



# 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 Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

### NOTICE OF ADOPTED AMENDMENT

December 14, 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 011-06



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

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 28, 2006**

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Matthew Crall, DLCD Transportation Planner  
Barton Brierley, City of Newberg

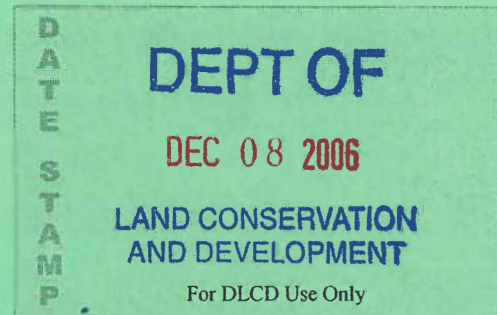
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**FORM 2 Notice of Adoption**

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-06-01  
Date of Adoption: 12/11/2006 10/19/06 Date Mailed: 12/6/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 7/6/2006

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
**Include 14.74 acres into the Newberg UGB, Designate land Commercial, Low Density Residential, and 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".  
**The designation was changed to add the Low Density and Medium Density Residential areas**

Plan Map Changed from: AFSH to: COM, LDR, MDR  
Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_  
Location: Portland Road @ Providence Drive Acres Involved: 14.74  
Specify Density: Previous: 1 du/10 acres New: 4.4 and 8.8 du/ac.  
Applicable Statewide Planning Goals: 2, 9, 11, 12, 14  
Was and Exception Adopted?  YES  NO

DLCD File No.: 011-06 (15367)



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

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

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

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

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

**ODOT**

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

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

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**

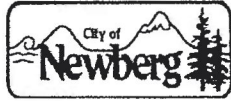
DEPT OF

DEC 08 2006

LAND CONSERVATION  
AND DEVELOPMENT

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. 2006-2660**

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**AN ORDINANCE INCLUDING CERTAIN PROPERTY IN THE 4200 BLOCK OF PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216AC-13800, IN THE URBAN GROWTH BOUNDARY AND IN THE IN COM, LDR, AND MDR COMPREHENSIVE PLAN DISTRICTS.**

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### **RECITALS:**

1. On May 17, 2006, Jeffery D. Smith submitted a request for an urban growth boundary amendment of approximately and comprehensive plan change to COM (Commercial) for 14.74 acres located in the 4200 block of Portland Road, Yamhill County Tax Lots 3216AC-13800.
2. After proper notice, on September 11, 2006, the Newberg Urban Area Management Commission heard the request. The Commission recommended approval of the urban growth boundary amendment, and recommended a combination of commercial and residential comprehensive plan changes.
3. After proper notice, on October 16, 2006, the Newberg City Council held a hearing to consider the request.
4. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

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

1. The property described in Exhibit A is hereby included within the Newberg Urban Growth Boundary.
2. The property described in Exhibit A is hereby changed to a COM (Commercial), Medium Density (MDR) and Low Density (LDR) Comprehensive Plan Designation, as shown on Exhibit B. The "Newberg, Oregon Comprehensive Plan Map" shall be amended to indicate this change. The Newberg Comprehensive Plan supply and demand tables shall be amended to reflect this change.
3. The findings which are attached hereto as Exhibit C are incorporated herein.

This ordinance is subject to the following:

- A. Adoption of the same Urban Growth Boundary and Comprehensive Plan changes by Yamhill County.

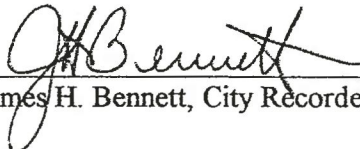


- B. Final adoption of amendments to the Newberg Transportation System plan as initiated by Resolution 2006-2661. The effective date of the UGB amendment is contingent upon final approval of amendments to the acknowledged Newberg Transportation System Plan as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- C. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook/99W intersection.
- D. A wetland determination is required prior to any development on the site.


➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 15, 2006.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 16<sup>th</sup> day of October, 2006, by the following votes:

**AYE: 7                      NAY: 0                      ABSENT: 0                      ABSTAIN: 0**

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

**ATTEST** by the Mayor this 19th day of October, 2006.

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

#### **LEGISLATIVE HISTORY**

By and through Newberg Urban Area Management Commission at 9/11/2006 meeting.

#### Exhibits

- Exhibit A: Legal Description and Map
- Exhibit B: Comprehensive Plan Map Designations
- Exhibit C: Findings



**EXHIBIT "A-1"**

LEGAL DESCRIPTION:  
JULY 11, 2006  
PAGE 1 OF 2

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY,  
OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEASTERLY CORNER OF THE PLAT OF "SPRING MEADOW  
SUBDIVISION STAGE 2" RECORDED IN VOLUME 9, PAGE 46, YAMHILL COUNTY SURVEY  
RECORDS BEING AN ANGLE POINT OF THE NEWBERG CITY LIMIT BOUNDARY ON THE  
SOUTHERLY LINE OF THE BENJAMIN HEATER DONATION LAND CLAIM NUMBER 50;  
THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89° 57' EAST, 515.8 FEET TO  
THE NORTHWEST CORNER OF THAT CERTAIN TRACT DESCRIBED IN DEED RECORDED  
IN DOCUMENT NUMBER 199715739; THENCE ALONG THE WESTERLY LINE OF SAID  
TRACT SOUTH, 1124.5 FEET TO THE NORTHERLY RIGHT-OF-WAY OF PACIFIC HIGHWAY  
(HIGHWAY 99 WEST) AS DESCRIBED IN DEED BOOK 110, PAGE 220; THENCE ALONG  
SAID RIGHT-OF-WAY LINE SOUTH 65° 30' WEST, 568.2 FEET TO A POINT BEING THE  
SOUTHEASTERLY CORNER OF SAID PLAT OF "SPRING MEADOW SUBDIVISION STAGE  
2"; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE EASTERLY BOUNDARY OF  
SAID PLAT (BEING COINCIDENT WITH AN EASTERLY NEWBERG CITY LIMIT LINE) NORTH  
00°03' EAST, 1360.6 FEET TO SAID POINT OF BEGINNING.

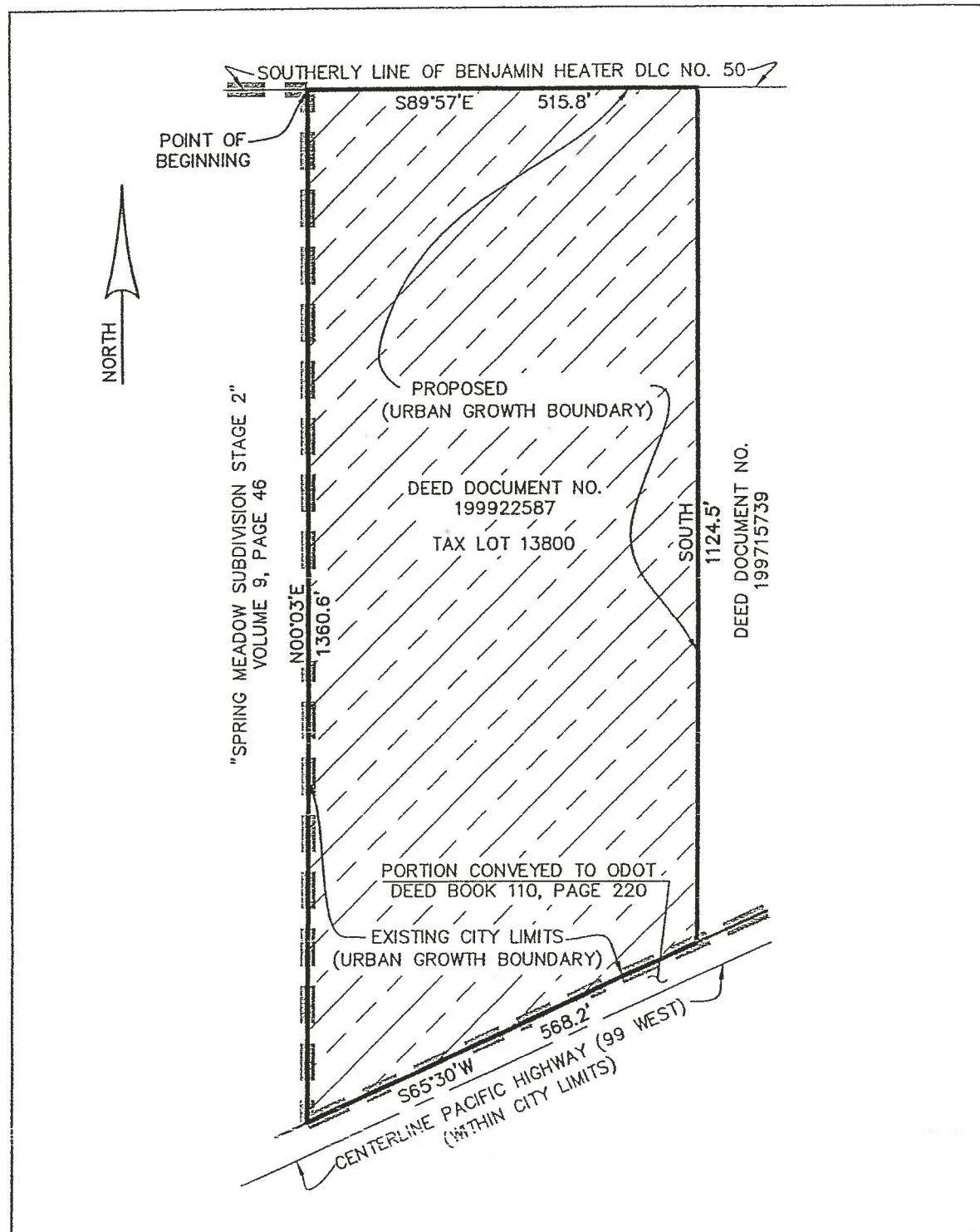
CONTAINS 14.729 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT ENTITLED "EXHIBIT A-2 ANNEXATION MAP" IS MADE APART  
HEREOF.

THIS DESCRIPTION IS MEANT FOR ANNEXATION PURPOSES ONLY. IT IS NOT INTENDED  
TO BE USED IN THE TRANSFER OF REAL PROPERTY.

7/11/06  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Paul D. Galli*  
OREGON  
JANUARY 10, 2008  
PAUL D. GALLI  
76970  
EXPIRATION DATE 6/30/07





**W R G**  
DESIGN INC.

5415 SW Westgate Dr,  
Ste 100 / Portland, OR  
97221 / Tel. 503.419.2500

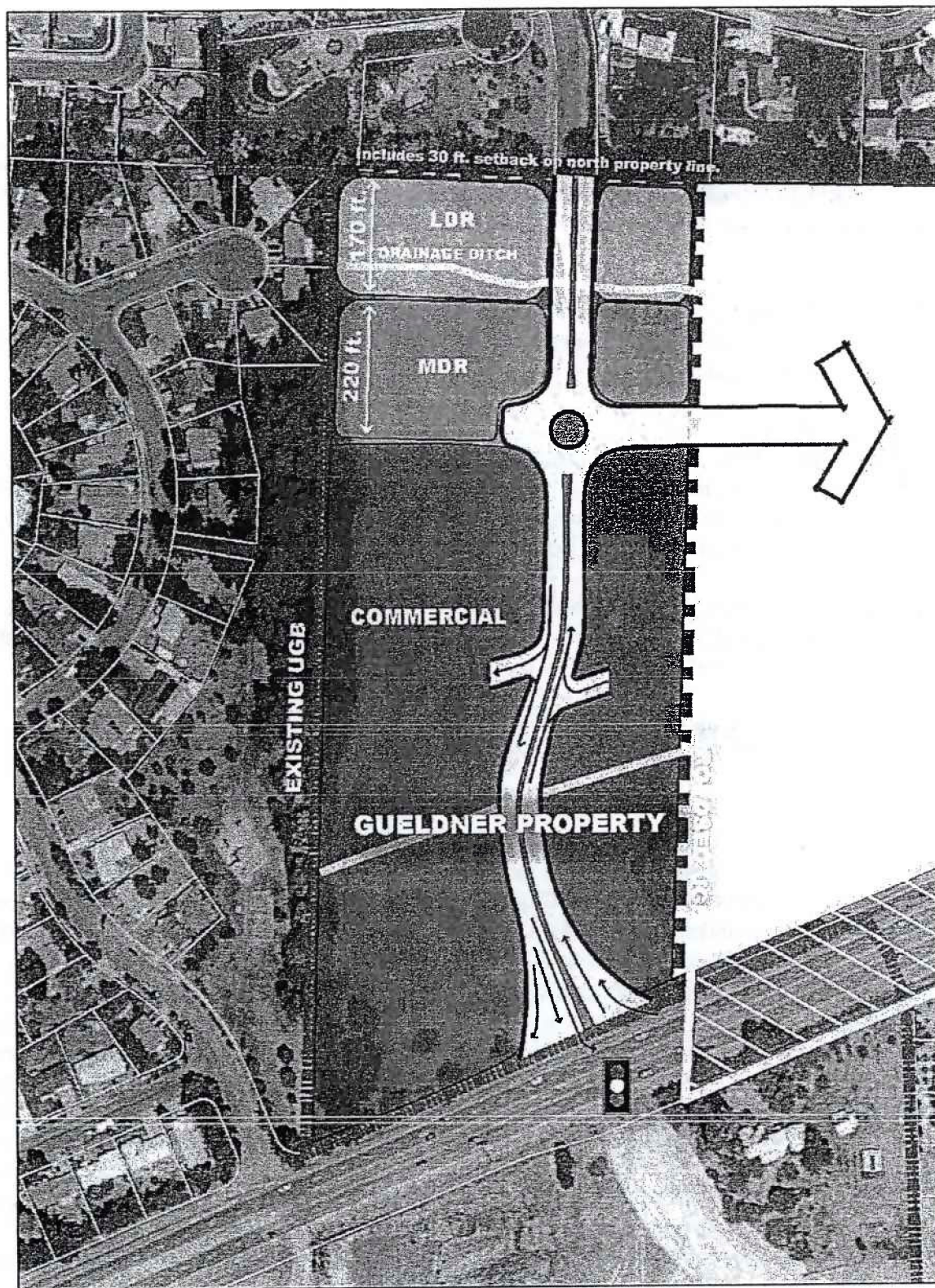
**EXHIBIT A-2  
ANNEXATION MAP**

NE1/4 S16, T3S, R2W, W.M.  
YAMHILL COUNTY, OREGON

PROJECT NO. JTS5136  
DATE: 07/11/2006  
BY: CEP  
SCALE: 1" = 100'  
SHEET NO. 2 OF 2



EXHIBIT B: COMPREHENSIVE PLAN MAP DESIGNATIONS





**EXHIBIT C: URBAN GROWTH BOUNDARY FINDINGS  
UGB-06-01**

**Approval of an urban growth boundary amendment for 14.74 acres.**

**ORS Standards:**

**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:** The property under review is designated as Urban Reserve land, as adopted by the City of Newberg and Yamhill County in 1993, and therefore is first priority for inclusion in the Urban Growth Boundary.

**OAR Standards:**

**660-021-0060 Urban Growth Boundary Expansion.** *All lands within urban reserve areas established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve area.*

**Finding:** The property under review is designated as Urban Reserve land, as adopted by the City of Newberg and Yamhill County in 1993, and therefore is first priority for inclusion in the Urban Growth Boundary.

**Statewide LCDC Goals:**

Goals 4, 15, 16, 17, 18, and 19 do not apply to this application. The remaining goals are addressed below:

***Goal 1. Citizen Involvement.***

**Finding:** The property under review is located within the Study Area C 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. The study provided a buildable lands inventory and a land use needs analysis, preliminary infrastructure and transportation plans, and an amended urban services agreement between the City of Newberg and Yamhill County. In conjunction with this 1997 study, a citizen involvement and inter-governmental 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. In 1997, approximately 70 people attended two workshops for property owners and other parties interested in the URAs. A questionnaire was also distributed at that time to solicit additional input in the URA planning process. Additionally, in 2004, the Newberg City Council created the Ad Hoc Committee on Newberg's Future (the Committee) to provide a forum for citizen involvement in planning for Newberg's future land use patterns. Between April 2004 and June 2005, the Ad Hoc Committee on Newberg's Future sought the input from the general public.

During that time, the Committee held two open houses, conducted two surveys, received comments at each of their meetings, and received several letters. The hearing process for this request also fulfills the citizen involvement requirements.

At the hearing, neighbors raised concerns about the compatibility of the proposed commercial uses with adjacent established residential uses. The conditions of approval described in this ordinance provide for the proper separation between commercial and existing residential uses.

***Goal 2. Land Use Planning.***

**Finding:** 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 are coordinated with those of other jurisdictions and agencies, and that plans be reviewed periodically and amended as needed.

The proposed amendment is based on a wealth of factual information including recently adopted population projections and land needs assessments, the report of the Ad Hoc Committee on Newberg's future, Newberg's recently adopted Transportation System Plan, the City's recently adopted Economic Opportunity Analysis, and site information and utility information as described in the application.

This amendment is being concurrently reviewed by Yamhill County and the City of Newberg. Referrals of this application have been sent to a number of agencies, including ODOT, DLCD, DSL, Newberg School District, and utility companies.

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. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. Under the recently revised Statewide Planning Goal 14, a goal exception is no longer required for amending an Urban Growth Boundary.

***Goal 3. Agricultural Lands.***

**Finding:** This goal requires local governments to inventory agricultural lands and to "preserve and maintain" them for farm use. The property under review is currently planned VLDR (Low Density Residential) and is zoned AF-10 (Agriculture/Forestry Small Holding) under the County Zoning Ordinance. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. The exception land definition identified the general area as having a mixture of soil types ranging from Class II 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. Sheet 16 of the Yamhill County soil survey shows that the majority of the parcel, approximately 55% is Woodburn silt loam (WuB, 0.00 - 7.0%), which is designated as Class II soil type. Approximately 25% is Laurelwood (La, 12 - 20%) and approximately 20% is Woodburn Clay (WuC, 3-12%). Woodburn Clay is classified as Class III soil type. The property has previously been used primarily for hay production. In the last several years, however, the property has been little used and has produced no economic agricultural products. 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 use practices should be discouraged. The proposed addition of the project site into the UGB would provide needed land 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.***

**Finding:** This goal encompasses twelve 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 with La Laurelwood silt clay soils in the vicinity of the drainage ditch. Woodburn soils are identified as Class II soils by SCS; Laurelwood soils are identified as Class III as indicated on the USGS soil map. Much of the area has been used for hay pasture.

Residential development on the west and north of the property currently releases all their storm water onto this parcel. This has resulted in the development of some very low quality wetlands along the drainage ditches created by off site stormwater runoff. Further information is needed to determine whether these are jurisdictional wetlands or waterways and what protections may be needed.

***Goal 6. Air, Water and Land Resources Quality.***

**Finding:** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations regarding 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. Negligible impacts are anticipated to existing air quality in the area. A C-2 land use designation is intended for local service retail uses. This will reduce the distance that Newberg residents need to travel for goods and services, and therefore improve air quality. The completion of the Crestview Drive collector will shorten the length of miles traveled by the overall community by reducing out of direction travel, improving air quality. The proposed UGB amendment would be consistent with the City's Comprehensive Plan policies by providing water and sanitary sewer services capable of supporting future urban level development in the vicinity.

***Goal 7. Areas Subject to Natural Disasters and Hazards***

**Finding:** The subject site does not include any flood hazard areas or other areas especially subject to natural disasters or hazards.

**Goal 8. Recreation Needs**

**Finding:** 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 recreation demands of the community. Chehalem Park and Recreation District (CPRD) has established a neighborhood park along the west border of the property.

**Goal 9. Economic Development**

**Finding:** This goal requires local governments to provide adequate opportunities for a variety of economic activities. It requires local governments to analyze economic opportunities and constraints in the area. It requires local governments to provide an adequate supply of land to meet the needs identified. Further, it requires limits on uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

Newberg has recently adopted an economic opportunity analysis and land needs projections. Those projections identify a need for additional commercial land in the community. In particular, the plans identify a need for 2-3 community commercial centers of 10-15 acres each. The subject property was identified as a potential property for meeting this identified need. Thus, inclusion of this 14.74 acre property would help partly meet the community's need for a community commercial center.

The property abuts a park site along most of the west boundary, future urban property to the east, and Providence Hospital to the south. These are compatible land uses. On the north side and part of the west side, however, the property is zoned rural residential and contains residential subdivisions. The applicant has proposed separations between the commercial and existing residential uses. This would be a limit on uses near the proposed commercial area that could provide for compatibility between the uses.

**Goal 10. Housing**

**Finding:** This goal requires a community to plan for and accommodate needed housing types, including multifamily and manufactured housing. The community is also required to inventory developable residential lands, conduct an analysis of projected future demand for various housing types, and to plan and zone enough buildable land to meet those needs. The goal prohibits local plans from discriminating against needed housing types. The goals for housing in the City of Newberg's Comprehensive Plan is to provide for diversity in the type, density, and location of housing to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. The Newberg Comprehensive Plan projects a future population of 38,352 by 2025 and 54,097 by 2040. Inclusion of the Guedner Property into the UGB will help offset the City's projected shortfall of land for commercial development. The commercial development on the site will provide needed commercial services to serve the growing community. A small amount of residential development could be provided to serve as a buffer to existing residential uses to the west.

**Goal 11. Public Facilities and Services.**

**Finding:** This goal aims for efficient planning of public services such as sewers, water, law enforcement and fire protection. It encourages planning of public services to meet the



community's needs and capacities rather than responding to development as it occurs. Newberg'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. Sewer service is anticipated to be provided by extending an existing sewer main in Klimek Lane to the property. Some upgrades to the Fernwood Road pump station may be needed to serve the property. General sewage treatment capacity for the community is addressed in the City's sewage master plan.

Water service is available fronting the site, and can be extended to serve the development. General water capacity for the community is addressed in the City's water master plans.

Storm drainage for the property is currently provided by two storm drainage ditches that currently cross the property and outfall to the property to the east. These eventually drain to a 24-inch diameter culvert under Highway 99W. This culvert is identified in the Newberg Drainage Master Plan as undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm drainage system will be required upon development, which may include some combination of new storm drainage lines and storm water detention.

City police and fire services will be provided upon annexation. Separate findings of the availability of these services will be required upon annexation. The property has excellent access to Providence Newberg Hospital.

#### ***Goal 12. Transportation***

**Finding:** 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 addition, the City recently adopted a new Transportation System Plan. This plan evaluated not only the transportation needs of the future development within the Urban Growth Boundary, but also the transportation needs of development of the designated urban reserve areas. The transportation plan used the land use assumption that the subject property would be designated commercial. Therefore, this plan can be relied upon for consideration of this UGB amendment.

Newberg's Transportation System Plan (TSP) includes several planned road improvements in the general vicinity of the site. They include: Northern Arterial Street Connection - Existing Crestview Drive to Oregon 99W. The City's existing TSP recommends that Crestview Drive be completed through the Gueldner property to OR Highway 99W. This connection is of the City's plan to construct a Northern Arterial connecting OR 99W at the project site to Villa Road and College Street north of the downtown core via Mountainview Drive and Crestview Drive. It also includes an east-west connection between the Crestview Drive extension and Benjamin Road.

Through extensive public involvement effort, the City has initiated a change to the TSP. This change is based on a report from JRH Transportation Engineers that evaluate potential changes to the designations of Crestview Drive and Springbrook Road. The study supports the



redesignation of Crestview Drive to a major collector from the middle of the Gueldner Property to Springbrook an incorporating traffic calming improvements. The Gueldner property will provide a central traffic at the center intersection to provide traffic calming in compliance with the JRH recommendations.

A Traffic Impact Study was prepared for this project by the Transpo Group (and assuming the construction of the Crestview Drive to Highway 99W connection). The proposed conceptual commercial development on the site is expected to generate a total of 3,488 new daily, and 349 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,292 weekday daily and 223 weekday PM peak hour passby trips would be generated by the project, and a total of 4,146 weekday internal trips and 254 weekday PM peak internal trips are generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

The Transpo study estimates trip generation rates that are higher than those assumed in the TSP. The study also finds failures in the future transportation system due to the site generated traffic, particularly at the Springbrook Road/99W intersection. If the actual development is similar to that projected in the conceptual plan, then the development will need to mitigate these impacts. In a similar case of Providence Hospital, the hospital was required to make a payment for a proportional share of improvements to the intersection. A similar requirement could be made for this project to mitigate these impacts.

In general, with the improvements included in the transportation plan and traffic mitigation measures, and including the recommendations of the JRH study, adequate transportation facilities will be available to serve the proposed use.

***Goal 13. Energy Conservation***

**Finding:** This goal states that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. This particular amendment will aid the conservation of energy largely by providing opportunities for shorter automobile trips. Currently, many shoppers in Newberg travel outside the community for various goods and services. Development of a community shopping center on this site will provide the opportunity for these Newberg shoppers to meet their needs in Newberg without traveling to shopping areas outside the area. Also, bringing the property into the UGB will facilitate construction of the Crestview/Providence Drive connection. This connection will provide a significantly shorter travel distance for many users in the area, again conserving energy.

***Goal 14. Urbanization***

This goal is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The goal requires that cities and counties establish urban growth boundaries to meet future land needs. The goal establishes land need factors and boundary location factors that must be addressed for any change to the

urban growth boundary. The following addresses these factors.

**Land Need**

*Establishment and change of urban growth boundaries shall be based on the following:*

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

**Finding:** The City of Newberg has acknowledged population projections for the Newberg UGB. These projection are shown in Table III-2 in the Comprehensive Plan, and are as follows:

**Table III-2. Future Population Forecast – Newberg Urban Area**

<b>Year</b>	<b>Population Forecast</b>
20004	18,438
2005	21,132
2010	24,497
2015	28,559
2020	33,683
2025	38,352
2030	42,870
2035	48,316
2040	54,097

The City and County have coordinated population projection sufficiently for this and other UGB amendments. Most recently, Yamhill County adopted Ordinance 781 on March 29, 2006, which amended the Newberg UGB. The findings for that amendment base needs for a 2025 population of 38,352, as adopted in the Newberg Comprehensive Plan.

The Newberg Comprehensive identifies a shortfall of 6 acres of commercial land for the period 2005-2025. It also identifies a need for 2-3 community commercial centers of 10-15 acres each. This amendment would partly meet Newberg’s future commercial needs by providing a site for a community commercial center.

*In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

**Finding:** The *Ad Hoc Committee on Newberg’s Future, Report to Newberg City Council: Recommendations for Newberg’s Future* (July 21, 2005) addresses the above factors.



This report is incorporated into these findings by reference. The report examined various site characteristics that would make land suitable for commercial needs. The report identifies the subject property as particularly suitable for commercial needs based on its size, topography, ownership patterns, level of development, natural features, access, shape, services, and compatibility. That report also examined a number of potential sites that potentially could meet the need for community commercial uses. These include the Mountainview/Zimri site and the Riverfront site. While both of these areas are suitable for commercial uses, both are already designated commercial, and contribute to meeting the overall commercial land needs. With these, there is still a deficit of commercial land. Therefore, that report concluded that there were inadequate sites within the urban growth boundary to accommodate the need, and therefore sites outside the UGB should be included to meet the future land needs.

***Boundary Location*** *The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:*

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

**Finding:** The subject site is locating within the Newberg Urban Reserve Area. As such, it is the highest priority for inclusion in the UGB under ORS 107.298. All alternative boundary locations outside the Urban Reserve Area would not be as high priority, thus can be dismissed for consideration of this amendment. The Ad Hoc Committee's report examines a number of potential sites for community commercial centers within the existing Urban Reserve.

The study identified several parcels large enough to accommodated commercial development in the urban reserve areas south of Bell Road and North Valley Road. These sites do not have adequate access to arterial streets however, and could not efficiently provide for commercial needs. In addition, they cannot orderly and economically be provided with public facilities due to their elevation above the existing water service level. There would be severe negative environmental, energy, economic, and social (EEES) consequences, including incompatibility with proposed residential uses in this area, significant grading necessary to accommodate commercial uses, and energy consequences caused by commercial traffic traveling to the this area.

There are several parcels along Wynooski Street that have the needed site characteristics for a community commercial center. These parcels, however are intermixed in an existing industrial area, and are anticipated to be designated industrial upon inclusion in the UGB. Designating these as commercial would have severe negative EEES consequences, including loss of job opportunities in the community, and increase need for residents of Newberg to commute to other communities for employment. It would negative consequences to the functioning of the proposed Highway 219/Bypass interchange. Commercial use also would not be compatible with adjacent industrial uses.

The result of that analysis was a recommendation that only the Northeast Urban Reserve (of which the subject property is a part) would be suitable for community commercial uses. The findings of this report are incorporated herein by reference.

The property can efficiently accommodate the proposed commercial land needs. The property has the site characteristics needed for commercial development. In particular, its good access to 99W and its proximity to other commercial services make the property efficient for meeting future commercial land needs. Public facilities and services can be provided orderly and economically to this site, as addressed in the findings under Goal 11: Public Facilities and Services. It would have the positive environmental consequence of preserving the existing wooded area. It would have positive environmental and energy consequences of providing for shorter auto travel trips, as addressed under Goal 12: Transportation. It would provide positive economic and social consequences of providing areas for shopping, commercial services, and employment within Newberg, as addressed under Goal 9: Economic Development.

The property abuts a park site along most of the west boundary, future urban property to the east, and Providence Hospital to the south. These are compatible land uses. On the north side and part of the west side, however, the property is zoned rural residential and contains residential subdivisions. The applicant has proposed separations between the commercial and existing residential uses. This would be a limit on uses near the proposed commercial area that could provide for compatibility between the uses.

**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;*
- (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 other adjacent uses.*

**Finding:** These criteria are all addressed under previous findings.

**Newberg Comprehensive Plan Amendment - Newberg Development Code, Section § 151.122:**

*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 addresses particular comprehensive plan policies.



***A. Citizen Involvement.***

***Goal: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.***

**Finding:** A citizen involvement program was a part of the 1997 Urban Reserve Project. In recent months, members of the public have been invited to and involved in community meetings with the Ad Hoc Committee and Newberg Urban Area Management Committee to discuss UGB expansion opportunities in Newberg. Additionally, with respect to this project, public notices have been provided to property owners within 500 feet of the property.

At the hearing, neighbors raised concerns about the compatibility of the proposed commercial uses with adjacent established residential uses. The conditions of approval described in this ordinance provide for the proper separation between commercial and existing residential uses.

***B. Land Use Planning.***

***Goal: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.***

**Finding:** Inclusion of this property into the UGB aligns with the city's and state's goal of providing enough land for growth. As land designated Urban Reserve and abutting the edge of the City's current limit, this property is appropriate in which to efficiently expand the City's boundary. Additionally, inclusion of this property within the UGB can facilitate the completion of Crestview Drive extension to Highway 99W as envisioned in the City's Transportation System Plan (TSP).

***C. Agricultural Lands.***

***Goal: To provide for the orderly and efficient transition from rural to urban lands.***

***Policy (1): The conversion of land from agricultural to urban land uses shall be orderly and efficient.***

**Finding:** 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. Expanding the UGB to include this property would be a natural progression of the City's expansion. The property abuts the current city boundary would be an appropriate place for the UGB to expand. It would be adjacent, or in very close proximity, to an anticipated interchange built on Highway 99W. The land will provide an opportunity to develop a gateway to the city and local neighborhoods and serve as a buffer between the planned Highway 99W interchange and existing residential development.

***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:** Expanding the UGB to include the property within its boundary would contribute to alleviating the projected shortfall for commercial development.

***E. Air, Water, and Land Resource Quality.***

***Goal: To maintain, and where feasible, enhance air water and land resource qualities within***

*the community.*

*Policy(3): As public sanitary sewer becomes available all development shall connect to the public system.*

*Policy (4): The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.*

**Finding:** The completed Fernwood Road pump station can serve future development within the project area and adjoining properties currently inside the City limits, possibly with some upgrades, thereby reducing the overall number of pump stations that might be needed to serve these areas as development occurs. The preferred option is to extend the Klimek Lane line along the Klimek right-of-way across Highway 99W. The airshed shall be protected by the reduction of vehicle miles traveled by the residents of Newberg, as noted under Goal 12: Transportation.

#### ***K. Transportation***

##### ***Goal 4, Policies m and q***

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

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

**Finding:** The property is within Urban Reserve Area C, north of Highway 99W, and thus falls within the exception above. Note that completion and adoption of the IAMP may involve additional conditions or mitigation measures.

##### ***Goal 9: Create effective circulation and access for the local transportation system.***

**Finding:** Improvements at the intersection of Providence Drive and Highway 99W are possible with the proposed project. The scope of these improvements and the impact on operations will be coordinated with ODOT and the City. The construction of the Crestview connector provides a planned link in the City's overall roadway network as shown in the Newberg Transportation System Plan that would otherwise result in increased need for



Highway 99W and the current key intersections to provide circulation for Newberg residents (especially those north of Highway 99W). The east–west connection to Benjamin Road, partly within this area planned for UGB amendment, would also help create effective circulation and access.

*L. 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.*

*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:** New public utilities-including a pump station in Fernwood Road-have been completed in the near vicinity which will serve this site, possibly with some upgrades, and the balance of the Springbrook Oaks development. A 10-inch waterline fronts the property. Storm drainage ditches traverse the property and connect to storm drain pipes on the western edge of the property. This site can be efficiently served by public facilities and services.

*N. Urbanization. Goal 1: To provide for the orderly and efficient transition from rural to urban land uses.*

**Finding:** The land is within Newberg's urban reserve area. The urban reserve is intended to maintain an adequate of supply land for the City's needs by 2020. Lands designated "Urban Reserve" are the most appropriate to include within a UGB expansion. Conversion of this property from rural to urban uses would qualify as orderly and efficient transition. Projected road improvements will be linked to adjacent urbanized area within the City of Newberg. The project proposal includes modifications to the Providence Drive/Highway 99W intersection to maintain adequate operations for the new hospital directly across Highway 99W and the proposed project.

*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 expansion would modify the existing boundary to extend to the east edge boundary of the property. This would allow adequate room for the extension of Crestview Drive. Overall, the UGB expansion will follow the property's lot line.

*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 the LCDC Goal 14 and the Urban Growth Management [Agreement].*

**Finding:** The Urban Reserve Areas were evaluated and prioritized for inclusion in the UGB approximately eight to ten years ago. Since that time, few URAs have been incorporated into the City's UGB. These amendments have been small and have not provided adequate lands to meet the growth needs of the City. This application demonstrates compliance

with criteria specified in Statewide Goal 14, Urbanization. Responses to Goal 14 criteria are found at the beginning of this report.

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

**Finding:** See the findings under Goal 11: Public Facilities and Services.

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

**Finding:** See the findings under Goal 12: Transportation

#### **Yamhill Comprehensive Plan Policies**

Yamhill County comprehensive plan policies are addressed in the Yamhill County staff report and in the application.

#### **CONCLUSION:**

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





## BOARD OF COUNTY COMMISSIONERS

KATHY GEORGE • LESLIE LEWIS • MARY P. STERN

535 NE Fifth Street • McMinnville, OR 97128-4523  
(503) 434-7501 • Fax (503) 434-7553  
www.co.yamhill.or.us

RECEIVED  
DEC 04 2006

BY:.....

December 1, 2006

Jeffrey Smith  
4386 SW Macadam, Suite 102  
Portland, OR 97201

Michael Robinson  
Perkins Coie, LLP  
1120 NW Couch St, 10<sup>th</sup> Floor  
Portland, OR 97209-4128

RE: Planning Docket PA-02-06 / Applicant Elle Gueldner  
Ordinance 798

Dear Mr. Smith and Mr. Robinson:

At the November 29, 2006 formal session of the Board of Commissioners, the Board adopted Ordinance 798, approving an urban growth boundary amendment to add a parcel of approximately 14.47 acres, Tax Lot 3216AC-13800.

Findings in support of the Board's decision are contained in Exhibit "A" of Ordinance 798, a copy of which is enclosed. Copies may also be reviewed in the Planning Department during normal business hours. The Planning Department is located at 525 NE Fourth Street, McMinnville, Oregon.

This action constitutes a final action by Yamhill County on the application, but you should be aware that a final land use decision by a local government may be appealed to the Land Use Board of Appeals in most circumstances. An appeal must be filed within 21 days of the date the decision became final, which was November 29, 2006. A successful appeal could revoke this approval.

If you have any questions regarding the county's action, you may contact me at the phone number listed above or the Planning Department (434-7516).

Sincerely,

*Carol Ann White, Paralegal*  
for Leslie Lewis, Chair  
Board of Commissioners

LL-CW:cw  
Enclosure

cc: Planning Department & Martin Chroust-Masin  
Interested parties per attached list (w/out attachment)

*Notice of Decision  
Ella Gueldner, Applicant  
PA-02-06  
December 1, 2006*

Russell Thomas & Lisa Thomas  
1808 Leo Lane  
Newberg, OR 97132

Vicki Shephard  
30230 NE Benjamin Rd  
Newberg, OR 97132

C. Alex Miller  
4308 E. Robin Ct.  
Newberg, OR 97132

Tamera Yocom  
1809 Leo Lane  
Newberg, OR 97132

Albert W. Parson  
1955 West Lake Loop  
Newberg, OR 97132

Dick Petrone  
4301 NE Crestview Drive  
Newberg, OR 97132

Justin Mortensen  
1935 Westlake Loop  
Newberg, OR 97132

Mark Parker  
1811 Leo Lane  
Newberg, OR 97132

John and Pat Trudel  
4303 NE Birdhaven Loop  
Newberg, OR 97132

Tom Louisell  
4307 NE Birdhaven Loop  
Newberg, OR 97132

Ella Gueldner Survivors' Trust  
30605 NE Bell Rd  
Sherwood, OR 97140-8571

Jeffrey D. Smith  
Joe Schieve, P.E.  
4386 SW Macadam, Suite 102  
Portland, OR 97201

WRG Design Inc.  
Mimi Doukas  
5415 SW Westgate Drive, Suite 100  
Portland, OR 97221

The Transpo Group  
Michael J. Swenson  
11730 118<sup>th</sup> Ave. NE, Suite 600  
Kirkland, WA 98034-1720

City of Newberg  
Attn: Barton Brierley  
PO Box 970  
Newberg, OR 97132



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL  
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving an Urban Growth Boundary Amendment )  
for the City of Newberg to Add a Parcel of Approximately 14.47 ) **ORDINANCE 798**  
Acres, Docket no. PA-02-06, Tax Lot 3216AC-13800, )  
Applicant Ella Gueldner, and Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on Wednesday, November 29, 2006, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

IT APPEARING TO THE BOARD that Ella Gueldner applied for an urban growth boundary amendment to include a 14.47 Acre Parcel currently within Newberg Urban Reserve Area, tax lot 3216AC-13800, and

The Newberg Urban Area Management Commission (NUAMC) and Newberg City Council held duly noticed public hearings on this application and it was approved by both bodies. A duly noticed public hearing was held November 8, 2006, before Yamhill County Board of Commissioners. The applicant appeared, no opponents appeared, and the Board voted 3-0 to approve the application.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD:


The application is approved as detailed in Exhibit "A", attached and hereby incorporated into this ordinance. A map of the parcel is appended as Exhibit "B". This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

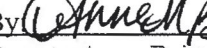
DONE this 29<sup>th</sup> day of November, 2006, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

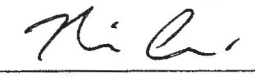
JAN COLEMAN  
County Clerk

  
Chair  
LESLIE LEWIS

By   
Deputy Anne Britt

  
Commissioner  
KATHY GEORGE

APPROVED AS TO FORM:

  
Rick Sanai  
Assistant County Counsel

  
Commissioner  
MARY P. STERN

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Ordinance 798

B.O.06-966

**FINDINGS OF THE YAMHILL COUNTY  
BOARD OF COMMISSIONERS**

**I. INTRODUCTION**

This document supports Yamhill County Ordinance No. 798, which approves an amendment to the Newberg Urban Growth Boundary (UGB) for approximately 14.47 acres of land within the City of Newberg Urban Reserve Area, and changes the comprehensive plan designation for the subject property from Urban Reserve to a mixture of Commercial, Medium Density Residential and Low Density Residential, as indicated on the applicant's revised site plan dated October 3, 2006, hereby incorporated by this reference.

**II. APPLICANT**

The application was submitted by Jeffrey Smith on behalf of the property owner, Ella Gueldner Survivors' Trust.

**III. DESCRIPTION OF SITE AND PROPOSAL**

The application requests approval of a UGB amendment to include 14.47 acres of land within the City of Newberg Urban Reserve Area (in the "Northeast URA"). The subject property is contiguous to existing city limits. The request is for inclusion of the property within the UGB for future commercial development. As approved by the Newberg City Council, the proposed UGB amendment includes a request to change the comprehensive plan designation for the property from Urban Reserve (UR) to a mixture of Commercial (COM), Medium Density Residential (MDR) and Low Density Residential (LDR).

The subject property is adjacent to the city's eastern boundary north of Highway 99W, directly across from the new Providence Hospital site. Highway 99W and the hospital site form the property's southern boundary. North of the site is the Oxberg Neighborhood, which is comprised of very low density unincorporated residential properties. West of the site sits Spring Meadow Park, which flanks the majority of the property's western boundary. Three residential properties make up the rest of the western boundary. East of the property lies a large parcel (18.4 acres) designated as urban reserve, which contains a single-family home and some farm uses. Currently, the property is vacant.

The City of Newberg Comprehensive Plan designates the property as "Urban Reserve" (UR), which makes it a high priority for UGB expansion. The property



carries an "Agriculture/Forest Small Holding" (AF-10) designation within Yamhill County.

The site is generally flat, having a gently declining eastern slope of less than 3%. Its relatively flat terrain, proximity to anticipated Highway 99 transportation improvements, and planned completion of the Crestview Drive arterial connection make the property an ideal setting for a potential gateway commercial development

#### **IV. CITY AND COUNTY PROCEDURES**

The Newberg Urban Area Management Committee recommended by a vote of 5-0 that the Newberg City Council and the Board of County Commissioners amend the UGB pursuant to a motion by Chair Lewis. The motion provided that the majority of the site be designated Commercial, but that there also be a Residential Comprehensive Plan map designation on the north part of the property adjacent to the single family homes to the north and west.

Subsequent to the Committee's recommendation, the applicant submitted a letter dated October 6, 2006 to the Newberg City Council, including a revised site plan dated October 3, 2006 (the "Revised Site Plan"). The Revised Site Plan proposed that a majority of the property be designated Commercial.

The Newberg City Council held a public hearing on October 16, 2006 and heard testimony on the proposal. The City Council unanimously approved a motion by Councilor Rierson to approve the UGB amendment and the comprehensive plan map designations, but including the revised site plan showing an LDR designation (including a 30-foot building setback) and an MDR designation in addition to the Commercial designation.

The Board of Commissioners held a public hearing on November 8, 2006, and heard testimony on the proposal. The Board of Commissioners considered all of the materials submitted in the record and deliberated to a decision, voting 3-0 in favor of approving the UGB expansion and comprehensive plan map amendments as approved by the Newberg City Council.

#### **V. APPLICABLE STANDARDS AND CRITERIA**

This application involves an amendment to the Newberg UGB and related map amendment necessary to permit commercial development. This process requires county approval under the UGB Agreement between the city and the county, and also requires compliance with an array of state and local criteria, which are addressed below.

## **A. Urban Growth Management Agreement**

The Urban Growth Management Agreement between Yamhill County and the City of Newberg requires that amendment of the city UGB 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:

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

The need to accommodate long-range urban population growth requirements consistent with the applicable Statewide Planning Goals is addressed in Section V.B below.

### **2. Need for housing, employment opportunities, and livability.**

Newberg's growth rate experienced over the past decade is consistent with the Comprehensive Plan 2010 forecast of 27,000. The city's 2020 population projection is 38,352 based on a "medium growth" scenario (see Table 1 in applicant's narrative). With new housing developments planned in the vicinity of the Gueldner Property, opportunities for employment and enhanced livability will need to become part of the overall mix in the area. With the new Providence Hospital across Highway 99W, development of commercial establishments on the site will help towards providing needed commercial services and creating a complete community on the eastern end of Newberg.

Growth in recent years—3 to 4 percent in the last ten years—has reduced the available developable land within the City of Newberg. With respect to commercial land, the lands inventory study and public involvement undertaken by the Ad Hoc Committee on Newberg's Future Based in 2005 reasoned that "a regional shopping center was not consistent with the community's desire to maintain a small town feeling and have a complete community rather than a bedroom suburb, and that smaller shopping centers were preferred." Existing large commercial sites (10-30 acres) were preferred to meet future commercial needs. Although the commercial buildable land inventory inside the current Newberg UGB estimated 105 acres available for commercial development, the properties consisted mostly of small (less than 5 acres), scattered sites, with only three parcels larger than 5 acres. With an existing under-supply of retail development combined with expected population growth, the demand for retail development in Newberg is expected to be strong.

Inclusion of the subject property will play a part in alleviating the limited land supply for commercial development. No residential development will occur on the



property. Commercial development on the site will create new jobs for area residents and contribute to the City's tax revenue. Overall, creating room for commercial development in the area—in particular at this site—will help balance the supply of land, provide new job opportunities, and help in the buildout of a complete community.

Additionally, the proposed site combined with the three adjacent parcels to the west is one of the locations the Ad Hoc Committee showed preference and recommended for a future new community commercial center. The Committee has recommended a mix of community shopping center uses for both the short-term (2025) and long-term (2040) needs as well as low density residential development along the north side of the URA to buffer the adjacent residential neighborhood.

### **3. Orderly and economic provision for public facilities and services.**

According to the applicant's Utility Study, future development can readily be served by the extension of utilities from the Fernwood pump station and from water lines adjacent to the property. As determined in the findings below, public utilities easily have adequate capacities to accommodate the future demands of the area.

**Water.** A 10-inch water line within Highway 99W fronts the property. Commercial development on the property could be served by this adjacent water line. The 24-inch water line installed in 2003 to connect the new reservoir with the water lines in Springbrook Road will have an 8-inch tee to supply all the water required by this parcel. The same line will serve the hospital site. The new reservoir on Corral Creek Road and the additional wells in Marion County were completed in 2003 and increased the City's overall water storage ability by 50 percent (4 million gallons) per day.

**Sanitary Sewer.** A sanitary sewer pump station was installed in Fernwood Road. It was designed to accommodate all potential development in the neighboring URA and UGB lands. Adjacent to the Gueldner property is a residential development containing 8-inch sewer lines to which, if necessary, the property could connect.

The proposed development can potentially connect to a private line where it crosses the public right of way in Providence Way which was constructed during the recent hospital construction project. This line is served by a trunk line that drains south to the pump station on the north side of Fernwood Road.

**Stormwater Sewer.** Two drainage ditches traverse the property. They connect to drainage pipes on the west end of the property.

**4. Maximum efficiency of land uses within and on the fringe of the existing urban area.**

The 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. Under existing county zoning, low-density rural residential development may not occur. The proposed use of the area for low-density urban residential development is in line with the use of nearby properties located north of the site and within the city boundary. Properties to the east are predominantly zoned for agricultural use (AF-20). Chehalem Parks and Recreation Department owns and operates a park west of this parcel. The property north of the site is within County jurisdiction and is zoned for very low-density residential (VLDR-1) units. While no residential development will occur on the site, its proximity to existing and nearby planned neighborhoods, a new arterial/collector facility, a state highway, and a new hospital make it an appropriate place to provide commercial services. The site abuts the city limit. Commercial development on the site can efficiently be integrated into and serve the surrounding area.

**5. Environmental, energy, economic and social consequences.**

**Environmental:** The site consists primarily of a hay field with no unique features. Several trees are located on the perimeter of the property. These trees will be retained for buffering and screening. No known historic sites or resources exist on the property.

**Energy:** The provision of commercial development in the vicinity will help to conserve energy resources by placing goods and services in closer proximity to potential users. Overall trip distances to obtain goods and services may be reduced. Residents and workers in the area may also be able to walk to the proposed commercial area.

**Economic:** Upon annexation, a complete economic impact statement will be required and additional service requirements and the cost associated with them will be analyzed at that time. Commercial development on the site will also generate new jobs for area residents and contribute to the city's tax base. Additionally, development activity will generate additional transportation system development fees to fund local road improvements.

**Social:** The long-term socio-economic benefits to the community will be enhanced by helping create a "complete community," where jobs, housing, goods and services are located within reasonable proximity to one another. Employers will be



more inclined to retain and create well-paying jobs in a general area where a healthy balance exists between various lands uses. Commercial development on the site will help toward achieving that balance and creating an overall complete community.

**6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority**

The site contains a variety of soil types of which some are deemed to be low quality soils for intensive agricultural use. 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.

**7. Compatibility of the proposed urban uses with other adjacent uses.**

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 Crestview Drive to the north and Highway 99w to the south. Land directly west of the site contains residential dwellings developed to City of Newberg R-2 zoning standards. South of the property, across Highway 99W, is the site of the new hospital.

The City of Newberg is currently short of land available for commercial development. The 1997 Urban Reserve Project reported that commercial development will be in short supply by 2010 and in a deficit by 2020.

With respect to commercial land, the applicant's lands inventory study (prepared by Johnson and Gardner) and public involvement undertaken by the Ad-Hoc Committee on Newberg's Future Based reasoned that "a regional shopping center was not consistent with the community's desire to maintain a small town feeling and have a complete community rather than a bedroom suburb, and that smaller shopping centers were preferred." Existing large commercial sites (10-30 acres) were preferred to meet future commercial needs. Although the commercial buildable land inventory

inside the current Newberg UGB estimated 105 acres available for commercial development, the properties consisted mostly of small (less than 5 acres), scattered sites, with only 3 parcels larger than 5 acres. With an existing under-supply of retail development combined with expected population growth, the demand for retail development in Newberg is expected to be strong.

The City's Ad-Hoc Committee on Newberg's Future recently prepared a report (July 2005) showing that the land immediately across Highway 99W from the new hospital is a suitable place for commercial development. That commercial development on this site can provide goods and services to both the residential and hospital development in the immediate area makes proposed urban development here compatible with adjacent uses.

## **B. Statewide Planning Goals**

The Board finds that there is a need to accommodate long-range urban population growth requirements consistent with the applicable Statewide Planning Goals, for the reasons stated below.

### **1. Goal 1 – Citizen Involvement**

The property under review is located within the Study Area "C-13800" 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. The study provided a buildable lands inventory and a 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 inter-governmental 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. In 1997, approximately 70 people attended two workshops for property owners and other parties interested in the URAs. A questionnaire was also distributed at that time to solicit additional input in the URA planning process. Additionally, in 2004, the Newberg City Council created the Ad Hoc Committee on Newberg's Future (the Committee) to provide a forum for citizen involvement in planning for Newberg's future land use patterns. Between April 2004 and June 2005, the Ad Hoc Committee on Newberg's Future sought the input from the general public. During that time, the Committee held two open houses, conducted two surveys, received comments at each of their meetings, and received several letters.



## **2. Goal 2 – Land Use Planning.**

Goal 2 provides that land use decisions must 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 are 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 of Newberg’s Comprehensive Plan was originally adopted in 1979 and has been amended fifteen times, the most recent being August 2, 1999. An updated Residential Needs Analysis and Policy with recommended Comprehensive Plan and Development Code amendments was prepared in 1997. 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 assure coordination and cooperation between the City and County in the management of growth within the Newberg Urban Growth Boundary (UGB) and URAs. The agreement establishes a process for maintaining ongoing planning efforts and is 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.

## **3. 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 planned VLDR (Low Density Residential) and is zoned AF-10 (Agriculture/Forestry Small Holding) under the County Zoning Ordinance. In 1980, Yamhill County identified the property under review as “lands committed to rural residential use” in Exceptions Statement 11. The exception land definition identified this general area as having a mixture of soil types ranging from Class II 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. Sheet 16 of the Yamhill County soil survey shows that the majority of the parcel, approximately 55% is Woodburn silt loam (WuB, 0.00 – 7.0%), which is designated as Class II soil type. Approximately 25% is Laurelwood (LuD, 12 – 20%) and approximately 20% is Woodburn Clay (WuC, 3 – 12%). Woodburn Clay is classified as Class III soil type. The property has previously been used primarily for hay production. In the last several years, however, the property has been little used and has produced no economic benefit.

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. The subject property is 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 use practices should be discouraged. The proposed addition of the project site into the UGB would provide needed land 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.

#### **4. Goal 5 – Natural Resources.**

Goal 5 encompasses twelve resource types, including wild life 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 with LuD Laurelwood silt clay soils in the vicinity of the drainage ditch. Woodburn soils are identified as Class II soils by SCS; Laurelwood soils are identified as Class III as indicated on the USGS soil map. Much of the area has been used for hay pasture. The parcel contains no identified forest lands, mineral resources and aggregate resources, fish, or waterways, and no recognized archeological, open space, scenic, natural, historic or recreational resources. Residential development on the west and north of the property currently releases all their storm water onto this parcel. This has resulted in the development of some very low quality wetlands along the drainage ditches created by off site stormwater runoff. The county has no identified wildlife resource information in this area.

#### **5. Goal 6 – Air, Water and Land Resources Quality.**

Goal 6 addresses waste and process discharges from future development and requires local governments to determine that the future discharges, when combined with existing development, would not threaten to violate or violate applicable state or federal environmental quality statutes, rules and standards. The applicants have



submitted evidence establishing that they will comply with any applicable state and federal environmental laws and regulations. Therefore, Goal 6 will be met.

**6. Goal 8 – Recreation Needs.**

Goal 8 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 of Newberg Comprehensive Plan includes policies designed to ensure recreational facilities and services are expanded to meet growing recreation demands of the community. The subject property is not identified as a recreational resource by the county, and the application does not request approval as a destination resort. Goal 8 is satisfied.

**7. Goal 10 – Housing.**

Goal 10 requires a community to plan for and accommodate needed housing types, including multifamily and manufactured housing. The community is also required to inventory developable residential lands, conduct an analysis of projected future demand for various housing types, and to plan and zone enough buildable land to meet those needs. The goal prohibits local plans from discriminating against needed housing types. The goals for housing in the City of Newberg's Comprehensive Plan are to provide for diversity in the type, density, and location of housing to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.

In 1993 the City adopted an Urban Reserve Area. The URA includes 916 acres of land with approximately 750 acres of developable land. By 2020, Newberg will have an estimated population of 33,200.

The 1997 Urban Reserve Project reported that, by 2020, Newberg would need 157 acres of land for commercial development. Inclusion of the Gueldner Property into the UGB will help offset the City's projected shortfall of land for commercial development. The commercial development on the site will provide needed commercial services to serve the surrounding neighborhood and new housing development in the vicinity. No housing units are proposed for this property.

**8. Goal 11 – Public Facilities and Services.**

Goal 11 requires efficient planning of public services such as sewers, water, law enforcement and fire protection. It encourages planning of public services to meet the community's needs and capacities rather than responding to development as it occurs. The applicant has submitted evidence establishing that timely, orderly, and

efficient public facilities and services can be provided to the subject property. Water, sanitary sewer, and storm water management facilities were evaluated as part of the detailed URA analysis conducted by the City in 1997.

#### **9. Goal 12 – Transportation.**

Goal 12 requires local governments 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.

The City recently adopted a new transportation system plan (TSP). This plan evaluated not only the transportation needs of future development within the UGB, but also the transportation needs of development of the designated URAs. The TSP used the land use assumption that the subject property would be designated commercial. Therefore, the TSP can be relied upon for consideration of the UGB amendment.

The TSP includes several planned road improvements in the vicinity of the site, including a Northern Arterial Street Connection that will connect Crestview Drive to Oregon 99W. The TSP recommends that Crestview Drive be completed through the Gueldner property to OR Highway 99W. This connection is of the City's plan to construct a Northern Arterial connecting OR 99W at the project site to Villa Road and College Street north of the downtown core via Mountainview Drive and Crestview Drive. The TSP also includes an east-west connection between the Crestview Drive extension and Benjamin Road.

A traffic impact study was prepared for this project by the Transpo Group, assuming the construction of the Crestview Drive to Highway 99W connection. The conceptual commercial development on the site is expected to generate a total of 3,488 new daily, and 349 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,292 weekday daily and 223 weekday PM peak hour pass-by trips would be generated by the project, and a total of 4,146 weekday internal trips and 254 weekday



PM peak internal trips are generated. Details of the study methodology, findings, and recommendation are provided in the traffic impact study. Future development of the subject property will be required to mitigate impacts, consistent with Goal 12 and the Transportation Planning Rule.

#### **10. Goal 14 – Urbanization.**

Goal 14 requires 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 a UGB to “identify and separate urbanizable land from rural land.” The existing Newberg UGB contains approximately 4,016 acres, of which 3,138 acres are incorporated into the City. The remaining 878 acres have been identified as vacant and buildable. Anticipated development needs expected to exceed the area currently located with the UGB, thus vacant and buildable lands within the UGB are a high priority for annexing into the City.

Seven factors are specified by Goal 14 that must be considered in establishing and changing UGBs. Those seven factors are addressed above in Section V.A.1-7.

Approval of this UGB expansion request and subsequent annexation into the City of Newberg will enable the future extension of Crestview Drive to Highway 99W and complete a connection of the planned Northern Arterial (Northern Collector), allowing some relief to the Highway 99 and Springbrook Road intersection.

#### **C. County Comprehensive Plan Policies**

Directly applicable goals and policies of the Yamhill County Comprehensive Plan are addressed in the findings below. In addition, the Board of Commissioners adopts and incorporates by reference the applicant’s narrative and the staff reports regarding compliance with all applicable plan provisions.

#### **Section 1.A – Urban Area Development**

**Goal Statement 1** – To encourage the containment of growth within existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use.

The Board finds that the proposed UGB amendment and related comprehensive plan map amendments will encourage the containment of growth within the city’s UGB, and provide for orderly, staged, diversified and compatible development in the

City of Newberg. Expansion of the city's UGB into an identified URA ensures an efficient transition from rural to urban land use.

**Goal Statement 2** – To encourage the containment of urban services and facilities and other public capital improvements within existing urbanizing areas in order to achieve an orderly pattern of urban growth.

The Board finds that the proposed UGB amendment and related comprehensive plan map amendments will encourage the containment of urban services and facilities within an urban area in order to achieve an orderly pattern of urban growth.

#### **Section 1.D – City Growth and Development**

**Policy A** – All urban growth boundaries in the county will be delineated as shown on the plan map and no extension of urban land uses or city water and sewer services beyond the designated urban growth boundaries will be undertaken without concurrent amendments to both the respective city and county comprehensive plans.

The Board finds that the proposed UGB amendment and related comprehensive plan map amendments are consistent with this policy to restrict urban land uses and extension of services and utilities to inside UGBs.

**Policy F** – An Urban Reserve Area is designated for the City of Newberg as shown on the Comprehensive Plan Map. The URA identifies high-priority land to include within the City of Newberg UGB on a phased basis to meet urban growth needs to the year 2030. Interim rural development within the designated Urban Reserve Area shall be regulated and reviewed as outlined in the City of Newberg/Yamhill County Urban Growth Management Agreement to ensure that long term opportunities for urban development are protected.

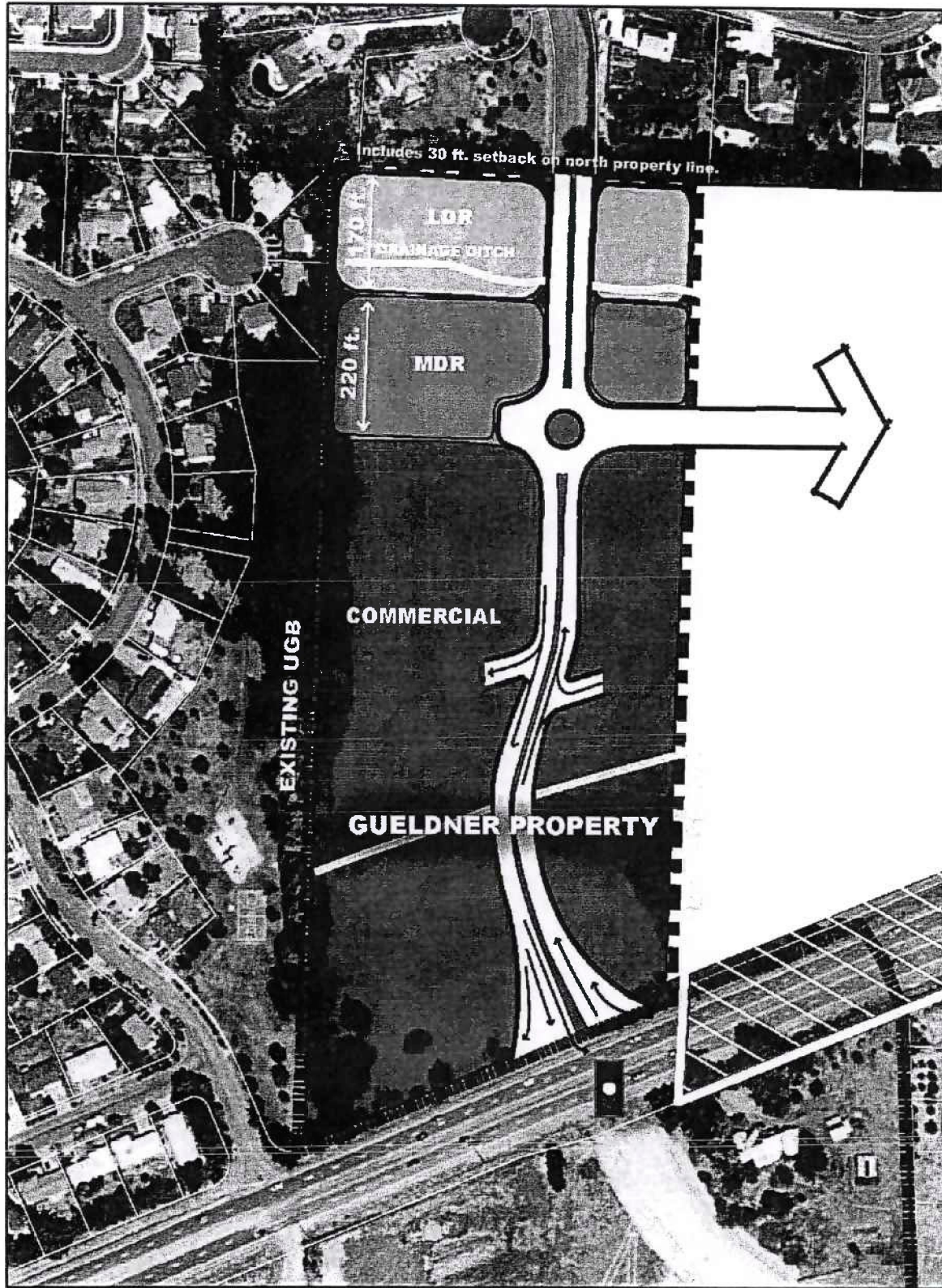
The Board finds that the proposed UGB amendment and related comprehensive plan map amendments are consistent with this policy, because the subject property is within a designated URA for the City of Newberg, which is the highest priority of land on which to expand the UGB. The expansion is also consistent with the priorities established by ORS 197.298.

#### **VI. CONCLUSION**

Based on all of the findings set forth above and all of the evidence in the record, the Board of Commissioners approves the UGB expansion and related comprehensive plan map amendments.



**EXHIBIT B: COMPREHENSIVE PLAN MAP DESIGNATIONS**



B-0.06-966