



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

August 21, 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 006-07



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: September 4, 2007

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
Larry Ksionzyk, Community Development Planning Specialist
Jessica Nunley, City of Newberg

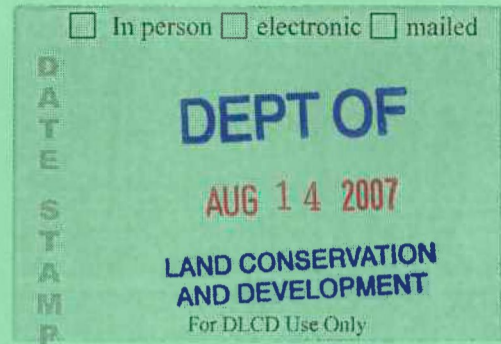
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DLCD

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 Newberg**

Local file number: **CPA-07-003/ZMA7002**

Date of Adoption: **8/6/2007**

Date Mailed: **8/13/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/30/2007

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

Zoning change for parcel 3217BA-01300 from M-2 (Light Industrial) to I (Institutional) to allow for the future expansion of the Hazelden Springbrook Chemical and Alcohol Treatment Center. Amend the Comprehensive Plan map from IND (Industrial) to PQ (Public/Quasi Public).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **IND**

to: **PQ**

Zone Map Changed from: **M-2**

to: **I**

Location: **2013 Alice Way, Newberg, OR 97132**

Acres Involved: **4**

Specify Density: Previous: **N/A**

New: **N/A**

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 # 006-07(16079)

DLCD file No. _____

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

Division of State Lands

Local Contact: **Jessica Nunley**

Phone: **(503) 554-7744** Extension:

Address: **414 E First St**

Fax Number: **503-537-1272**

City: **Newberg**

Zip: **97132-**

E-mail Address:

jessica.nunley@ci.newberg.or.us

ADOPTION SUBMITTAL REQUIREMENTS

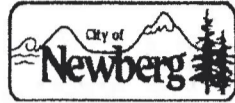
This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO 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. 2007-0007

AN ORDER DECLARING THAT PROPERTY LOCATED AT 2013 ALICE WAY, YAMHILL COUNTY TAX LOT 3217BA-01300, BE CHANGED FROM ITS CURRENT COMPREHENSIVE PLAN DESIGNATION OF IND (INDUSTRIAL) TO PQ (PUBLIC-QUASI PUBLIC) AND FROM ITS CURRENT ZONING OF M-2 (LIGHT INDUSTRIAL) TO I (INSTITUTIONAL)

RECITALS:

1. On March 11, 2007, Hazelden Springbrook submitted an application for a comprehensive plan and zoning map amendment for a 4.4 acre parcel located at 2013 Alice Way, Yamhill County tax lot 3217BA-01300. The site carries a current zoning designation of M-2 (Light Industrial), with a comprehensive plan designation of IND (Industrial). The proposed change to a comprehensive plan designation of PQ (Public-Quasi Public) and zoning designation of I (Institutional) would allow for the future expansion of the Hazelden Springbrook chemical and alcohol treatment facility.
2. On June 14, 2007, the City of Newberg Planning Commission heard the application and passed Resolution No. 2007-237, which recommended that the City Council approve the proposed comprehensive plan amendment and zone change for the property.
3. After proper notice, on August 6, 2007 at 7:00 pm in the Newberg Public Safety Building, 401 E Third, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
4. The Council finds that the requirements of the City of Newberg Comprehensive Plan and Newberg Development Code regarding comprehensive plan and zoning map amendments have been met.

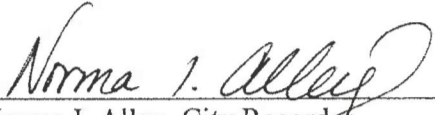
THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The City Council finds that the comprehensive plan and zoning map amendments meet the requirements of the Newberg Development Code § 151.122.
2. The City Council adopts the findings, which are attached hereto as Exhibit A and incorporated herein by reference.

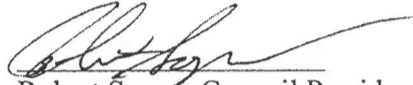
3. The property shown in Exhibit B and described in Exhibit C is hereby changed from IND (Industrial) to PQ (Public-Quasi Public) comprehensive plan designation and from M-2 (Light Industrial) to I (Institutional) zoning plan designation.

➤ EFFECTIVE DATE of this order is the day after the adoption date, which is: August 7, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of August, 2007.


Norma I. Alley, City Recorder

ATTEST by the Council President this 9th day of August, 2007.


Robert Soppe, Council President

QUASI-JUDICIAL HISTORY

By and through the City of Newberg Planning Commission at their 06/14/2007 meeting.

Attached:

- Exhibit A: Findings
- Exhibit B: Location Map
- Exhibit C: Legal Description
- Exhibit D: Future Land Needs and Supply Table
- Exhibit E: Site Plan
- Exhibit F: Aerial Map
- Exhibit G: Comprehensive Plan Map
- Exhibit H: Zoning Map

**EXHIBIT A: COMPREHENSIVE PLAN AMENDMENT/ZONING MAP CHANGE
FINDINGS
CPA-07-003/ZMA-07-002
2013 Alice Way**

I. APPLICABLE CRITERIA - NEWBERG DEVELOPMENT CODE § 151.122(A)(3) TYPE III PLAN AND ZONING MAP AMENDMENTS – ONE PARCEL OR SMALL GROUP OF PARCELS.

(a) The proposed change is consistent with and promotes the objectives of the Newberg Comprehensive Plan and this Code.

Comprehensive Plan Description:

PUBLIC/QUASI-PUBLIC (PQ)

The public/quasi-public designation is used to indicate the location of existing and future schools, public and private; airports; hospitals; continuing care retirement communities; cemeteries; government centers and other non-park facilities serving major community functions.

FINDING: The request to amend the comprehensive plan designation from IND (Industrial) to PQ (Public/Quasi-Public) is consistent with the intent of the PQ designation and is consistent with the planned future expansion of the chemical and alcohol treatment center onto this site.

Development Code - Description and Purpose:

INSTITUTIONAL DISTRICT (I)

The Institutional District is intended to support and promote institutional uses. The district provides for the establishment and growth of large institutional campuses as well as accessory and compatible uses. The Institutional District is intended to be consistent with the public/quasi-public designation of the comprehensive plan.

FINDING: The proposed Institutional District would be consistent with the proposed PQ comprehensive plan district. The proposed change would better allow for the future expansion of the existing chemical and alcohol treatment facility located on the adjacent parcel to the south. The existing chemical and alcohol treatment facility use is consistent with the description and purpose of the Institutional District and is a permitted use pursuant to:

NDC § 151.436(H)(10) Hospital or medical center, including uses such as: (1) administrative offices; and (10) exercise, fitness and rehabilitation facilities.

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 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.

LAND USE PLANNING:

Policy (3): Industrial land use needs shall be periodically evaluated.

Policy (4): When Comprehensive Plan statements conflict, the relative importance of the statements should be balanced by giving consideration to existing and future public need, impacts on surrounding areas, and the effect of any precedent that may be established.

FINDING: The most recent land needs inventory for the years 2007-2025 indicated that the City of Newberg will need 38 acres of medium or smaller sized industrial sites by the year 2025 (see Exhibit D). The land inventory currently identifies 70 buildable acres of medium and smaller sized industrial land as being within the UGB. Based on this calculation, the City is facing a future surplus of medium or smaller sized industrial sites by 32 acres in 2025. The Hazelden Springbrook parcel is currently zoned M-2 (Light Industrial) and is 4.4 acres, which would classify it as a medium or smaller sized industrial site. Large sized industrial sites are classified as being over 40 acres in size.

The lands inventory also identifies a need for institutional lands. In the category of institutional uses (other than parks), the City will need 159 acres by the year 2025, and is projecting a deficit of 121 acres of buildable land for institutional uses. The reason for this projected deficit is that the City of Newberg does not designate specific parcels for future institutions without the consent of the property owner and/or the institution. Therefore, and in accordance with City of Newberg Ordinance No. 2005-2626, in order to provide an adequate supply of land, some of the institutional uses may reasonably take away from the residential or other land supply.

The proposed future use of the property as an expansion of the adjacent chemical and alcohol treatment facility does not adequately comply with the current industrial zoning and comprehensive plan designation. Granting the comprehensive plan/zone change would allow for future expansion of the facility under the more appropriate institutional zoning and comprehensive plan designation. Although there is a need for medium and small sized industrial parcels, there is also an identified need for institutional lands in the city. The site in question would be a good fit for either designation since it is buffered from the adjacent residential uses by the stream corridor.

URBAN DESIGN GOAL: To maintain and improve the natural beauty and visual character of the City.

General Policy (c): Non-residential uses abutting residential areas should be subject to special development standards in terms of setbacks, landscaping, sign regulations, building heights and designs.

General Policy (l): The City shall encourage compatible architectural design of new structures in the community.

FINDING: Because this site is buffered from the adjacent residential properties by the stream corridor, no special development standards are required to be met. Any proposed new development or expansion of the existing facility will be built to be compatible with the adjacent areas.

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

Policy: Transportation improvements shall be used to guide urban development and shall be designed to serve

anticipated future needs.

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.

Policy:

c. Develop a system of roads which provide for efficient movement of traffic, considering the general design guidelines below:

- 2) Minor Arterial Streets. Minor Arterials shall collect and distribute traffic from major arterials to collector and local streets; and, facilitate traffic movement between neighborhoods.
- 5) Local Streets. Local streets provide direct access to adjoining properties and connect to collector streets.

FINDING: Alice Way is an unimproved public street that takes access from Mountainview Drive, an unimproved minor arterial that runs east and west to the north of the site. The City of Newberg Transportation System Plan includes a plan for future updates to Mountainview Drive (6.2.2(15)). This application for comprehensive plan/zone change and design review would have minor impacts upon the transportation system and would not necessitate street improvements at this time. Future development on the site will require any necessary street improvements to be completed at that time.

PUBLIC FACILITIES AND SERVICES GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

All Facilities & Services Policy (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.

FINDING: Public facilities are located in the area around the site and will be extended to the site prior to any development.

In summary, the proposed zone change and comprehensive plan amendment promotes the objectives of the Development Code and Comprehensive Plan.

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

FINDING: Water, sanitary sewer and storm drainage are available to support the uses allowed by the proposed changes. The City of Newberg provides police and fire protection to the site.

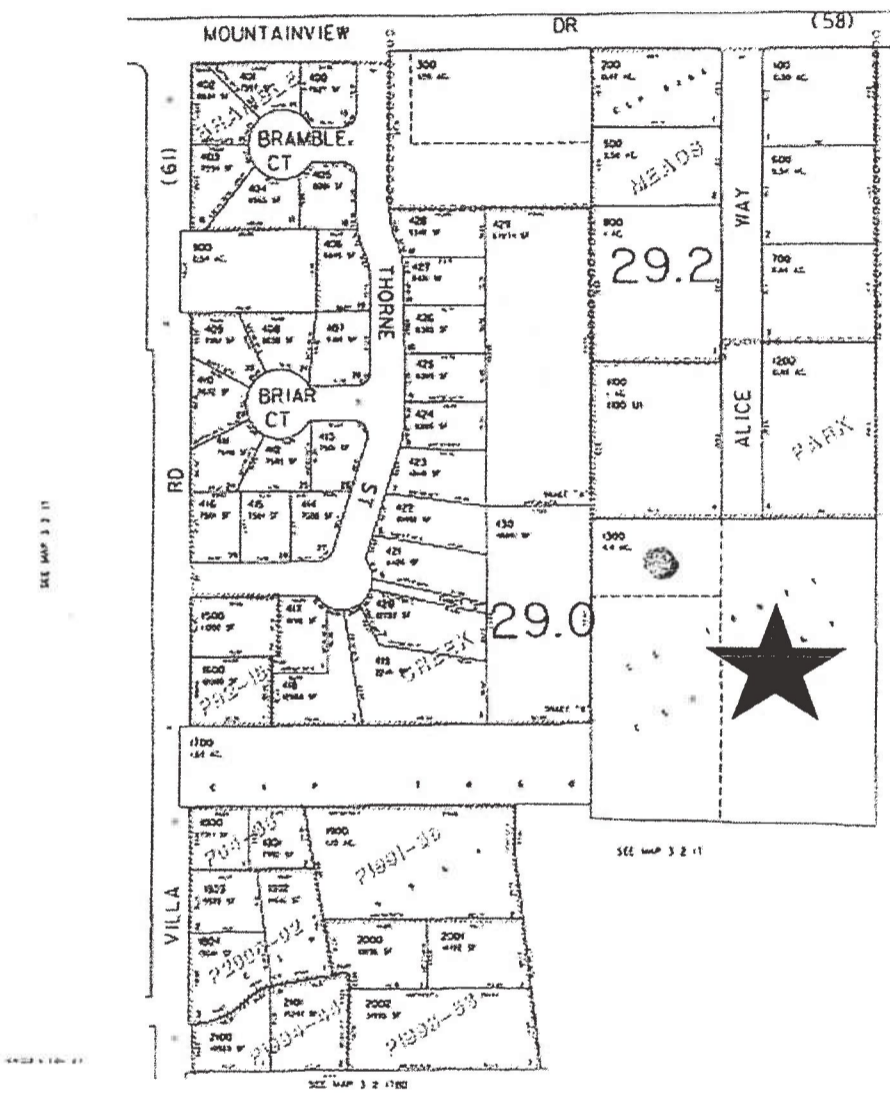
CONCLUSION: The proposed reclassification from M-2 to I meets the applicable criteria. In addition, the city has indicated a need for institutional lands for the future. This parcel would be a good fit for either an industrial or an institutional designation. However, in order to allow for the future expansion of the adjacent chemical and alcohol treatment facility onto this site, the parcel would need to be reclassified as an institutional use. The property is able to be fully served by sanitary sewer and water. Storm water will be either handled onsite or directed toward the stream.

EXHIBIT B: LOCATION MAP
CPA-07-003/ZMA-07-002

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE 1/4 NW 1/4 SEC 17 T3S R2W
YAMHILL COUNTY
S 1/4 120'

SEE MAP 3 2 04



SEE MAP 3 2 11

SEE MAP 3 2 11

SEE MAP 3 2 11

SEE MAP 3 2 1780

EXHIBIT C: LEGAL DESCRIPTION
CPA-07-003/ZMA-07-002

LEGAL DESCRIPTION

PARCEL 1:

A tract of land in Section 17, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, described as follows: Beginning at an iron rod at the Southeast corner of Lot 4, Block 2 of MEADS PARK SUBDIVISION; thence East 226.00 feet to an iron pipe at the Southeast corner of Lot 4, Block 1 of said Meads Park; thence South 00° 00' 40" West, 440.49 feet to an iron rod; thence North 88° 34' West, 226.06 feet to an iron rod; thence North 00° 00' 40" East, 434.80 feet to the point of beginning.

PARCEL 2:

Part of Section 17, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, being further described as follows:
Beginning at an iron pipe set at the Southeast corner of Lot 4, Block 2, MEADS PARK SUBDIVISION; thence West along the South line of said Lot 4, 196.23 feet to an iron pipe marking the West line of property conveyed to Shirley Mildred McDermott by deed recorded July 16, 1979 in Film Volume 141, Page 1941, Deed and Mortgage Records, said iron pipe also marks the Southwest corner of Lot 4, Block 2, MEADS PARK SUBDIVISION; thence South 00° 18' 00" West along said McDermott West line, 430.23 feet to a line established by a Boundary Line Agreement recorded January 28, 1981 in Film Volume 158, Page 701, Deed and Mortgage Records; thence South 88° 33' 40" East, 198.61 feet to a point; thence North 00° 00' 32" West, 435.03 feet to the point of beginning.

EXHIBIT D: FUTURE LAND NEEDS AND SUPPLY TABLE
CPA-07-003/ZMA-07-002

Newberg Future Land Needs and Supply

Updated as of January 2, 2007

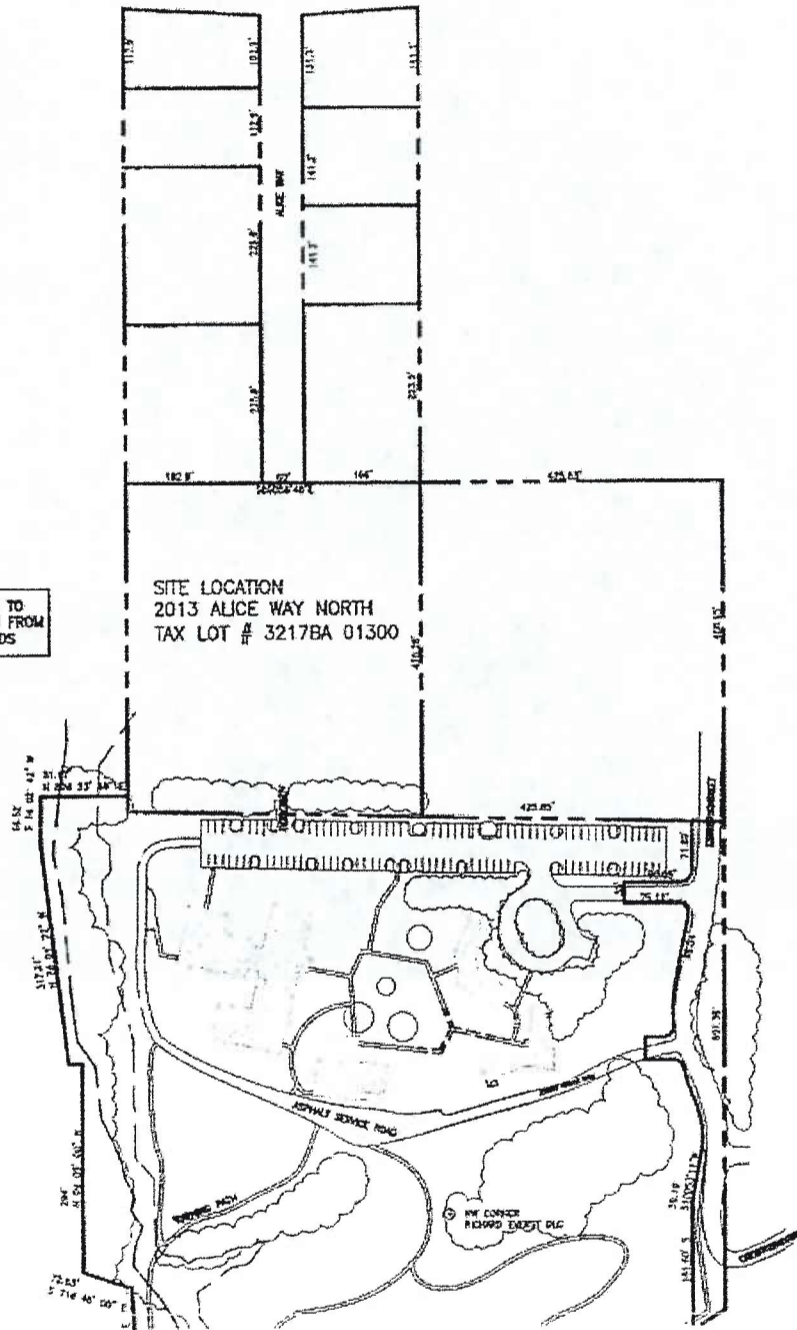
Plan Designation	Buildable	Built Land 2004-2006	Buildable	Buildable	Surplus (Deficit) for 2007-2025
	Acres Needed 2005-2025		Acres Needed 2007-2025	Acres in UGB (2006)	
LDR	612	62	550	430	(120)
MDR	173	32	141	195	54
HDR	89	0	89	29	(60)
COM	111	10	101	77	(24)
IND	50	12	38	70	32
IND (Large Site)	100	0	100	40	(60)
P	85	0	85	9	(76)
I, PQ, or other Inst.	164	5	159	38	(121)
Total	1,384	120	1264	888	(376)

Plan Designation	Definition	Corresponding Zone(s)
LDR	Low Density Residential	R-1
MDR	Medium Density Residential	R-2
HDR	High Density Residential	R-3
COM	Commercial	C-1, C-2, C-3, C-4
IND	Industrial	M-1, M-2, M-3
P	Parks	CF or others
PQ	Public/Quasi-Public	I or others

Source: Newberg Planning and Building Department
 Data subject to change

EXHIBIT E: CURRENT SITE PLAN
CPA-07-003/ZMA-07-002

ALL INFORMATION PERTAINING TO
THE BOUNDARIES WAS TAKEN FROM
THE YAMHILL COUNTY RECORDS



HAZELDEN SPRINGCROOK
EXISTING SITE PLAN

EXHIBIT F: AERIAL PHOTO
CPA-07-003/ZMA-07-002



EXHIBIT G: COMPREHENSIVE PLAN MAP
CPA-07-003/ZMA-07-002

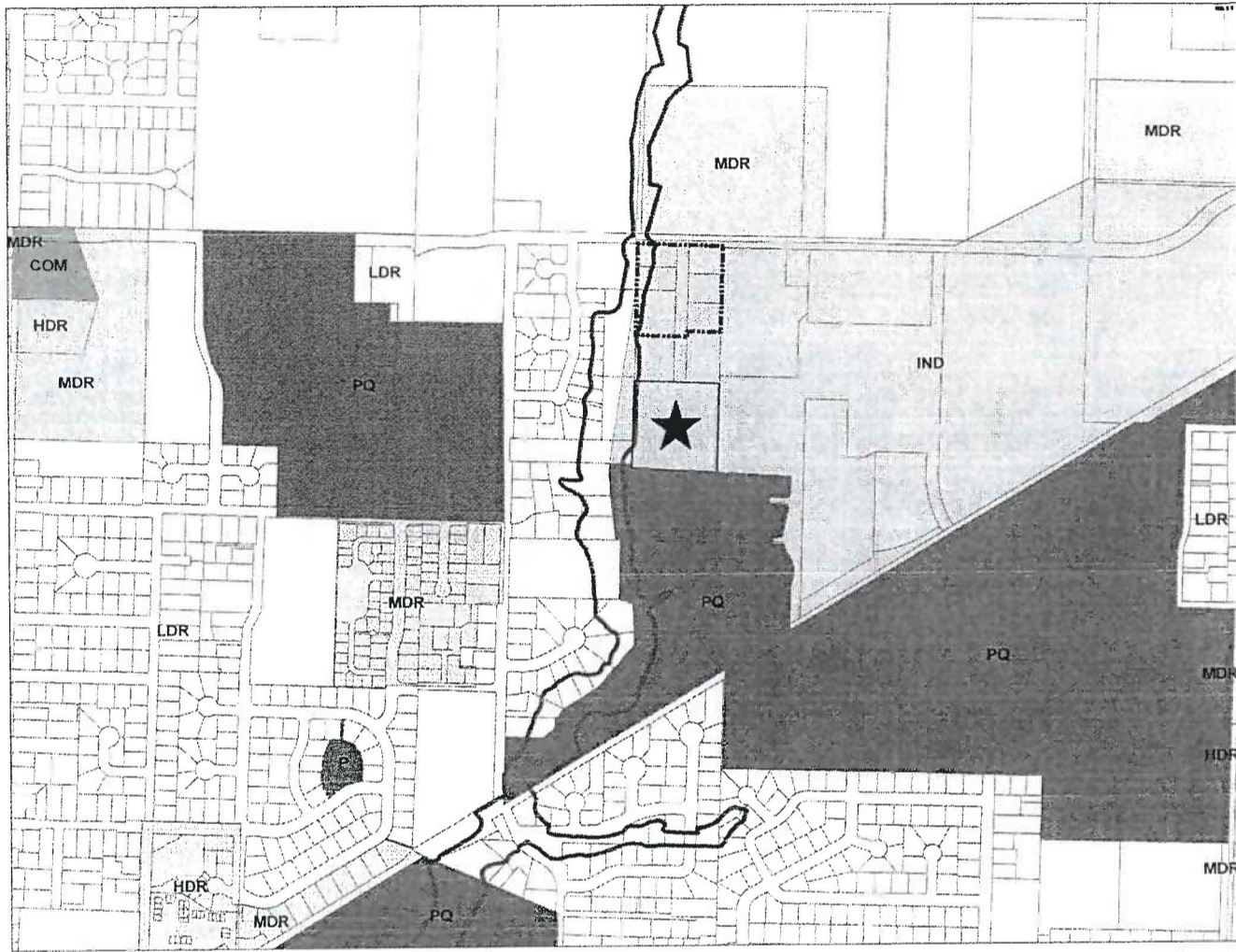


EXHIBIT H: ZONING MAP
CPA-07-003/ZMA-07-002

