



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

March 24, 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 010-05

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. This adoption was adopted by the City on February 9, 2006, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

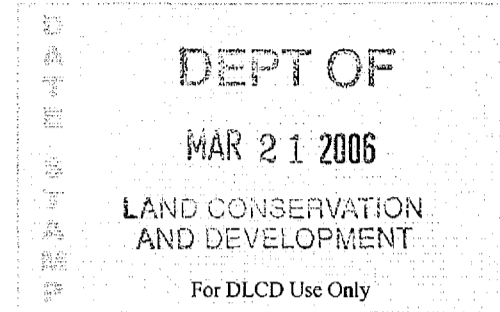
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mcg Fernekees, DLCD Regional Representative
Harper Kalin, City of Newberg

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FORM 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: UGB-05-013
Date of Adoption: 3/15/2006 Date Mailed: 3/20/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 10/24/2005

- 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".
Addition of 7.6 acres of Medium Density Residential land to the City of Newberg Urban Growth Boundary. City of Newberg adopted 1/19/2006, Yamhill County adopted 3/15/06.

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".
Original proposal was 8.8 acres, subsequently revised to 7.6 acres.

Plan Map Changed from: County VLDR to: City MDR

Zone Map Changed from: _____ to: _____

Location: Crater and Lynn Drive Acres Involved: 7.6 acres

Specify Density: Previous: 1/du acre New: 8.8/du acre

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

Was an Exception Adopted? YES NO

DLCD File No.: 010-05 (14764)

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

Local Contact: **Harper Kalin** Phone: **(503) 554-7787** Extension: _____
Address: **414 E. First Street** City: **Newberg**
Zip Code + 4: **97132-** Email Address: **harper.kalin@ci.newberg.o**

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. 2006-2636

AN ORDINANCE DECLARING THAT CERTAIN TERRITORY BE INCLUDED IN THE CITY OF NEWBERG URBAN GROWTH BOUNDARY TOGETHER WITH A COMPREHENSIVE PLAN CHANGE FROM A YAMHILL COUNTY VLDR DESIGNATION TO A CITY OF NEWBERG MDR COMPREHENSIVE PLAN DESIGNATION. THE SITE IS LOCATED BETWEEN CRATER LANE AND CHEHALEM DRIVE, AT LYNN DRIVE, YAMHILL COUNTY TAX LOTS 3218AB-1000, -1001, -1100, -1101, -1200 -1300, and -1400.

RECITALS:

1. On September 26, 2005, Coyote Homes, Inc., on behalf of the property owners in the area, initiated a request for an urban growth boundary amendment, and comprehensive plan change to the City of Newberg designation to MDR (Medium Density Residential) for approximately 8.82 acres. Coyote Homes, Inc. subsequently revised the request to 7.6 acres.
2. Notice was published in the Graphic Newspaper on November 30, 2005 which is at least ten days prior to the public hearing before the Newberg Urban Area Management Commission on December 14, 2005, and on November 12, 2005 notice of the Newberg Urban Area Management Commission meeting was posted on the site, and on November 30, 2005, notice was posted at four public places to comply with Oregon Revised Statute requirements.
3. On December 14, 2005 a hearing was held by the Newberg Urban Area Management Commission and the Newberg Urban Area Management Commission, by a majority vote, recommended to the City Council and Yamhill County Board of Commissioners approval of the requested amendment. Further, the Newberg Urban Area Management Commission recommended that at the time of annexation, the City of Newberg provide Yamhill County with written acceptance of jurisdiction over the Chehalem Drive right-of-way.
4. On December 27, 2005 notice of this proposed urban growth boundary amendment was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.
5. Notice was published in the Graphic Newspaper on December 31, 2005, which is at least ten days prior to the public hearing before the City Council on January 17, 2006; and on January 3, 2006 notice of the City Council meeting was posted on the site and at four public places to comply with Oregon Revised Statute requirements.

6. After proper notice, on January 17, 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.

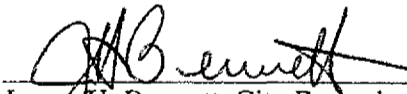
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The City Council finds that the requirements of the Newberg Urban Area Management Agreement - Urban Growth Boundary Amendment Criteria, Newberg Comprehensive Plan Amendment - Newberg Development Code, Section 151.122, Statewide LCDC Goals, ORS 197.296(2), ORS 197.298, OAR 660-Division 4, and Goal 14 Factors regarding urban growth boundary amendments have been met.
2. The City Council adopts the findings which are attached hereto as Exhibit A and incorporated herein by reference.
3. It is hereby ordered and declared that the property described in Exhibit B and shown in Exhibit C, is hereby included within the Newberg Urban Growth Boundary.
4. The territory described in Exhibit B and shown in Exhibit C, is hereby changed from a Yamhill County VLDR Comprehensive Plan Designation to a City of Newberg MDR Comprehensive Plan Designation. The "Newberg, Oregon Comprehensive Plan Map" shall be amended to indicate this change.
5. It is the intent of the Newberg City Council to request jurisdiction of Chehalem Drive and Crater Lane abutting the property at the time of annexation.

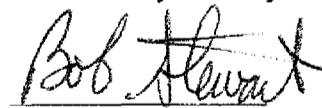
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: February 16, 2006.

ADOPTED by the City Council of the City of Newberg, Oregon, this 17th day of January, 2006, by the following votes:

AYE: 6 NAY: 0 ABSENT: 0 ABSTAIN: 0


James H. Bennett, City Recorder

ATTEST By the Mayor this 19th day of January, 2006.


Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through Newberg Urban Area Management Committee at the 12/14/2005 meeting.

**URBAN GROWTH BOUNDARY FINDINGS
UGB-05-013**

Approval of an urban growth boundary amendment for 10 acres.

- I. Newberg Urban Area Management Agreement -Urban Growth Boundary Amendment Criteria: Amendment of the Urban Growth Boundary shall be treated as a map amendment to both City and County Comprehensive Plan maps. Change of the boundary shall be based upon consideration of the following factors:
- (a) *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals. The following Statewide goals apply to this application: Goal 1, Citizen Involvement; Goal 2, Land Use Planning; Goal 3, Agricultural Lands; Goal 5, Open Spaces, Scenic and Historic Areas, Natural Resources; Goal 6, Air, Water and Land Resources Quality; Goal 8, Recreation Needs, Goal 10, Housing; Goal 11, Public Facilities and Services; Goal 12, Transportation; and Goal 14, Urbanization. [Goals 4, 7, 9 and 15-19 do not apply to this site.]*

Findings:

Goal 1, Citizen Involvement. The property under review is located within Study Area "F" of the Newberg Urban Reserve Area Project adopted by the City and Yamhill County in 1995. A public involvement program was implemented as part of the initial Urban Reserve Area Project in 1992 and 1993. In 1997, a study was prepared that examined the six Urban Reserve Areas (URAs) in detail, and that provided a buildable lands inventory and land use needs analysis, preliminary infrastructure and transportation plans, a prioritization plan for the URAs, and an amended urban services agreement between the City of Newberg and Yamhill County. In conjunction with this 1997 study, a citizen involvement and intergovernmental coordination program was prepared and implemented to assure that the results of the study accurately reflected the desires of residents and property owners in the City and County. The City held two workshops for property owners and other interested parties in the URAs in 1997 attended by 60 to 70 people. A questionnaire was also distributed at that time to solicit additional citizen input in the URA planning process.

Public notice has been provided to all properties within 500 feet of the site and the site has been posted. Public notice has been provided to the Oregon Department of Land Conservation and Development per state regulations.

Goal 2, Land Use Planning. This goal stipulates that land use decisions be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to the plan's policies must be adopted. It requires that plans be based on "factual information", that local plans and ordinances be coordinated with those of other jurisdictions and agencies, and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An

exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation. The City's Comprehensive Plan was originally adopted in 1979 and has been amended several times since then. Updated Comprehensive Plan population and land need forecasts were adopted in November 2005.

The City's Development Code implements the Comprehensive Plan. An amended Newberg Urban Area Growth Management Agreement between the City and Yamhill County was adopted in 1997 to ensure coordination and cooperation between the City and County in the management of growth within the Newberg Urban Growth Boundary (UGB) and URAs. This agreement establishes a process for maintaining ongoing planning efforts, designed to keep pace with growth and change, recognizing that intergovernmental coordination is essential to assure citizens of the City and County that growth occurs in an orderly and efficient manner.

Goal 3, Agricultural Lands. This goal requires counties to inventory agricultural lands and to "preserve and maintain" them for farm use. The property under review is currently zoned VLDR-1 (very low density residential). In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement II. The exception land definition identified this general area as having a mixture of soil types ranging from Class II soil type to Class VI soil type. The City of Newberg Inventory of Natural and Cultural Resources indicates that most soils in the vicinity are flat and at least moderately fertile, though nearly all types have some problems with drainage. The site consists primarily of WuB Woodburn silt loam soils. Woodburn soils are identified as Class II soils by the SCS.

The Exceptions Statement II document includes a discussion noting that the area involved is characterized by good roads, rural fire service, fair or better water availability, and has mostly fair soil suitability for septic systems. This area is currently committed to rural residential development.

The Inventory of Natural and Cultural Resources report states the City's recognition that urban expansion will undoubtedly occur on prime Class II soils, but notes that wasteful land uses practices should be discouraged. The proposed addition of the project site into the UGB would provide needed area for urban expansion adjacent to the City, where services are available or can be readily extended, thereby avoiding leap-frog development or other land consumptive practices.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. This goal encompasses 12 different resource types, including wildlife habitats, mineral resources, and wetlands and waterways. Goal 5 requires inventories of resources to be conducted and policies to be adopted whereby the local jurisdiction can manage these resources. The City of Newberg prepared an Inventory of Natural and Cultural Resources in 1981 as part of its comprehensive planning program. This inventory includes the following resources: agricultural lands; forest lands; mineral and aggregate resources; fish and wildlife; water; air quality; and open space, scenic, natural, historic and recreational resources. The property under review consists primarily of WuB Woodburn silt loam

soils. Woodburn soils are identified as Class II soils by the SCS. The site contains no identified forest lands, mineral resources and aggregate resources, fish, wetlands or waterways, and no known archeological, open space, scenic, natural, historic and recreational resources. The County has no identified wildlife resource information in this area. Negligible impacts are anticipated to existing air quality in the area.

Goal 6, Air, Water and Land Resources Quality. This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters of air, water and land resources quality. The Newberg Comprehensive Plan, Ordinance 1967 contains several policies intended to ensure conformance with state and federal regulations governing air, water and land resources quality. No water courses exist in the area. Negligible impacts are anticipated to existing air quality in the area. The proposed UGB amendment would be consistent with the City's Plan policies by providing public sanitary sewer capable of supporting future urban level development as a preferred alternative to allowing low density rural residential development with individual septic systems as allowed under current county zoning.

Goal 8, Recreation Needs. This goal requires a community to evaluate its areas and facilities for recreation and to develop plans to deal with the projected demand for them. The City's Comprehensive Plan includes policies designed to ensure recreational facilities and services are expanded to meet growing recreational demands of the community. Chehalem Park and Recreation District (CPRD) has established a 19 acre park directly north of the school facilities on Foothills and Chehalem Drive to meet the recreational needs of the area. Additional park facilities will be needed to serve Chehalem Drive area as it develops.

Goal 10, Housing. This goal requires a community to plan for and accommodate needed housing types, including multifamily and manufactured housing, and to inventory buildable residential lands, project future needs for such lands, and to plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. The goal for housing in the City of Newberg's Comprehensive Plan is to provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. Housing density and mix policies are set forth in the Plan, rather than housing types, as the most important development criteria to be used to classify different types of residential areas in the City.

In 1995 the City adopted an Urban Reserve Area. The URA includes 916 acres of land with approximately 750 acres of buildable land. After combining the existing population within the City and the future population in the UGB, a total of approximately 34,700 people could be accommodated. Some of the factors used to determine which properties should be given a URA designation included contiguity to the UGB and City limits, percentage of study area designated rural residential, percentage of study area designated

agricultural, transportation access, sewer and water potential, and natural boundaries. The subject site was originally included in Area F of the URA study, as described below:

Area F. The subject area is located in the southern half of the original Area F study in 1995. This half has been developed as rural residential on small lots and acreage. The northern half has been developed into low and medium density residential land within the City of Newberg. There remain a few scattered residences and some vacant land in the northern section of Area F. Chehalem Drive traverses the area in a north-south orientation. This is a major county road carrying reasonable levels of traffic that continues north into Washington County. North Valley Road is the northern boundary of this urban reserve area. The only natural condition affecting future development is some minor drainage ways. Periodic flooding has occurred in this area due to inadequate storm water drainage ways. A sewer pump station was built using LID funds to service new development in the northern section of Area F, from approximately Mountainview to Foothills Drive. Water service was provided to the new development with the extension of main lines in Crater Lane and Chehalem Drive. Sanitary sewer and water lines are available to the southeast of the subject site in Lynn Drive. At this time, there is adequate service to meet the future demand for the site.

In 2004, the City undertook a residential needs analysis to identify the need for residential land for the next 20-years. The Ad Hoc Committee on Newberg's Future recommended that this URA area be included in the Urban Growth Boundary with approximately 45 acres of land designated LDR and 40 acres of land designated MDR.

As shown in the Tables A, B, C, and D of these findings, there is currently a need for additional medium density zoned land to meet projected increase in population growth by 2025.

For the planning period ending in 2025, there is a significant shortfall in every residential land category. The proposed UGB amendment will help the City meet its Goal 10 obligations to provide a suitable inventory of buildable residential lands and to provide for opportunities for a diversity in the type, density and location of housing units to ensure an adequate supply of affordable housing.

Development of the site, based on the designation proposed by the applicant, would be consistent with housing policies of the City's Comprehensive Plan and with requirements of the Development Code.

Goal 11, Public Facilities and Services. This goal calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The primary objective of this goal is to encourage planning of public services to meet the community's needs and capacities rather than being forced into the situation of responding to development as it occurs. The City's Comprehensive Plan includes the goal to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development. Water, sanitary sewer and storm water management facilities were evaluated as part of the detailed URA analysis conducted by

the City in 1997. That study determined that these services can be provided in the project area, subject to completion of a new sanitary sewer pump station which was built through the LID process in the vicinity of these lots. The pump station is currently at capacity, however, the subject site may be served using gravity flow with the existing utility infrastructure in Lynn Drive.

Goal 12, Transportation. The primary objective of this goal is to provide a safe, convenient and economic transportation system. The City's Comprehensive Plan contains several goals and policies designed to guide the planning and provision of a safe, convenient and economic transportation system in cooperation with state, county and neighboring communities in the region. The City's 1997 Urban Reserve Project report includes an analysis of transportation system impacts and possible improvements based on a comparison of two alternative land-use scenarios. The orderly and economic provision of public services and facilities, including the transportation system, was among the criteria used to evaluate the URAs.

In 2005, the City of Newberg adopted an updated Transportation System Plan. This plan includes several recommended road improvements in the general vicinity of the site. They include:

- ▶ ***Chehalem Drive:*** A recommendation that the City of Newberg and Yamhill County reconstruct those sections of Chehalem Drive under each respective jurisdiction, between Highway 240 and North Valley Road to major collector street standards to include bicycle lanes, and sidewalks on both sides of the street. This project is approximately 1.57 miles, and is estimated to cost approximately \$4.0 million. Approximately one-half of this segment is within the City limits; the remaining portion of this project is located outside of the City's UGB and within its Urban Reserve Area, and therefore is currently within the jurisdiction of Yamhill County. At such time when Newberg annexes these areas into the City, this portion of the project would become the City's responsibility. Improvements to Chehalem Drive will provide adequate access for the area, thereby reducing the potential for arterial traffic traveling on nearby local streets, and provide better access for bicyclists and pedestrians.

A Traffic Impact Study has been prepared by Charbonneau Engineering, Inc. in conjunction with this application. The following transportation system improvements are recommended to enhance local street connectivity and improve circulation patterns within the site vicinity.

- ▶ **Chehalem Drive Cross-Section Improvements** - Chehalem Drive should be improved to major collector standards as per the City of Newberg TSP.
- ▶ **Crater Lane Improvements** – Crater lane should be improved to local street standards.

Additional details of the study methodology, findings, and recommendations are provided within the Traffic Study Report (Attachment F).

Future development in the area will pay for transportation improvements through existing Transportation System Development Charges. These are estimated based on the applicant's submitted concept plan:

48 Single Family at \$1,709.35 each equals \$82,048.80

Thus, the minimum future development would generate sufficient SDC revenue to pay its share of capacity improvements, and generate additional funds for other capacity improvements throughout the City as identified in the Transportation System Plan.

Goal 14, Urbanization. The objective of this goal is to provide for an orderly and efficient transition from rural to urban land use. This goal requires all cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." The City of Newberg UGB contains approximately 3,555 acres. The City of Newberg Comprehensive Plan Section IV.B identifies approximately 778 acres as vacant and buildable, with anticipated residential needs expected to exceed the area currently located within the UGB. Seven factors are specified by Goal 14 that must be considered in establishing and changing UGBs. These seven factors are addressed in this application in items (a) through (g) of this section.

(b) Need for housing, employment opportunities, and livability;

Finding: In November 2005, the Comprehensive Plan was revised to include updated population forecasts through the year 2040. As shown in Table A, based on the year 2025 population forecast of 38,352 and the 2005 population forecast of 21,132, there is a projected increase of 17,220 people for the next 20 years. The Portland State University Population Research Center estimated an AAGR (average annual growth rate) of 3.1% from 1990-2005 for the City of Newberg. The AAGR for the estimated population from 2005-2025 is 3.0% and decreases to an AAGR of 2.3% for the estimated population from 2025-2040.

**Table A
UGB Population Forecasts**

	Anticipated Population	UGB Population Estimate as of 2005	Population Remaining To Serve
Population 2025	38,352	21,132	17,220
Population 2040	54,097	21,132	32,965

Source: City of Newberg, Comprehensive Plan, November 2005

According to the City's adopted population projections, the population of Newberg is expected to continue to grow at an average rate of 3.0% annually over the next 20 years. The additional 17,220 residents will result in approximately 6,704 new households by 2025. This population increase will require an adequate supply of residential, commercial and industrial land in order to maintain a jobs/housing balance in the area, and to provide adequate job opportunities and housing choices to maintain livability in the community.

A Housing and Residential Needs Analysis was conducted by Johnson-Gardner in 2004. In November 2005, Section IV of the Comprehensive Plan was revised to include updated housing needs derived from that analysis. These needs were based on a variety of factors, including population growth, housing cost, and income levels.

Tables B includes an analysis of housing needs based on historical evidence of quantities and types of housing developed, and an analysis of the amount of land that will be required to meet future needs for residential development to accommodate projected growth of the community.

Applying the growth forecasts established by the Comprehensive Plan, it is estimated that the City will require 6,740 units by 2025 and an additional 6,420 units by 2040, as shown below in Table B. Half of the projected units will be in single-family detached dwellings.

**TABLE B
Future Housing Need By Housing Type (number of dwellings)**

	Single Family		Multi-Family		Manufactured		Total
	Detached	Attached	Medium Density	High Density	Parks	Subdivision	
	50%	7%	15%	23%	2%	2%	100%
2005 to 2025	3,377	492	1,022	1,533	140	140	6,704
2026 to 2040	3,234	471	978	1,467	135	135	6,420
Total	6,611	963	2,000	3,000	275	275	13,124

Source: City of Newberg, Comprehensive Plan, November 2005

Table C includes projected residential land needs for the various housing types provided for in the Comprehensive Plan: Low Density Residential (LDR); Medium Density Residential (MDR); and High Density Residential (HDR). The table shows planned densities in order to calculate the needed acres needed for development. The planned densities are equivalent to the maximum densities allowed in each designation. Recent trends have indicated that development within the MDR (medium density residential) designation is closer to 5.8 units/acre compared with the planned density of 9 units/acre. The concept plan for the subject site has an approximate density of 5 units/acre, close to recent trends for MDR and far below the planned density for the this designation. In order to create an efficient use of land, the City of Newberg has committed to take steps to

increase the density in this category. This may include a requirement for duplex or multi-family only in the MDR designation, excluding detached single-family homes.

The Table shows that 874 acres are needed to accommodate population growth for the next 20 years with an additional 1,009 acres needed to accommodate 2040 population estimates.

Table C
Buildable Residential Land Need

Plan Designation	Density (du/ac.)	Dwelling Units Needed (2005-2025)	Buildable Acres Needed (2005-2025)	Dwelling Units Needed (2026-2040)	Buildable Acres Needed (2026-2040)
LDR	4.4	2,691	612	3,234	735
MDR	9	1,556	173	1,719	191
HDR	16.5	1,473	89	1,367	83
Total		5,720¹	874	6,320	1,009

Source: City of Newberg, Comprehensive Plan, November 2005

The land need in Table C is compared with the buildable land supply within the current UGB to find the number of acres needed to accommodate future growth, as shown in Table D. The Table shows that an additional 380 acres will need to be within the UGB to accommodate growth to the year 2025. Beyond the year 2025, an additional 1,009 acres will be needed to accommodate growth to the year 2040.

Table D
Buildable Residential Land Needs vs. Supply

Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres in UGB (2004)	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040
LDR	612	359	(253)	735
MDR	173	142	(31)	191
HDR	89	13	(76)	83
Total	874	514	(380)	1,009

Source: City of Newberg, Comprehensive Plan, November 2005

The evidence presented above clearly demonstrates that the current supply of vacant developable and appropriately zoned land is inadequate to meet the needs of the community over the next several years. There will be a negative supply of available low,

¹ The dwelling units needed for the time period of 2005-2025 was reduced from 6,704 (Table B) to 5,720 (Table C) to account for dwelling units that were in process of being built during 2004 and are now part of the current residential inventory.

medium and high-density land by 2025, if not before, to meet the community's need for residential land.

In summary, population and residential housing growth has averaged approximately 3% per year over the last ten years. There is currently a low amount of available, developable land within the city for residential development. As an example, the supply of Medium Density Residential (R-2) land has decreased at a faster rate than other residential zones in the City. Suitable residentially zoned land is in short supply to meet residential growth needs over the next five to ten years according to the City's residential land need analysis.

(c) Orderly and economic provision for public facilities and services;

Finding: The majority of the site can readily be served by the extension of utilities currently located in Lynn Drive and Crater Lane. The southern most portion of the site will require future utility improvements in Columbia Drive before that portion of the site can be annexed and consequently developed.

Water: Based on a maximum density of approximately 76 dwelling units, the area could be served by six-inch water lines. A new reservoir on Corral Creek Rd. and one new well has been completed in the last two years. A second new well is under construction and will become on line by summer 2006. These facilities have the potential to increase the City's overall water storage ability by 50% per day. The water treatment plant will be expanded to accommodate the well field expansion by 2006.

Sanitary sewer: The subject site can feasibly be served via gravity flow from the sewer main line located in Lynn Drive.

Storm water management: There is currently no storm water provision on the site. On-site detention may be required to limit the impact of storm water on adjacent properties.

(d) Maximum efficiency of land uses within and on the fringe of the existing urban area.

Finding: The proposed amendment will provide for maximum efficiency of land use on the fringe of the urban area through extension of public water and sanitary sewer that allow for development at an urban scale. As currently zoned by the County, low-density rural residential development could occur, yet soils on the site are not suitable for septic drain fields. The proposed use of the area for medium density urban residential development is harmonious with the use of nearby properties located to the north and east of the site within the City boundary. Properties to the west and south are predominantly zoned for agricultural use. Land needed for medium density residential development will be added to the City's buildable lands inventory. The area could potentially provide an overall density of approximately 76 units, which can efficiently be served by extensions of public utilities.

(e) Environmental, energy, economic and social consequences;

Finding:

Environmental consequences: The site consists primarily of a Christmas tree farm and single-family homes. Although the land west of the site is in agricultural use, the area cannot be classified as strictly agricultural in nature due to the many VLDR lots and homes on Chehalem Drive. Chehalem Drive serves as both a visual and physical buffer between the agricultural uses west side of the site and the project area. No known historic sites exist in the project area.

Energy consequences: The provision of needed medium density housing will help to conserve energy resources by expanding an existing efficient land use pattern. The site is within close proximity of two schools, a community center, and a park, thus reducing reliance on automobile transportation.

Economic consequences: Until the parcels are annexed, there is negligible economic impact. Upon annexation, a complete economic impact statement will be required and additional service requirements and the costs associated with them will be analyzed at that time. As an example, development activity will likely generate more traffic in the area but that same development activity will also generate additional transportation system development fees to fund local road improvements.

Social consequences: The long-term socioeconomic benefits to the community will be fulfilled by creating housing opportunities for households of all sizes and income levels. In the 2004 Housing and Residential Land Needs Report, the projected residential demand for duplexes and multi-family was over 45% of the total projected housing needs from 2004-2025. The requested MDR (Medium Density Residential) designation for this site fulfills part of that need. This will allow the City of Newberg to enable a diverse range of citizens to find housing and create a well rounded community.

Staff concludes that including these parcels in the urban growth boundary at this time will be a greater benefit to the City than any impacts that have been identified above.

(f) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and

Finding: The site contains a diverse array of soil types of which some are not deemed to be high quality soils for intensive agriculture use. As shown on the soils map, soils on the site are a mixture of soil types. In many cases, the area also has poor drainage. Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement II, issued in 1980. Therefore, it has been previously determined that the site is not well-suited for use as agricultural land, and has low priority for retention as agricultural land.

(g) Compatibility of the proposed urban uses with other adjacent uses.

Finding: Oregon's land use laws were designed to protect farm land and to establish city boundaries. Where these boundaries terminate, potential conflict with adjacent activities, including farming activity can occur. Urban reserve areas, by their very nature, exist on the fringes of these city boundaries. These parcels were included within Newberg's Urban Reserve

Area in anticipation of development occurring by 2020. Newberg's Development Code has been designed to mitigate impacts of new development on surrounding land uses. Impacts on this area which may occur as a result of existing farming practices can also be mitigated by proper installation of amenities such as landscaping and screening at time of development.

The area under consideration is located between Chehalem Drive and the western fringe of Newberg's city limits. Chehalem Drive acts as a natural visual boundary between adjacent agricultural uses on larger parcels and residential development to the east. Land directly east of the site contains residential dwellings developed to City of Newberg R-1 zoning standards. The property to the north contains residential dwelling units developed to the City of Newberg R-1/6.6A zoning standards.

II. Newberg Comprehensive Plan Amendment Criteria - Newberg Development Code, Section 10.20.030: *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.***

NEWBERG COMPREHENSIVE PLAN POLICIES AND GOALS:

AGRICULTURAL LANDS - Goal: To provide for the orderly and efficient transition from rural to urban land uses.

AGRICULTURAL LANDS - Policy 1. The conversion of land from agricultural to urban land uses shall be orderly and efficient.

Finding: As previously noted, in 1992 and 1993 an urban reserve area project was completed. The Urban Reserve Area land supply was intended to provide adequate land for the City's needs to 2020. As shown in Tables B, C, and D a current shortfall of residential land has been identified. These parcels were included within the urban reserve area and conversion from agricultural to urban land uses is occurring in an orderly and efficient manner. Adjacent properties within the City limits have recently been fully developed. Conversion of this block of land is the next logical order of progression for development to occur.

AGRICULTURAL LANDS - Policy 2. Inclusion of lands in agricultural use within the Urban Growth Boundary is recognition of a commitment of future urbanization, as such lands are necessary to meet long-range population and economic needs, based on criteria outlined in the statewide Urbanization Goal.

Finding: The site under review has historically been used for low intensity agricultural purposes, such as filbert and walnut orchards. Tables B, C and D demonstrate that there will be a substantial shortage of land in the City available for medium density housing should growth rates and corresponding housing development trends experienced over the past few years continue. Inclusion of the property under review within the UGB would help to alleviate the shortages of land available for residential use expected to occur by 2025, if not sooner.

AIR, WATER, AND LAND RESOURCE QUALITY - Goal: To maintain and where feasible, enhance air, water and land resource qualities within the community.

AIR, WATER, AND LAND RESOURCE QUALITY - Policy 3. As public sanitary sewer becomes available, all development shall connect to the public system.

Finding: Sanitary sewer service is available to the east in Lynn Drive to serve the majority of site. Currently, the existing homes are on septic sewer systems. When development occurs, all residences will connect to City sewer service.

HOUSING - Location Policy 2(a). Medium and high-density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low-density areas. High-density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

Finding: The two primary accesses for the development are located on Chehalem Drive and Lynn Drive. Chehalem Drive provides convenient access to Highway 240 and Highway 99W and to nearby employment and commercial areas without passing through low-density residential areas. Two public schools and a community center were recently constructed in close vicinity of the site. The schools were built in this area in anticipation of future growth in the general vicinity.

TRANSPORTATION - Goal 9: Create effective circulation and access for the local transportation system.

Finding: The Traffic Impact Study prepared for this application includes an analysis of potentially affected roadways and intersections and recommends roadway improvements to provide for adequate circulation and access for future development in the area. Improvements to adjacent public streets will be required to conform to standards in the City's Transportation System Plan (TSP) and Development Code at time of future development.

The following transportation system improvements are recommended to enhance local street connectivity and improve circulation patterns within the site vicinity.

- ▶ **Chehalem Drive Cross-Section Improvements** - Chehalem Drive should be improved to major collector standards as per the City of Newberg TSP.
- ▶ **Crater Lane Improvements** - Crater lane should be improved to local street standards

Additional details of the study methodology, findings, and recommendations are provided within the Traffic Study Report (Attachment F).

PUBLIC FACILITIES AND SERVICES - Policy 1(a). The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.

PUBLIC FACILITIES AND SERVICES - Sewer and Water Policy 2(c). Developments with urban densities should be encouraged to locate within the area, which can be served by Newberg's present sanitary sewer system.

Finding: As previously noted, public utilities can be extended to connect to existing services in Lynn Drive and Crater Lane to efficiently serve the future development of the site.

URBANIZATION - Goal 1. To provide for the orderly and efficient transition from rural to urban land uses.

Finding: As previously noted, the land has been included within Newberg's urban reserve area to provide adequate land for the City's needs to 2020. Since these parcels were included within the urban reserve area, conversion from agricultural to urban land uses is occurring in an orderly and efficient manner. In addition, the Utility Study and Traffic Impact Study prepared in conjunction with this application found that public services and facilities can be efficiently provided to the site to support an urban level of medium density residential development.

URBANIZATION - Policy 1(f). In expanding or otherwise altering the Urban Growth Boundary, the Boundary shall follow road rights-of-way, lot lines, or natural features.

Finding: The proposed UGB amendment would modify the existing boundary to coincide with the west line of tax lots 3218AB-1000, -1001, -1400, and -1300 as shown on the map in Exhibit C.

URBANIZATION - Policy 1(h). The designated Urban Reserve Area identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to provide a thirty (30) to fifty (50) year land supply. Designated Urban Reserve Area lands will be included within the Urban Growth Boundary on a phased basis at periodic review. Property owners will also have the opportunity to request that land within the designated Urban Reserve Area be included within the Newberg Urban Growth Boundary, based on the criteria outlined in LCDC Goal 14 and the Urban Growth Management [Agreement].

Finding: The Urban Reserve Areas were evaluated and prioritized for inclusion in the UGB approximately ten years ago. The City of Newberg is currently in the process of evaluating which land will be included in the UGB to meet projected growth needs. In the meantime, the applicant has requested that land within the Urban Reserve Area be included in the UGB. This application demonstrates compliance with criteria specified in Statewide Goal 14, Urbanization. Responses to the Goal 14 criteria are found elsewhere in this report.

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

Finding: The proposed Urban Growth Boundary Amendment itself does not require provision of public facilities. As previously noted, future development can readily be served the extension of utilities currently located in Foothills and Crater Lane. As indicated below, public utilities appear to have adequate capacities to accommodate the future demands of the area.

Water: Based on a maximum density of approximately 76 dwelling units, the area could be served by six-inch water lines. A new reservoir on Corral Creek Rd. and one new well has been completed in the last two years. A second new well is under construction and will become on line in summer 2006. These facilities have the potential to increase the City's overall water storage ability by 50% per day. The water treatment plant will be expanded to accommodate the well field expansion by 2006.

Sanitary sewer: The subject site can feasibly be served via gravity flow from the sewer main line located in Lynn Drive.

Storm water management: There is currently no storm water provision on the site. On-site detention may be required to limit the impact of storm water on adjacent properties.

An elementary school and a middle school are located approximately one half mile from the project area, and a high school is located approximately 1.5 miles away.

III. ORS Standards:

- **ORS 197.296(2).** This ORS requires a City to provide sufficient buildable land within a City's boundary, and to analyze and determine residential housing patterns. Review of an urban growth boundary, comprehensive plan or other functional plan to accommodate estimated housing needs for 20 years may be done through the periodic review or any other legislative review.

Finding: The City is currently in the process of evaluating housing needs for the next 20 years. This proposal is not initiated by that review process, but includes land that is under review for inclusion into the UGB. The proposal being considered is being heard as a site-specific quasi-judicial review. The findings are based on the residential needs analysis that was conducted as part of the City's period review process. In addition, the Newberg Comprehensive Plan provides that *"property owners will also have the opportunity to request that land within the designated Urban Reserve Area be included within the Newberg Urban Growth Boundary, based on the criteria outlined in LCDC Goal 14 and the Urban Growth Management Agreement."*

The Newberg Urban Area Growth Management Agreement provides the following mechanism for a site specific urban growth boundary amendment: "Amendment of the Urban Growth Boundary may be initiated by the Yamhill County Board of Commissioners, the Newberg City Council, or by an individual owner(s) of property who request(s) inclusion in or exclusion from the urban Growth Boundary".

An updated residential needs analysis was completed in 2004. As previously shown in Tables A, B, C and D of these findings, there is currently a need for additional medium density zoned land

to meet projected increases in population by 2025. For the planning period ending in 2025, there is a significant shortfall in every residential land category. The proposed amendment will help the City meet the requirements of ORS 197.296(2) by providing a suitable inventory of buildable residential land to the year 2025.

- **ORS 197.298.** ORS 197.298 establishes priorities for land to be included within an urban growth boundary. ORS 197.298 (1)(a) states: “In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities: (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.”

Finding: As noted in Exhibit A - Findings, page 1, the property under review is located with an urban reserve area adopted by the City and Yamhill County in 1995.

- **OAR 660-Division 4.** OAR 660-Division 4 exceptions standards interpret the Goal 2 Exception Process as it applies to statewide Goals 3 to 19. OAR 660-004-0010(1)(c)(B) states: “When a local government changes an established urban growth boundary, it shall follow the procedures and requirements set forth in Goal 2 “Land Use Planning,” Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met: (i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14.); (ii) Areas which do not require a new exception cannot reasonably accommodate the use; (iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and (iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.”

Finding: The seven factors of Goal 14 have been addressed in Exhibit A - Findings, pages 1-11. The property was designated as “Exception Lands” in 1980 by Yamhill County.

IV. **Goal 14 Factors:**

- a) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
- (b) Need for housing, employment opportunities, and livability;
- (c) Orderly and economic provision for public facilities and services;
- (d) Maximum efficiency of land uses within and on the fringe of the existing urban area.
- (e) Environmental, energy, economic and social consequences;
- (f) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and

- (g) Compatibility of the proposed urban uses with nearby agricultural activities.

Finding: See Exhibit A - Findings, pages 1-11.

- V. **Conclusion:** As shown in Tables A, B, C and D of this report, there will be a significant shortage of land available for residential development within the City by 2025, if not sooner. The proposed change will help to address the projected shortage by changing the Plan designation on the property to allow for medium density urban level development as opposed to the very low rural residential development that is currently allowable on the site under County zoning.

The Newberg/Yamhill County Urban Reserve Project examined this area in detail and determined that the site would be suitable for meeting the public need for additional land within the City's UGB. Inclusion of this property within the UGB would help to assure a livable, economically healthy and complete community and provide for a long-term jobs/housing balance.

The site can be relatively economically and efficiently served by extensions of public utilities that have capacity to serve the proposed development.

Based on all of the above mentioned findings, the application meets the criteria for an Urban Growth Boundary amendment.

EXHIBIT "B" - LEGAL DESCRIPTION

TAX LOT 3218AB-1000

Parcel 1 of Partition Plat 1994-28, recorded June 13, 1994 in Film 3 Page 487, Plat Records, Yamhill County, Oregon.

TAX LOT 3218AB-1001

Parcel 2 of Partition Plat 1994-28, recorded June 13, 1994 in Film 3 Page 487, Plat Records of Yamhill County, Oregon.

TAX LOT 3218AB-1100

Parcel 1 of Partition Plat No. 94-23, Recorded May 27, 1994 in Film 3 Page 480 Record of Plats for Yamhill County, Oregon.

TAX LOT 3218AB-1101

Parcel 2 of Partition Plat 94-23, recorded May 27, 1994 in Film 3 Page 480, Record of Plats for Yamhill County, Oregon.

TAX LOT 3218AB-1200

PARCEL I:

A tract of land in the William Jones Donation Land Claim in the Northwest Quarter of Section 18, Township 3 South, Range 2 West, of the Willamette Meridian, more particularly described as follows: BEGINNING at the Southeast corner of that certain tract of land which was conveyed by George L. Kelty and wife to Richard Brain Hurlstone on May 11, 1910, and recorded in Book 58, Page 418, of Deed Records; thence North 1 deg. 30 sec. West 4.30 chains; thence West 5.25 chains; thence South 1 deg. West 4.25 chains to the South line of said Richard Brain Hurlstone tract; thence South 89 deg. 14 min. East 4.58 chains to the place of beginning. EXCEPTING THEREFROM the following described property: Beginning at the Southeast corner of a certain tract of land conveyed to Richard Hurlstone recorded in Book 58, Page 418, Yamhill County Deed Records, thence North 00 deg. 38 min. West along the centerline of County Road No. 66 a distance of 141.24 feet; thence South 89 deg. 53 min. 36 sec. West, 340.79 feet to an iron rod on the East line of a certain tract of land conveyed to William Hurlstone recorded in Book 69, Page 489, of Yamhill County Deed Records; thence South 00 deg. 17 min. 23 sec. West 141.24 feet to an iron rod in the South line of said Richard Hurlstone Deed; thence South 89 deg. 56 min. 37 sec. East along the South line of said Richard Hurlstone Deed 308.88 feet to an iron rod; thence North 88 deg. 25 min. East, 34.20 feet to the point of beginning.

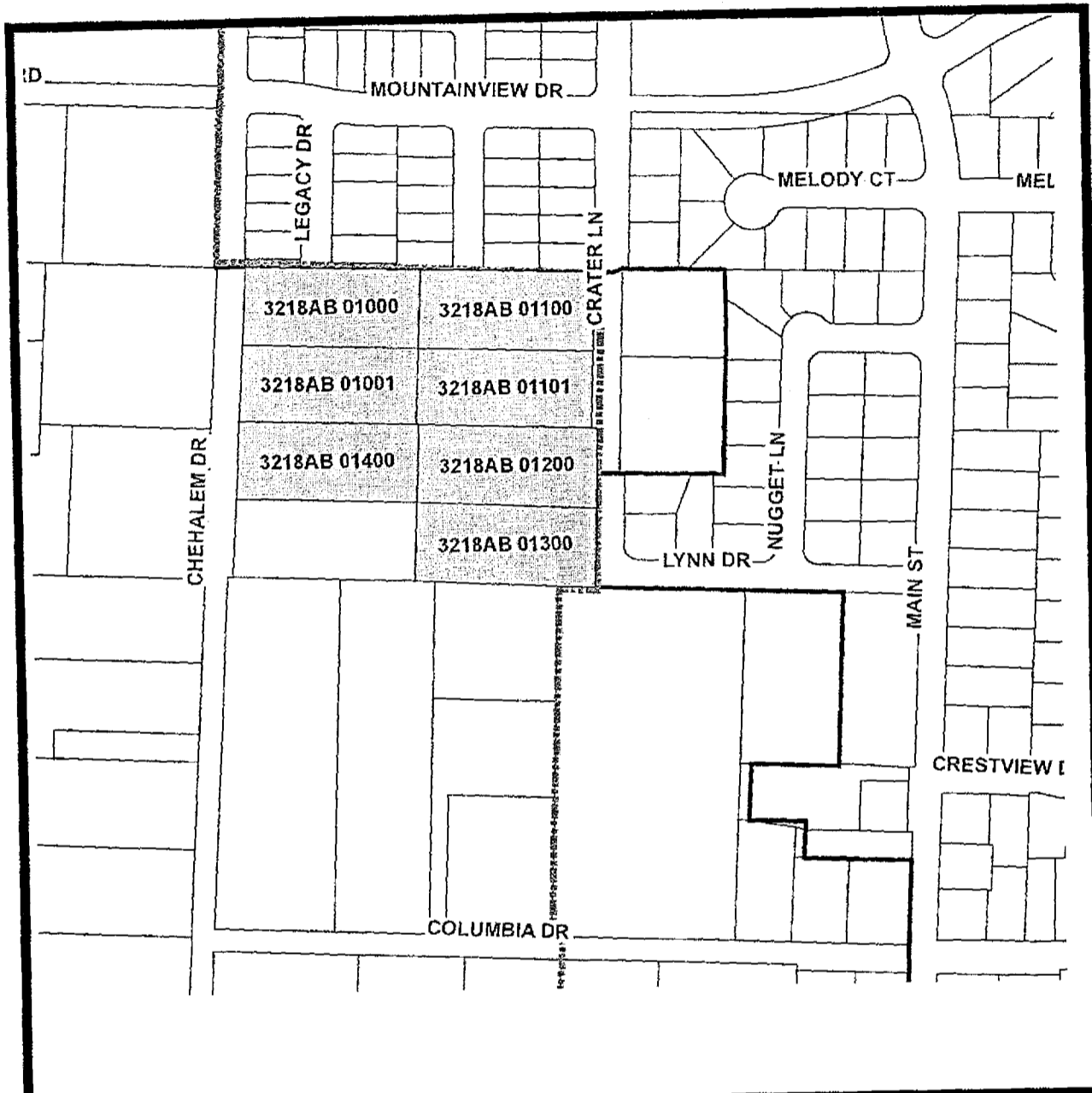
TAX LOT 3218AB-1300

PARCEL II:

A tract of land in the William Jones Donation Land Claim in the Northwest one-quarter of Section 18, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows: Beginning at the Southeast corner of a certain tract of land conveyed to Richard Hurlstone recorded in Book 58, Page 418, Yamhill County Deed Records; thence North 00°38' West along the center line of County Road No. 66, a distance of 141.24 feet; thence South 89°53'36" West 340.79 feet to an iron rod on the East line of a certain tract of land conveyed to William Hurlstone, recorded in Book 69, Page 489, Yamhill County Deed Records; thence South 00°17'23" West 141.24 feet to an iron rod in the South line of said Richard Hurlstone deed; thence South 89°56'37" East along the South line of said Richard Hurlstone deed, 308.88 feet to an iron rod; thence North 88°25' East 34.20 feet to the point of beginning.

TAX LOT 3218AB-1400

Parcel 2 of Partition Plat 93-40, recorded August 4, 1993 in Film 3 Page 378, Record of Plats for Yamhill County, Oregon.



<p>Description: Urban Growth Boundary amendment for 7.6 acres.</p> <p>File: UGB-05-013 Date: December 14, 2005</p>	<p>EXHIBIT C SITE MAP</p>	<p>Tax Lot: 3218AB-1000, -1001, -1100, -1101, -1200 -1300, and -1400 Location: Between Crater Lane and Chehalem Drive at Lynn Drive Application By: Coyote Homes, Inc.</p>
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