



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

April 30, 2007

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 006-06



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 17, 2007

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

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

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

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

<paa> ya/

FORM 2

DLCD

Notice of Adoption

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



Jurisdiction: *City of Newburg*

Local file number: *CPA-06-003*

Date of Adoption: *4/16/07*

Date Mailed: *4/26/07*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: *Yes. 1/19/07*

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: *Specific Plan Amendment.*

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

This amendment to the Northwest Newburg Specific Plan changes the Plan map to show streets & 19 lots on this site. This governs the street layout & maximum density for future development, and was processed as a Comprehensive Plan amendment.

Does the Adoption differ from proposal? Please select one

No. It was adopted unconditionally.

Plan Map Changed from: *LDR/SP*

to: *no change*

Zone Map Changed from: *R-1/SP*

to: *no change*

Location: *1217 E. Henry Rd.*

Acres Involved: *4.98A*

Specify Density: Previous: *1 unit/4.98A*

New: *19 units/4.98A*

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. *006-06 (15181)*

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

None.

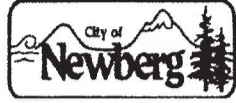
Local Contact: *Steve Olson* Phone: *(503) 537-1215* Extension:
Address: *City of Newburg, P.O. Box 970* Fax Number: *503-537-1272*
City: *Newburg, OR* Zip: *97132* E-mail Address: *steve.olson@ci.newburg.or.us*

ADOPTION SUBMITTAL REQUIREMENTS

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

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

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



ORDER NO. 2007-0005

AN ORDER AMENDING THE NORTHWEST NEWBERG SPECIFIC PLAN FOR PROPERTY LOCATED AT 1217 E. HENRY ROAD, YAMHILL COUNTY TAX LOT 3208-3500, TO SHOW STREETS AND 19 LOTS ON THIS 4.98 ACRE PARCEL.

RECITALS:

1. The Northwest Newberg Specific Plan was adopted in 1996 to plan for the development of a large area in the northwest quarter of the city. The lot layout shown on the Specific Plan controls the street pattern and maximum density of the area. The Gail property at 1217 E. Henry Road was planned at that time to remain as a 4.98 acre parcel with a single family home.
2. Coyote Homes Inc. has applied to change the Northwest Newberg Specific Plan to show 19 lots with streets on the Gail property.
3. After proper notice, on March 8, 2007, the Planning Commission heard the request and recommended approval of the requested major amendment to the NW Newberg Specific Plan.
4. After proper notice, on April 16, 2007, the Newberg City Council held a hearing to consider the request.
5. 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.

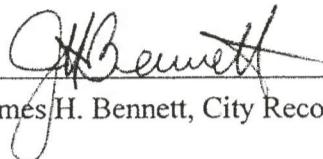
THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The Northwest Newberg Specific Plan is hereby amended to show the property shown in Exhibit "A" and described in Exhibit "B" with streets and 19 lots as shown on Exhibit "C".

2. The findings which are attached hereto as Exhibit "D" are incorporated herein.

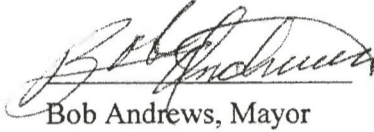
➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: April 17, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of April, 2007.



James H. Bennett, City Recorder

ATTEST by the Mayor this 19th day of April, 2007.



Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through the Newberg Planning Commission Committee at the 3/8/07 meeting.

Exhibits:

Exhibit "A": Taxlot Map

Exhibit "B": Legal Description

Exhibit "C": Amended Lot Layout

Exhibit "D": Findings

EXHIBIT "A": TAXLOT MAP

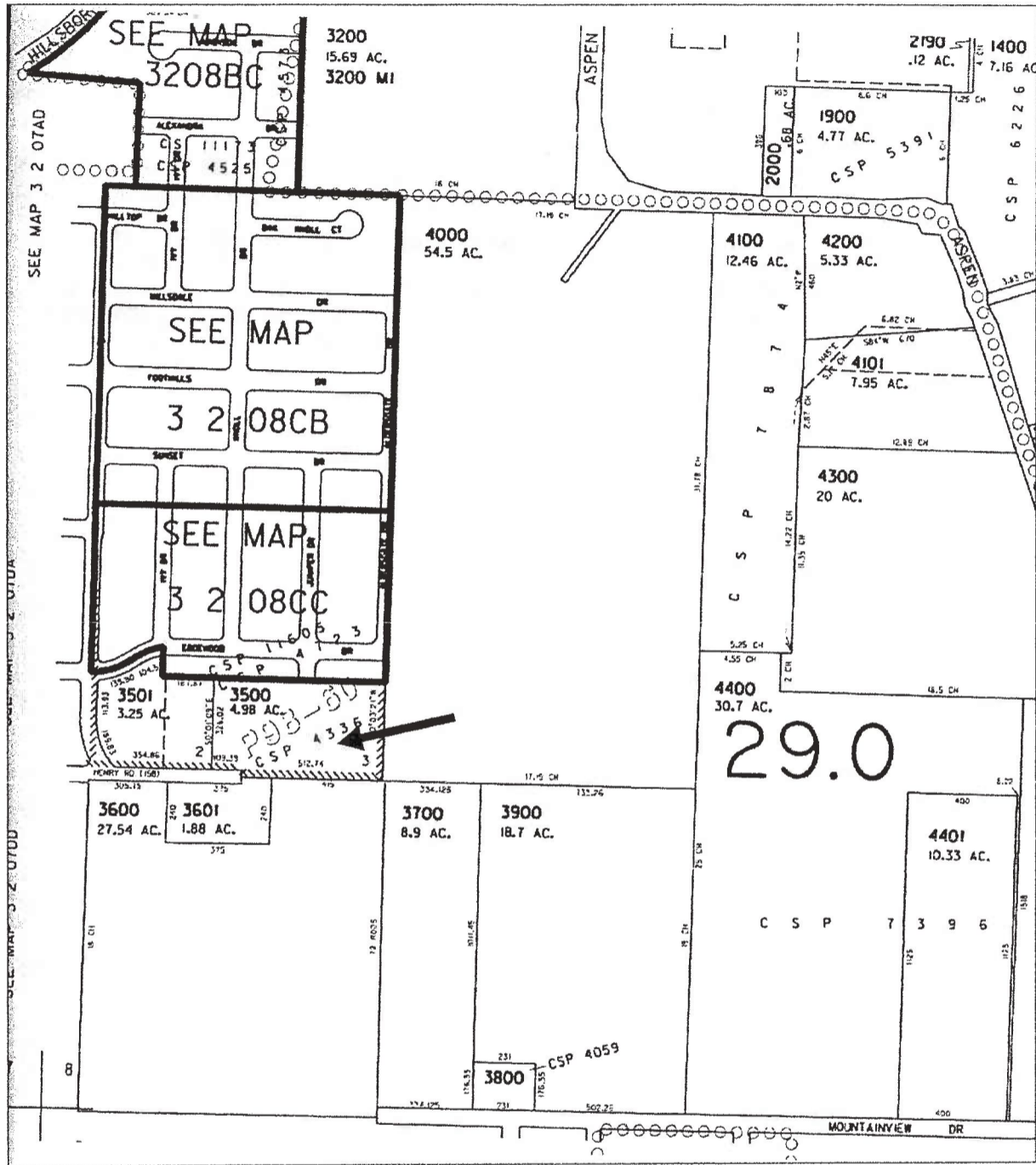


EXHIBIT "B": LEGAL DESCRIPTION

Real property in the County of Yamhill, State of Oregon, described as follows:

A tract of land in Section 8, Township 3 South, Range 2 West, Yamhill County, Oregon, being part Parcel 3 of Yamhill County Partition Plat # 98-60, and being more particularly described as follows:

Beginning at the northeast corner of Parcel 2 of said Partition Plat 98-60; thence North 89° 58' 51" East 622.59 feet to the east line of Parcel 3 of said PT 98-60; thence South 00° 03' 21" West 353.02 feet to the southeast corner of said Parcel 3; thence South 89° 58' 51" West 512.74 feet along the south line of said Parcel 3; thence North 00° 01' 09" West 27.00 feet along said south line; thence South 89° 58' 51" West 109.39 feet to the southwest corner of Parcel 3; thence North 00° 01' 09" West 326.02 feet to the point of beginning.

Tax Parcel Number: R3208-03500

EXHIBIT "C": AMENDED LOT LAYOUT

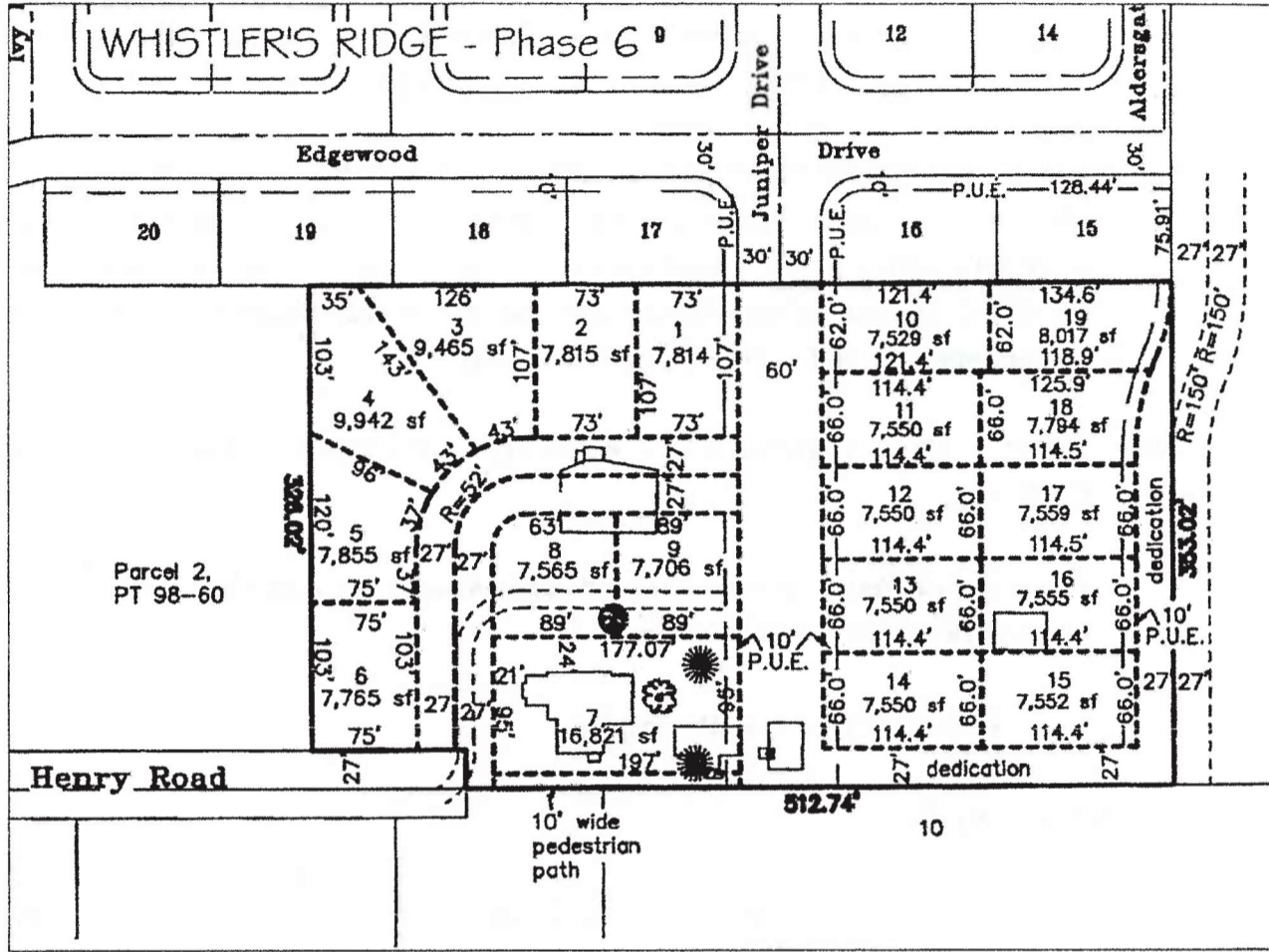


EXHIBIT "D": NW NEWBERG SPECIFIC PLAN AMENDMENT FINDINGS

CPA-06-003

Approval of an amendment to the NW Newberg Specific Plan to show streets and 19 lots on a 4.98 acre parcel at 1217 E. Henry Road.

NDC § 151.509 AMENDMENTS AND ADJUSTMENTS TO THE SPECIFIC PLAN

(B) Major amendment Type III procedure. A major amendment to a specific plan shall be processed as a Type III comprehensive plan amendment. The amendment shall meet the criteria of §151.507. In addition findings must demonstrate that the change will not adversely affect the purpose, objectives or functioning of the specific plan.

NDC § 151.122 (3) COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT CRITERIA.

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

1. Comprehensive Plan Description

SPECIFIC PLAN (SP)

Specific plans provide a coordinated master plan for the development or redevelopment of an area. Specific plans are intended to promote coordinated planning concepts and pedestrian oriented mixed use development. The adopted specific plan will set forth permitted uses and development standards for that area. Procedures are to be set forth in the Specific Plan subdistrict section in the Zoning Ordinance.

NORTHWEST NEWBERG SPECIFIC PLAN: LOW DENSITY RESIDENTIAL (LDR/SP)

Detached single family homes will define the primary character of the neighborhood. The smallest lots are approximately 5000 square feet, located mainly in the flatter portions of the site and near College Street and Mountainview Drive. These smaller lots provide for affordable housing and a choice for the growing segment of the market that doesn't want a large lot to care for. Portions of the plan include lots in the 10,000 square foot range in response to slope conditions and view potential. In a few locations, larger lots than initially recommended by the consultant team were included at the request of individual property owners.

FINDING: The request is to amend the specific plan to increase the maximum density of this site

from 1 unit per 4.98 acres to 19 units per 4.98 acres (**average lot size = 8,366 sf, 3.8 units per acre**). The maximum density for the entire NWNSP is 4.9 units per acre. The proposed use for the site is single family residential, which is consistent with R-1/SP. Many R-1/SP lots in the NWNSP are in the 5,000 – 6,000 sf range. The proposed maximum density would be slightly greater than the subdivision just to the north (Whistler's Ridge 6: average lot size = 8,616 sf, lots range from 7,333 sf to 9,747 sf. A typical lot is close to the average lot size). The proposed lots for this site would range from 7,529 sf to 16,821 sf, with an average lot size of 8,366 sf. Typical lots are in the 7,500-7,800 sf range. The proposed maximum density would be slightly greater than the subdivision to the north, but less than many R-/SP blocks in the NWNSP. The proposed maximum density is therefore compatible with the other LDR/SP areas within the Specific Plan, and meets the goals of the Specific Plan.

2. Development Code - Description and Purpose

151.511 (A)(2) Permitted uses and conditional uses

The permitted uses and conditional uses allowed under the "SP" subdistrict shall be the same as those uses permitted in the base zoning districts.

151.511 (A)(6) Residential density

Residential density is governed by the "SP" Overlay subdistrict. The maximum allowed density is set by the number of lots depicted on the land use plan, Figure 6 of the Northwest Newberg Specific Plan. Additional standards follow: (a) Minimum lot size (1) single family dwellings: 5000 square feet.

R-1: Low Density Residential District

The R-1 Low Density Residential District is intended for low density, urban single family residential and planned unit development uses. A stable and healthful environment, together with the full range of urban serviced, makes this the most important land use of the community. The R-1 District is intended to be consistent with the "Low Density Residential" designation of the comprehensive plan.

FINDING: The proposed single family residential use is allowed under R-1 and therefore also R-1/SP for this Specific Plan. The proposed maximum density (average lot size = 8,366 sf, 3.8 units per acre) is above the minimum density for R-1/SP. The proposed maximum density is higher than the 1 unit per 4.98 acres shown on Figure 6 of the Specific Plan, however, which is why the applicant has been required to apply for a Type III major amendment to the Specific Plan.

3. Comprehensive Plan Goals and Policies

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

FINDING: The process of noticing the public and holding a public hearing before the Planning Commission and City Council for approval of this request is consistent with providing citizens an opportunity to have involvement in the land use process.

HOUSING GOAL: To provide for a diversity in the type, density and location of housing within the City to ensure that there is an adequate supply of affordable housing units to meet the needs of City residents' of various income levels.

FINDING: Most of the Specific Plan area has been built out according to the adopted plan, and has supplied a large number of single family homes on medium sized lots. The site under consideration was included within the Specific Plan area but essentially left alone, with a maximum density equaling the existing conditions (one house per 4.98 acres). The proposed change would increase the maximum density greatly, and help meet the need for housing within the City. If the site is subdivided and developed the lots would still be larger than most others within the Specific Plan area and would probably be developed with expensive homes, but would provide some diversity in an area that is built out at a moderate density.

TRANSPORTATION GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

TRANSPORTATION POLICY: Transportation improvements shall be used to guide urban development and shall be designed to serve anticipated future needs.

TRANSPORTATION GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

TRANSPORTATION GOAL 9: Create effective circulation and access for the local transportation system. Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

FINDING: The proposed change to the NWNSP shows Juniper Drive extended through the site, and a new internal street extending from Henry Road to Juniper Drive. The plan also shows a pedestrian path extension from the end of Henry Road, and partial street dedications for Aldersgate Drive and

between Juniper and Aldersgate, in order to tie into future development on the adjoining lots. If the owner applies for a subdivision for this site in the future then they will need to coordinate the development of this site with the development of the property to the east in order to access the parcels fronting on the extension of Aldersgate Drive. Overall, the proposed street and walkway layout would meet the transportation goals by improving the circulation and access in the area for emergency vehicles, automobiles, bicycles, and pedestrians. It would also facilitate the future development of the property to the south and east.

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

FINDING: The land north of the site has recently been developed for single family homes by the applicant. Sanitary sewer and water services are available in Edgewood Drive and could be extended into the site. The site currently has a detention pond for stormwater. If the owner decides to subdivide the site then they would perform a study to determine if the storm system could be served with the existing detention pond. The utilities would be constructed upon development of the site, and would extend through the site where possible to facilitate the future development of adjoining properties. The City of Newberg already provides police and fire protection to the site. The site is located within the boundaries of the Newberg School District.

NDC § 151.509 AMENDMENTS AND ADJUSTMENTS TO THE SPECIFIC PLAN

In addition findings must demonstrate that the change will not adversely affect the purpose, objectives or functioning of the specific plan

PLAN PURPOSE AND OBJECTIVES

The Specific Plan's primary purpose is to create a coordinated network of land uses, transportation and utilities. The Steering Committee developed nine planning objectives to guide the planning process:

The Specific Plan objectives are to create:

- *A unique pedestrian-oriented neighborhood that is compatible with the larger Newberg community.*
- *A cohesive neighborhood that can be developed in phases.*
- *An equitable plan for all property owners.*
- *A connected street pattern that is integrated into the Newberg Transportation Plan.*
- *A mix of land uses, including parks.*
- *A variety of housing.*

- *Safe and convenient routes for walking and bicycling.*
- *A coordinated utility plan.*
- *Good access for fire, medical and police vehicles.*

FINDING: The current use of the site does not meet the primary purpose of the plan, which is to create a coordinated network of land uses, transportation and utilities. The proposed change shows streets connecting through the site, which would contribute to the creation of a coordinated network of streets and utilities. The proposal would help create safe and convenient routes for walking and bicycling, and good access for emergency vehicles. Most of the NWNSP has been developed at a higher density, so the proposed change would contribute to having a variety of housing within the Plan area. The current use of the site adversely affects the functioning of the Specific Plan, as it provides only one housing unit and serves as a roadblock to the transportation and utility network of the Plan.

CONCLUSION: The proposed change to the NWNSP meets the Comprehensive Plan goals for the site and does not adversely affect the purpose, objectives or functioning of the Specific Plan. The proposed change would fulfill the purpose, objectives and functioning of the Specific Plan better than the existing Specific Plan maximum density and street plan.

DEVELOPMENT NOTES:

1. If the owner applies for subdivision approval in the future then the following comments will apply:
 - A. Public Works Maintenance Superintendent (Russ Thomas) – *See notes on tentative plan. Henry Road needs to be fully connected to the new road. All utility plans to be submitted for approval prior to construction. All water mains to be looped.*
 - B. Yamhill County Roads Dept. (William A. Gille) – *Improvements to Henry Road should be required of the developer. An approved cul-de-sac or turnaround should be required. Henry Road should be upgraded to City standard and accepted into the City system.*
 - C. This is not a complete list of subdivision requirements. If the applicant applies for a subdivision in the future then they will have to prepare a survey-accurate plat showing the lot layout and right of ways, and engineered plans for public streets, walkways, sanitary sewer, water and storm water. Additional requirements for the site may be determined during the subdivision review.