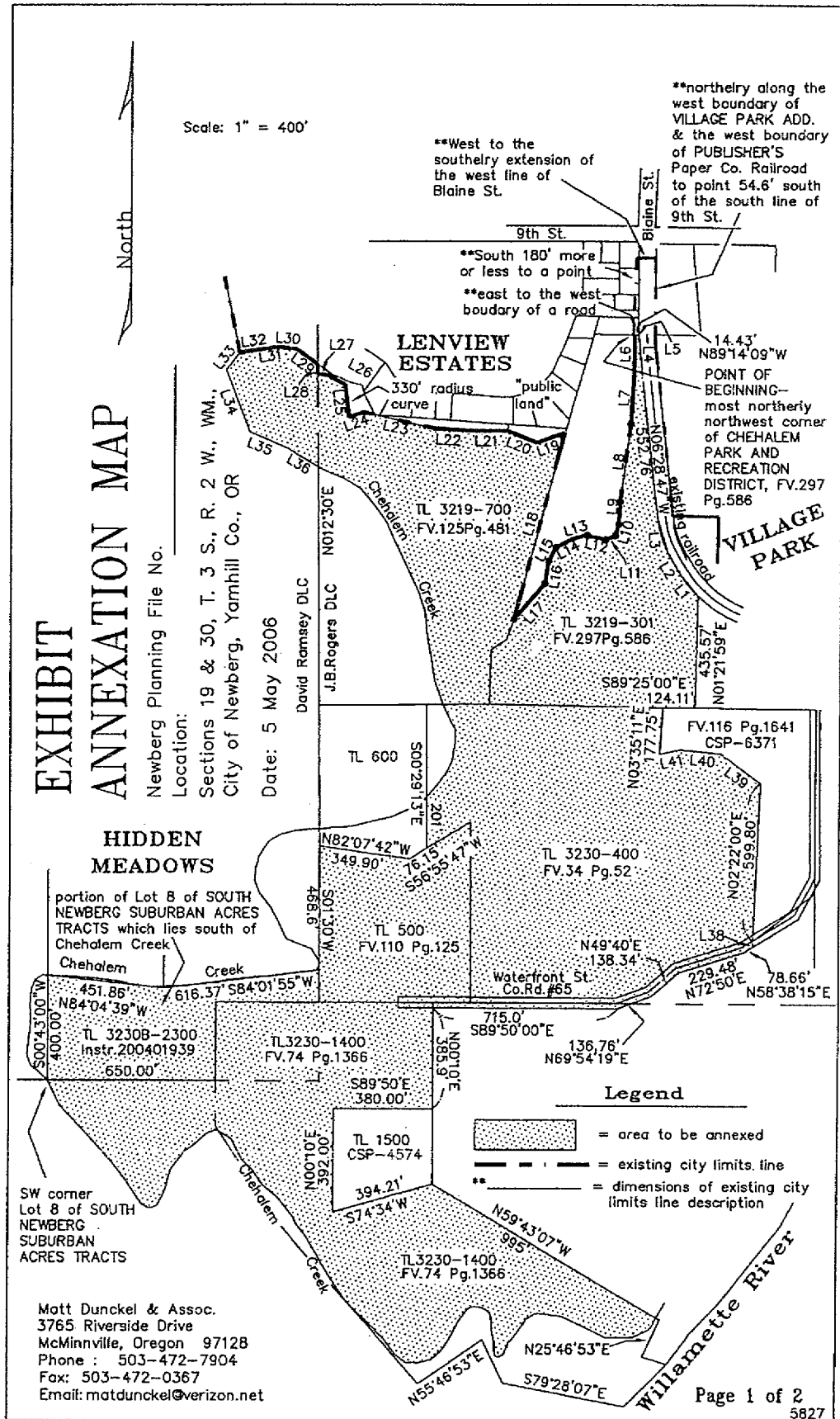
*J. Urban Design 6. a. The City will encourage a mix of employment, housing and retail uses serving the neighborhood and the surrounding community to enhance the riverfront's identity as a vital and attractive City asset and to ensure an active, pedestrian friendly, and thriving riverfront area.*

**Finding:** The plan amendment would help promote the objectives of the Newberg Riverfront Master Plan. The plan envisions housing supporting the riverfront commercial area. The total amount of housing on the property, however, will be limited by the bypass. The plan amendment will help encourage mix of housing envisioned in the plan. It also will help provide the critical mass of development necessary to provide the facilities and services needed to serve the area.

- (b) ***Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.***

**Finding:** The property is within the Riverfront Master Plan area. The master plan details the public facilities and services that are needed to serve the area. Due to land needed for the Newberg Dundee bypass, the total amount of residential development will be limited. The change to Medium Density Residential will allow additional residential development in the area, consistent with the goal of the riverfront master plan. The public facilities planned will serve Medium Density Residential property.

# EXHIBIT B: ANNEXATION MAP



# EXHIBIT ANNEXATION MAP

Newberg Planning File No. \_\_\_\_\_

Location: \_\_\_\_\_

Sections 19 & 30, T. 3 S., R. 2 W., WM.,  
City of Newberg, Yamhill Co., OR

Date: 5 May 2006

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N39°46'30"W	105.38
L2	N30°17'02"W	100.56
L3	N16°42'37"W	136.02
L4	N04°57'55"W	148.19
L5	N89°14'09"W	14.43
L6	Southeasterly	200.00
L7	S03°20'00"W	200.00
L8	S07°35'00"W	300.00
L9	S03°14'00"W	85.00
L10	S17°01'00"W	47.00
L11	S67°59'00"W	40.00
L12	N76°52'00"W	78.00
L13	S72°12'00"W	60.00
L14	S63°21'00"W	64.80
L15	S28°06'00"W	60.00
L16	S09°50'00"W	86.00
L17	S41°37'00"W	182.00
L18	N15°28'00"E	736.00
L19	S70°49'30"W	114.35
L20	N68°25'00"W	123.50
L21	N89°55'00"W	144.00
L22	N86°10'00"W	142.50
L23	N77°10'00"W	274.00
L24	S71°35'00"W	60.00
L25	N07°17'30"W	127.34
L26	N62°00'00"W	75.00
L27	N83°25'00"W	39.0
L28	N01°30'E	55.0
L29	N53°35'00"W	98.55
L30	N85°02'00"W	78.82
L31	S81°45'14"W	51.96
L32	S81°45'14"W	91.99
L33	S38°03'15"W	83.27
L34	S20°36'46"E	253.83
L35	S67°11'25"E	155.70
L36	S59°25'53"E	141.76
L38	S02°22'00"W	22.55
L39	N54°03'20"W	189.40
L40	N84°06'00"W	156.00
L41	S77°53'00"W	81.54

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Matthew E. Dunckel*

OREGON  
July 22, 2006  
MATTHEW E. DUNCKEL  
1942

Renewable 31 December 2007

Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone : 503-472-7904  
Fax: 503-472-0367  
Email: matdunckel@verizon.net

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## EXHIBIT C - LEGAL DESCRIPTION

Matt Dunckel & Assoc.  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax : 503-472-0367

Date: April 25, 2006

City of Newberg – Legal Description of Annexation of TL 3219-301 & 700,  
3230-400,500 & 1400, 3230B-2300

A tract of land in Sections 19 & 30, Township 3 South, Range 2 West, Yamhill  
County, Oregon, being more particularly described as follows:

Beginning at the most northerly northwest corner of that tract of land described in deed from SMURFIT NEWSPRINT CORPORATION to CHEHALEM PARK AND RECREATION DISTRICT and recorded November 5, 1993 in Film Volume 297 Page 586, said point being on the existing city limits line and also being North 89°14'09" West 14.43 feet from the westerly margin of the existing railroad; thence along the existing city limits line the following bearings and distances, southeasterly 200 feet along the west line of a roadway; thence South 03°20' West 200 feet to an iron pipe; thence South 07°35' West 300 feet to an iron pipe; thence South 03°14' West 85 feet to an iron pipe; thence South 17°01' West 47 feet to an iron pipe; thence South 67°59' West 40 feet to an iron pipe; thence North 76°52' West 78 feet leaving said roadway to an iron pipe; thence South 72°12' West 60 feet to an iron pipe; thence South 63°21' West 64.8 feet to an iron pipe; thence South 28°06' West 60 feet to an iron pipe; thence South 09°50' West 86 feet to an iron pipe; thence South 41°37' West 182 feet to an iron pipe; North 15°28' East 736 feet to the southeast corner of the "Public Land" represented on the vacation plat of "French's Addition to the City of Newberg; thence South 70°49'30" West 114.35 feet; thence North 68°25' West 123.50 feet; thence North 89°55' West 144.00 feet; North 86°10' West 142.50 feet; thence North 77°10' West 274.00 feet; thence South 71°35' West 60 feet; thence northerly 128.15 feet along a curve right having a radius of 330 feet through a central angle of 22°15' (chord bears North 7°17'30" West 127.34 feet); thence North 62°00' West 75 feet; thence North 83°25' West 39 feet to the west line of the Joseph B. Rogers Donation Land Claim; thence North 1°30' East 55 feet more or less to a point on the west line of said Rogers DLC that is South 1°30' West 409.1 feet from an iron pipe on the west line of Ninth Street and the west line of said Rogers DLC; thence North 53°35' West 98.55 feet; thence North 85°02' West 78.82 feet; thence South 81°45'14" West 51.96 feet;

Date: April 25, 2006

City of Newberg – Legal Description of Annexation of TL 3219-301 & 700,  
3230-400,500 & 1400, 3230B-2300

thence South 81°45'14" West 91.99; thence leaving said existing city limits line South 38°03'15" West 83.27 feet to the center of Chehalem Creek; thence South 20°36'46" East 253.83 feet along Chehalem Creek; thence South 67°11'25" East 155.70 feet along Chehalem Creek; thence South 59°25'53" East 141.76 feet along Chehalem

Creek; thence continuing southerly along the center of Chehalem Creek to the south line of that tract of land described in deed from ROBERT SWIFT, personal representative of the LEONARD C. FRENCH Estate to CHEHALEM PARK AND RECREATION DISTRICT and recorded December 12, 1977 in Film Volume 125 Page 481; thence continuing southerly and southwesterly to the west line of that tract of land described in deed from MAURICE E. CRONIN and ELIZABETH H. CRONIN to KENNETH I. WEATHERLY and MILDRED A. WEATHERLY and recorded November 21, 1963 in Film Volume 34 Page 52; thence South 00°29'13" east 201 feet along the west line of said WEATHERLY tract to the north line of that tract of land described in deed from WEATHERLY to WOZNIAK and recorded January 8, 1976 in Film Volume 110 Page 125; thence South 56°55'47" West 76.15 feet along the north line of said WOZNIAK tract; thence North 82°07'42" West 349.90 feet along said north line to the northwest corner of said tract; thence South 01°30" West 468.6 feet along the west line of said tract to the center of Chehalem Creek and the northeast corner of that tract of that tract of land described in deed from LORENCE M. CHRISTENSON and LOIS A. CHRISTENSON to LORENCE M. CHRISTENSON and LOIS A. CHRISTENSON as co-Trustees of the CHRISTENSON FAMILY TRUST and recorded in Instrument No. 200401939; thence South 84°01'55" West 616.37 feet along the north line of said CHRISTENSON tract; thence North 84°04'39" West 451.86 along said north line to the west line of Lot 8 of SOUTH NEWBERG SUBURBAN ACRE TRACTS; thence South 00°43' West 400 feet more or less to the southwest corner of said Lot 8 and the center of Chehalem Creek; thence southeasterly and easterly along the center of Chehalem Creek to the northeasterly line of that tract of land described in deed from MELLINGER to CHRISTENSON (Parcel 1) February 26, 1967 in Film Volume 74 Page 1366; thence North 59°43'07" West 955 feet more or less to an angle corner in said northeasterly line; thence South 74°34' West 394.21 feet along said line; thence North 00°10' East 392.00 feet along said line; thence South 89°50' East 380.00 feet along said line; thence North 00°10' East 385.9 feet along said line to the south margin of the County Road No. 65; thence South 89°50' East 715.0 feet along said south margin; thence

Date: April 25, 2006

City of Newberg – Legal Description of Annexation of TL 3219-301 & 700,  
3230-400,500 & 1400, 3230B-2300

North 69°54'19" East 136.76 feet along said south margin; thence North 49°40' East 138.34 feet along said line; thence North 72°50' East 229.48 feet along said south line to a point that is South 02°22'00" West 22.55 feet from the southwest corner of that tract of land described in Land Sales Contract from WEATHERLY to HOLLIS and executed December 16, 1976 and recorded in Film Volume 116 Page 1641; thence North 02°22'00" East 22.55 feet to said southwest corner; thence North 02°22'00" East 599.80 feet along the west line of said HOLLIS tract; thence North 54°03'20" West 189.40 feet along said west line; thence North 84°06'00" West 156.00 feet along said line; thence South 77°53'00" West 81.54 feet along said line; thence North 03°35'11" East 177.75 feet along said line to the northwest corner of said tract; thence South 89°25'00" East 124.11 feet along the north line of said tract to the southeast corner of that tract of land described in deed from SMURFIT NEWSPRINT CORPORATION to CHEHALEM PARK AND RECREATION DISTRICT and recorded November 5, 1993 in Film Volume 297 Page 586; thence North 01°21'59" East 435.57 feet along the east line of said CHEHALEM PARK AND RECREATION DISTRICT tract to a point that is 30 feet southerly of the centerline of the existing railroad tracts, when measured at right angles; thence northwesterly parallel with and 30 feet southerly and westerly of said existing railroad tracts, chord bearings and distanced are North 39°46'30" West 105.38 feet, North 30°17'02" West 100.56 feet, North 16°42'37" West 136.02 feet, North 06°28'47" West 552.76, North 04°57'55" West 148.19 feet to the northeast corner of said CHEHALEM PARK AND RECREATION DISTRICT tract; thence North 89°14'09" West 14.43 feet to the point of beginning.

EXHIBIT D: REVISED COMPREHENSIVE PLAN MAP

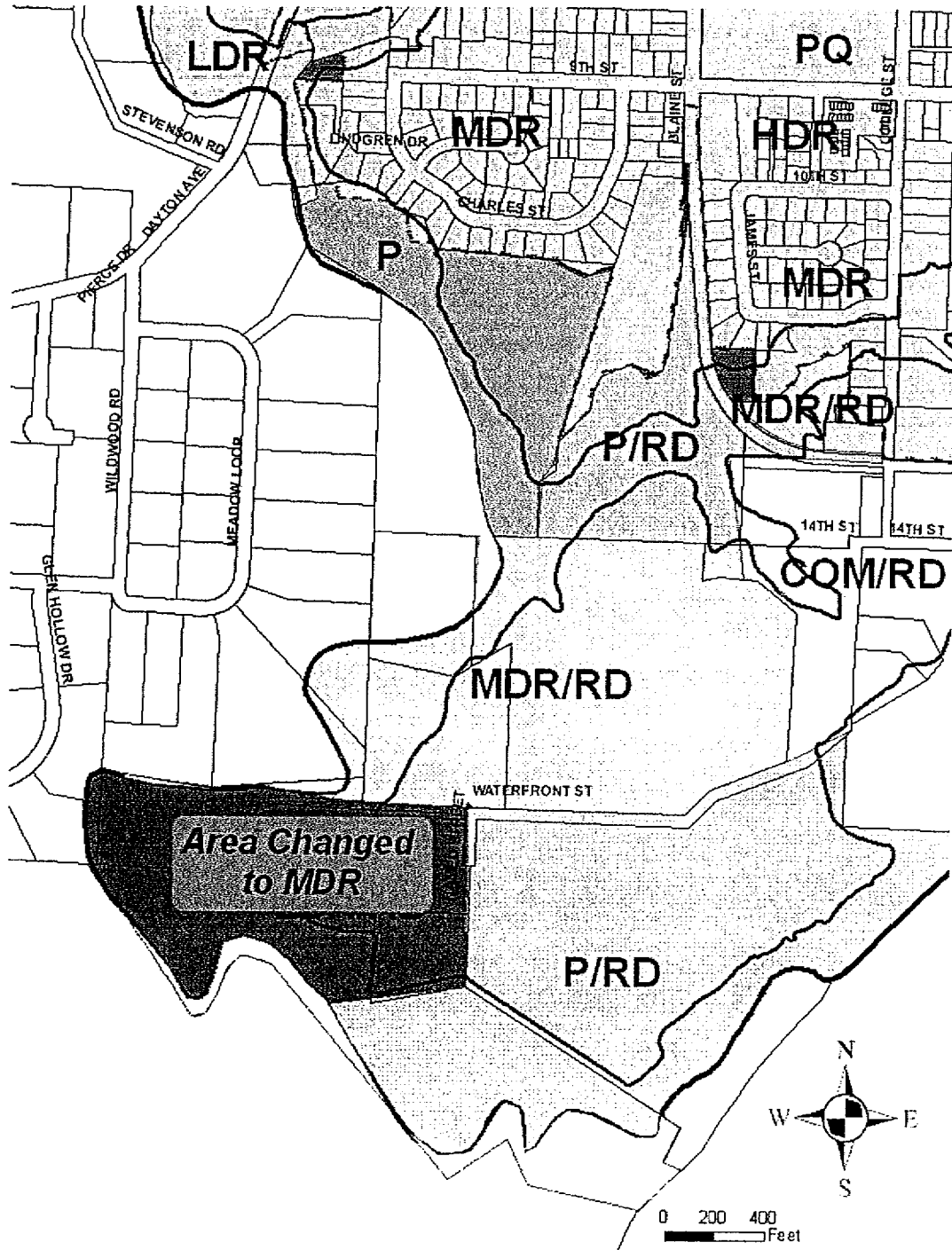
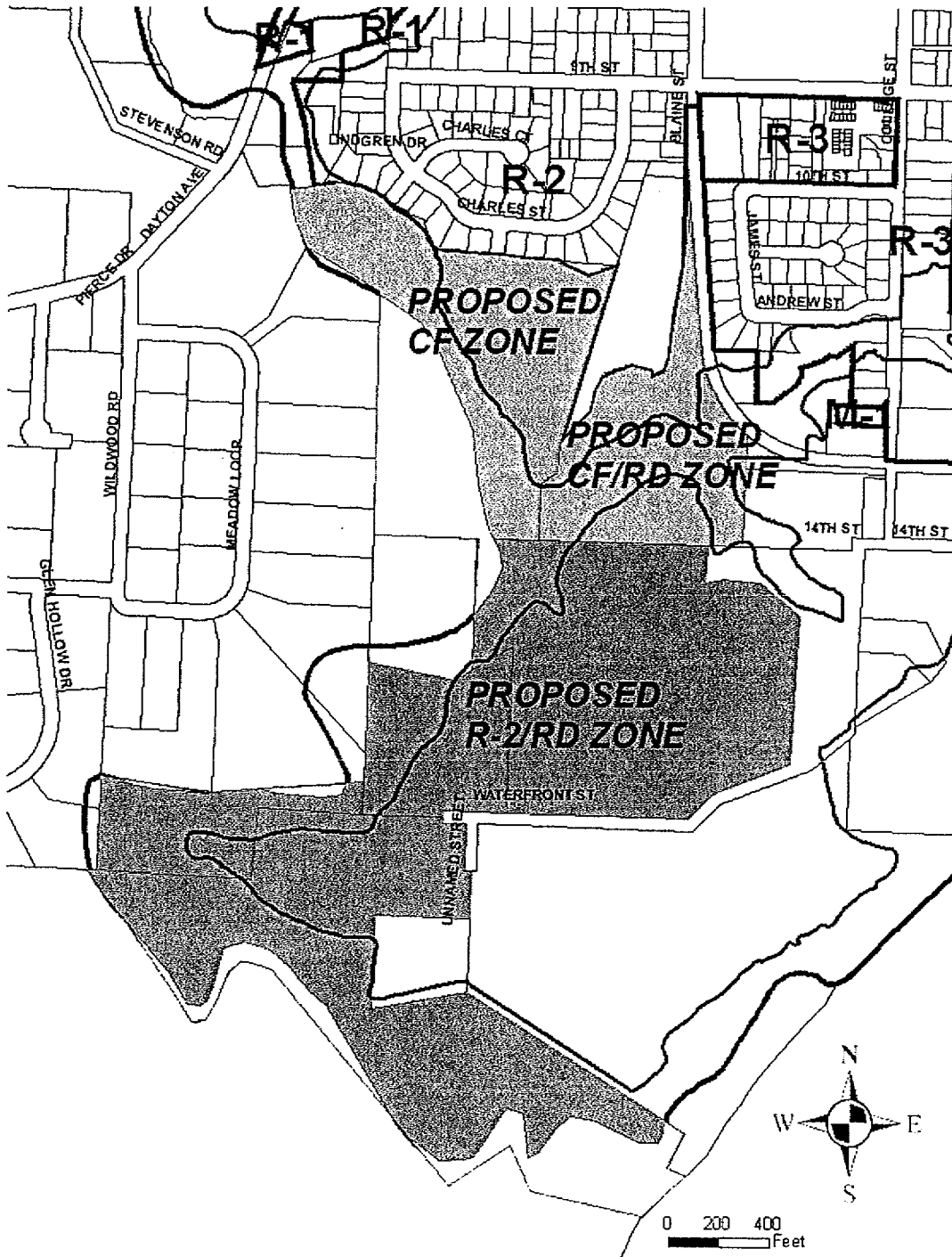




EXHIBIT E: REVISED ZONING MAP





## **RESOLUTION No. 2006-2664**

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**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR PROPERTY LOCATED ALONG WATERFRONT STREET AND EWING YOUNG PARK, YAMHILL COUNTY TAX LOTS 3219-700, 3219-301, 3230-400, 3230-500, 3230B-2300, 3230-1400**

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### **RECITALS:**

1. On August 7, 2006 the City Council adopted Ordinance No. 2006-2651, annexing the property along Waterfront Street and Ewing Young Park, Yamhill County tax lots 3219-700, 3219-301, 3230-400, 3230-500, 3230B-2300, 3230-1400, subject to a public vote.
2. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
3. The City Council has requested that this matter be placed before the voters at the general election in November, 2006.

### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

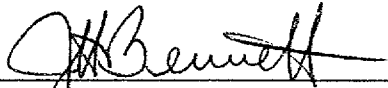
1. The City Attorney of the City of Newberg is hereby authorized and directed to prepare in proper form a ballot title placing before the voters the question of the annexation of the property along Waterfront Street and Ewing Young Park, Yamhill County tax lots 3219-700, 3219-301, 3230-400, 3230-500, 3230B-2300, 3230-1400, as described in Ordinance No. 2006-2651, and file such ballot title with the City Elections Officer.
2. The City Elections Officer of the City of Newberg is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters at the next general election in November, 2006. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
3. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is

further directed to certify this explanatory statement to the Yamhill County Clerk.

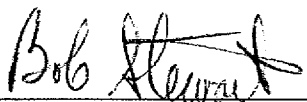
4. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 8th, 2006.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 7<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
James H. Bennett, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
Bob Stewart, Mayor

### **LEGISLATIVE HISTORY**

By and through Planning Commission at 6/22/06 meeting.  
(committee name) (date)