



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

03/15/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 005-10

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: Tuesday, March 29, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jessica Nunley, City of Newberg
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

Bill Holmstrom, DLCD Transportation Planner
Amanda Punton, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

DEPT OF

MAR 09 2011

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Newberg**

Local file number: **CPA-10-001/ZMA-10-001**

Date of Adoption: **February 22, 2011**

Date Mailed: **March 8, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/24/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend the Comprehensive Plan designation from LDR (Low Density Residential) to HDR (High Density Residential) and amend the Zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a 3.4 acre parcel located at 1103 N Meridian St, Tax Lot 3218DA-02100.

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

Plan Map Changed from: **LDR**

to: **HDR**

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

to: **R-3**

Location: **1103 N Meridian Street**

Acres Involved: **3.4**

Specify Density: Previous: **4.4 du/acre**

New: **21.8 du/acre**

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. _____

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

Local Contact: **Jessica Nunley, AICP**

Phone: (503) 554-7744 Extension:

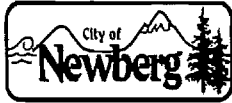
Address: **PO Box 970**

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

City: **Newberg**

Zip: **97132**

E-mail Address: **jessica.nunley@newbergoregon.gov**



ORDER NO. 2011-0030

AN ORDER AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR) AND AMENDING THE ZONING DESIGNATION FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) FOR A PROPERTY LOCATED AT 1103 N MERIDIAN STREET, TAX LOT 3218DA-2100, WITH SPECIFIC CONDITIONS

RECITALS:

1. On August 19, 2010, the Housing Authority of Yamhill County submitted an application requesting a Comprehensive Plan map amendment from LDR (Low Density Residential) to HDR (High Density Residential) and a Zoning map amendment from R-1 (Low Density Residential) to R-3 (High Density Residential) for a 3.39 acre property located at 1103 N Meridian Street, Yamhill County tax lot 3218DA-2100.
2. There is a demonstrated need for HDR land to meet the need for multi-family dwelling units in the Newberg Comprehensive Plan. This site is suitable for HDR based on topography, access, adequate infrastructure, site size, and proximity to parks, schools, and shopping areas.
3. There is adequate infrastructure to serve the site. City water and sanitary sewer lines with adequate capacity to serve future development are located nearby. The adjacent minor collector road, Meridian Street, is functioning at a level of service A and is projected to continue to function at a level of service A even with the addition of trips generated from future development. Meridian Street is also served by a regular Chehalem Transit bus route.
4. Redevelopment of the site as a whole will encourage preservation, renovation, and reuse of the existing historic house as part of the overall project site.
5. The proposal meets the applicable Development Code criteria and Comprehensive Plan goals and policies for approval.
6. The Planning Commission held hearings to consider the proposal on October 14, 2010 and November 10, 2010. At their November 10, 2010 meeting, the Planning Commission adopted Resolution 2010-285 recommending that City Council approve the requested Comprehensive Plan and Zoning map amendment.
7. The City Council held a hearing on December 6, 2010 to consider the proposal. Deliberation on the item was continued to the February 7, 2011 City Council hearing. The City Council held a final hearing on the proposal on February 22, 2011. After reviewing the evidence and hearing public testimony, the City Council finds that the application meets the applicable Development Code criteria and Comprehensive Plan goals and policies for approval, with specific conditions of

approval.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The Comprehensive Plan designation is changed from Low Density Residential (LDR) to High Density Residential (HDR), and the Zoning designation is changed from R-1 (Low Density Residential) to R-3 (High Density Residential) for the property located at 1103 N Meridian St, Tax Lot 3218DA-2100, as shown in Exhibit "B" and described in Exhibit "C" and by this reference are hereby adopted.
2. The findings shown in Exhibit "A" and by this reference is hereby adopted.
3. The Comprehensive Plan and Zoning map amendment shall comply with the following conditions of approval:
 - (A) The zone change is contingent on the current owner, Housing Authority of Yamhill County, constructing a housing project on the site. If Housing Authority sells the property without constructing a housing project on the site, then the zoning will revert to the current R-1 without the conditions listed below.
 - (B) The zone change requires the Housing Authority to go through design review and historic review on the future housing project. During that review, the Planning Commission is directed to consider:
 - (a) A drainage plan that meets Development Code requirements.
 - (b) Requirements for installation of sidewalks and walkways adjacent to the site and along the paths to major destinations, such as improvements to the Meridian rail crossing or sidewalk infill along Meridian Street. Requirements must be proportional to the impacts.
 - (c) Plans to make the historic house visible from the street.
 - (d) Architectural designs for new buildings that complement the historic house on the property.
 - (e) Plans to preserve the existing house and retain its character as a historic structure.
 - (f) A plan for occasional public access to the historic house, such as access during annual historic tour events or availability for scheduled tours.
 - (g) A plan for recognition of the heritage of the house and property, such as placing a placard and prominent display at the house.
 - (h) Plans to preserve as many of the existing trees on site as practical given design requirements.
 - (i) Parking management plan that includes guidelines for keeping off-street parking available for residents and visitors.
 - (j) Lighting plans to provide appropriate site lighting for on-site security and to control light impacts to neighbors.
 - (k) Plans for play areas within the complex that meet or exceed Development Code requirements.
 - (C) The following will be requirements of the design review for the future development:
 - (a) Installation of fence adjacent to all private property.
 - (b) Marking curbs no-parking near driveway entrances.

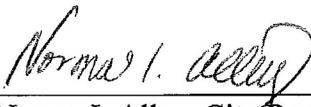
- (D) Prior to submitting for design review, the applicant shall meet with interested adjacent neighbors and a representative of Spaulding Oaks Condominium Association to discuss:
 - (a) The proposed site design.
 - (b) The proposed drainage and grading plan.
 - (c) The architectural design of the buildings.

- (E) The Traffic Safety Commission is directed to consider Meridian Street and whether to limit on street parking or designate no-parking areas. This review should occur in conjunction with design review for the future housing project. The review also is to involve the Yamhill County Transit Area and investigate the possibilities of placing a bus stop along the street, both to provide service to the area and to limit parking near driveways.

4. The Newberg Comprehensive Plan land need and supply tables shall be amended to reflect the change.


➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: February 23, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of February, 2011, by the following votes: **AYE: 4 NAY: 3 (ANDREWS) ABSENT: 0 ABSTAIN: 0**
(MCKINNEY)
(WITHERSPOON)



Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of February, 2011.



Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through the Newberg Planning Commission at their 10/14/10 and 11/10/10 meetings.

ATTACHED:

Exhibit "A": Findings

Exhibit "B": Location Map

Exhibit "C": Legal Description

Exhibit "A": Findings to Order 2010-0030

1103 N Meridian Comprehensive Plan Map Amendment & Zoning Amendment, File: CPA-10-001/ZMA-10-001

This section discusses the applicable Newberg Development Code requirements and Newberg Comprehensive Plan goals and policies. Several of the similar criteria are grouped together for ease of analysis and findings. Many of the Comprehensive Plan goals and policies are largely aspirational and meant to guide the City's decision makers, rather than being approval criteria.

Section I: Comprehensive Plan Housing Land Needs and Buildable Land Supply History

Newberg's Comprehensive Plan has consistently shown a significant need for additional HDR (High Density Residential) land. Recent plan updates and appeals of those updates have made it difficult to track what the current approved need is. However, in every case, the need is far more than can be met solely by this proposed amendment. Following is a history of recent decisions related to land need and supply.

2005 Comprehensive Plan Land Need and Supply Amendments

In 2005, the City Council adopted amendments to the Comprehensive Plan, including updated residential land need and supply numbers for LDR (Low Density Residential), MDR (Medium Density Residential) and HDR (High Density Residential) land designations. The updates were based on data from the Housing and Residential Land Needs Report compiled by Johnson-Gardner in 2004. The amendments were adopted and acknowledged through the post-acknowledgment plan amendment process in 2005. The 2005 Comprehensive Plan has residential land data for the 20-year period from 2005-2025, and the future planning period out to 2040. That data shows that the City had a demonstrated need for 89 buildable acres of HDR (High Density Residential) through 2025, and an additional 83 acres of HDR land through 2040:

Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres in UGB (2004)	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040
LDR	612	359	(253)	735
MDR	173	142	(31)	191
HDR	89	13	(76)	83
Total	874	514	(380)	1009

Source: Newberg Ordinance 2005-2626

Plan Amendments Since 2005

In the time since the Comprehensive Plan was updated in 2005, the City has added HDR acreage to the UGB. The HDR acreage was increased through UGB amendments, Comprehensive Plan amendments, and Zoning amendments, and reduced by development of HDR lands. The 2010 buildable land inventory, compiled by the Newberg Planning and Building Department, shows that the City now has 45 buildable acres of HDR in the UGB. This number was reached by adding the amount of land designated as HDR and subtracting HDR land that was developed over the past five years.

Plan Designation	Buildable Land
Low Density Residential	585 ac.
Medium Density Residential	132 ac.
High Density Residential	45 ac.
Commercial	120 ac.
Industrial	56 ac.
Park	41 ac.
Institutional	92 ac.
TOTAL	1,071 ac.

Source: Newberg Planning and Building Department (2010)

February 2010 Plan Amendments

The 2010 buildable land inventory was included and adopted with the Economic Opportunity Analysis (EOA) in February 2010 (Ordinance 2010-2723). That decision was challenged and appealed to the Land Use Board of Appeals (LUBA). LUBA affirmed the buildable land inventory data portion of the report and remanded the EOA to the City for further work and clarifications in other areas. LUBA's decision is currently being appealed to the State Court of Appeals. However, Newberg may rely upon the plan amendments adopted along with the EOA for this land use decision based on ORS 197.625(3)¹ based on the following:

- (1) The amendments were adopted in compliance with ORS 197.610 and 197.615.

¹ORS 197.625(3)(a) Prior to its acknowledgment, the adoption of a new comprehensive plan provision or land use regulation or an amendment to a comprehensive plan or land use regulation is effective at the time specified by local government charter or ordinance and is applicable to land use decisions, expedited land divisions and limited land use decisions if the amendment was adopted in substantial compliance with ORS 197.610 and 197.615 unless a stay is granted under ORS 197.845.

(b) Any approval of a land use decision, expedited land division or limited land use decision subject to an unacknowledged amendment to a comprehensive plan or land use regulation shall include findings of compliance with those land use goals applicable to the amendment.

(c) The issuance of a permit under an effective but unacknowledged comprehensive plan or land use regulation shall not be relied upon to justify retention of improvements so permitted if the comprehensive plan provision or land use regulation does not gain acknowledgment.

(d) The provisions of this subsection apply to applications for land use decisions, expedited land divisions and limited land use decisions submitted after February 17, 1993, and to comprehensive plan and land use regulation amendments adopted:

(A) After June 1, 1991, pursuant to periodic review requirements under ORS 197.628, 197.633 and 197.636;

(B) After June 1, 1991, to meet the requirements of ORS 197.646; and

(C) After November 4, 1993.

- (2) The proposal is a land use decision.
- (3) The proposal complies with the applicable statewide planning goals, including Goal 10 (Housing), as detailed in Section IV of these findings.
- (4) The February 2010 plan amendments are predicated upon previous comprehensive plan changes that were acknowledged as complying with the statewide planning goals. The inventory used the same methodology as outlined in the 2005 amendments. The changes to the inventory (From 13 acres HDR to 45 acres HDR) are due (a) additions due to adding HDR land into the UGB, (b) additions due to redesignation of property already within the UGB as HDR, and (c) subtractions due to development of HDR designated land since 2005.

April 2010 Housing Element Amendments

The Council adopted updates to the Housing Element of the Comprehensive Plan in April 2010 (Ordinance 2010-2724). The Housing Element contains the following information: updated population and demographic information, existing housing characteristics, recent trends in housing construction, future housing needs, land needs for housing, other aspects of housing to be addressed, and actions needed for housing. The Housing Element contains updated residential buildable land need and supply data that matches what was adopted by Council in February 2010 with the EOA. The decision to adopt the Housing Element was appealed to LUBA. LUBA issued a remand order on November 8, 2010 for the Housing Element. Two potentially relevant matters of the remand order include: (1) The City was directed to provide further explanation of the housing needs calculations, and (2) The City was directed to provide further justification for designating "lots or portions of lots that, because of . . . topography, irregular placements of buildings, or limited accessibility could not be readily developed if urban services were available."

The application for the proposed Comprehensive Plan map and Zoning map amendment was filed prior to the remand order being issued. Because the April 2010 Housing Element amendments were remanded, this land use decision does not rely upon those amendments. However, this decision can be based on the needs shown in the 2005 Comprehensive Plan amendments and the current buildable land inventory as reflected in the 2010 buildable lands inventory, as adopted in February 2010. The need for HDR land is substantial in all scenarios.

On the first remand issue of need, for this decision Newberg relies on the adopted and acknowledged land needs as established in Ordinance 2005-2626 and not on the April 2010 amendments. On the second issue of inventory, Newberg staff examined whether any HDR land was designated non-buildable because of the challenged criteria: "lots or portions of lots that, because of . . . topography, irregular placements of buildings, or limited accessibility could not be readily developed if urban services were available." Staff found that no HDR land was designated non-buildable based on this criteria, so the remand has no effect on inventory.

2010-2025 Unmet Need Based on 2005 Adopted and Acknowledged Comprehensive Plan

Ordinance 2005-2626 established a need for 89 buildable acres of HDR land for the period 2005-2025. According to the Johnson-Gardner Housing and Residential Land Need Report (2004) 22% of those 89 acres would be needed 2010 or before (568 of 2,554 units = 22%)². This which would equal approximately 20 acres (89 acres x 22% = 20 acres). Therefore, the needed acres, based on the 2005 data, would be 69 buildable HDR

² Johnson-Gardner, *Newberg Housing and Residential Land Needs Report*, 2004, page 31.

acres (89 acres – 20 acres = 69 acres). If we subtract the current amount of buildable HDR acreage shown in the adopted 2010 buildable land inventory (45 buildable acres) we have a total deficit of 24 buildable HDR acres (69 acres – 45 acres = 24 buildable acres). Additional need through 2030 could be shown based on the 2005 Comprehensive Plan, however that is unnecessary for this application, because the proposed change of about 3.39 acres would fill only a small percentage of the total need through 2025, much less 2030.

Section II. Newberg Development Code § 151.122: Procedures for Comprehensive Plan Map and Zoning Map Amendments.

(A) Type III Plan and zoning map amendments – one parcel or small group of parcels.

(3) Amendment Criteria. The applicant must demonstrate compliance with the following criteria:

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

Finding: Section IV of these findings addresses the Comprehensive Plan goals and policies. It can be found that this proposal is consistent with and promotes numerous applicable goals and policies, as summarized below.

Need for HDR & Multi-Family Housing

Section I of these findings demonstrated a need for 69 buildable acres of HDR land for the 2010-2025 period, as shown in the table below.

Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres Needed 2010-2025 (Adjusted from 2005 data)	Buildable Acres in UGB (2010 BLI)	Surplus (Deficit) for 2010-2025
LDR	612	436	585	149
MDR	173	166	132	(34)
HDR	89	69	45	(24)
Total	874	671	762	91

Source: Newberg Planning and Building Department

The proposed amendment would add 3.39 acres (about 3.14 buildable acres) of HDR land to the buildable land inventory. This would meet about 13% of the need through 2025, and a smaller percent of the 20-year need through 2030.

As part of the Affordable Housing Action Plan, the Affordable Housing Ad Hoc Committee surveyed land within the UGB and identified 17 acres that the City should consider initiating a zone change to HDR. Other properties may also be suitable for HDR, and rezoning could be initiated by the property owner

through this Type III process³. Even if the identified 17 acres were rezoned to HDR, the City would still have a need for additional buildable HDR land. This proposal could help meet that need.

Adequate Infrastructure to Serve the Site

The proposed site has existing sewer, water, and transportation facilities available with adequate capacity to serve the maximum density of the proposed zone change. There is an existing 8-inch sewer line with a manhole right at the northern property edge in Evergreen Drive. The application contains a report on sanitary sewer calculations done by Sisul Engineering, calculating the capacity of the existing sewer line with existing & potential maximum R-1 density (15 units) and existing & potential maximum R-3 density (96 units). When infiltration rates are added in, the existing + maximum R-1 density would use approximately 51% of the pipe capacity and the existing + maximum R-3 density would use approximately 70% of the pipe capacity. Therefore, the pipe capacity is adequate to accommodate the proposed zone change. There are existing water lines in Evergreen Drive and Meridian Street with adequate capacity to support the proposed zone change. Any development of the site would require the public water line to be looped through from Evergreen Drive to Meridian Street to ensure adequate flow, a standard practice on most large development sites.

The proposed multi-family development site is located adjacent to Meridian Street and would take direct access from the street. Meridian Street is developed to the minor collector standard with 34 feet curb to curb pavement width, two 10-foot travel lanes divided by striping, and 7 foot parking lanes on both sides of the street. According to the applicant's traffic impact study, Meridian St is functioning at a level of service A in front of the site, and is projected to continue to function at a level of service A even with the addition of trips generated from the proposed development. The sight distance from the proposed site's frontage is adequate for cars entering and exiting the site. In the past three years only one crash occurred in the stretch of Meridian from Fulton to Sierra Vista St, and that was caused by a driver running through a stop sign from Sierra Vista onto Meridian Street, so no significant traffic safety concerns are noted for the area. Any future development on the site would likely require a bicycle and pedestrian connection through the site from Meridian Street to Evergreen Drive, which would lead to Sierra Vista Drive and College Street. In addition, Meridian Street is served by a regular Chehalem Transit Bus Route.

Site is Suitable for HDR Development

This site meets the site suitability criteria for High Density Residential housing as specified in the Ad Hoc Committee on Newberg's Future Report to City Council (2005):

- Site size of one acre or greater;
- 10% or less slope;
- 1:1 or lower improvement to land value ratio considered redevelopable;
- Lack of wetlands and streams;

³ The committee did consider the subject property, and recommended that, due to the historic home, a request for a zone change should be initiated by the property owner and not the city.

- Access to a minor collector street;
- Adequate public utilities already serve the site; and
- Located within 1/4 mile of Jaquith Park and George Fox University, and within 1/2 mile of the downtown commercial area.

The proposed site is also suitable for HDR development because it meets the Comprehensive Plan policies of high density housing location, dispersal of high density housing, design of high density housing, and compatibility with surrounding development. The proposed site is adjacent to a minor collector road which will provide adequate access for higher density housing. The site is directly across the street from properties zoned R-3 – a senior condominium housing development is directly across the street and an apartment complex is directly north of that. The site is also adjacent to property zoned R-2 (Medium Density Residential) to the south. As shown on the map in Attachment 4, high density housing is currently dispersed throughout the City; this would continue that trend. Future development on the site will be compatible with the existing historic structure due to the City's design review criteria for historic properties. In addition, any development will have to meet the additional design review criteria for multi-unit housing.

Preservation of the Historic Structure

The applicant has indicated that they intend to preserve the existing historic house and re-use it in some capacity for their project, possibly for on-site offices. According to the previous property owner, the existing house is decaying and is in need of much repair in order to be habitable or to be used for offices. Redevelopment of the site in such a way that will not require subdivision will encourage renovation, preservation, and reuse of the existing historic house as part of the overall project site. In addition, Newberg has Development Code standards that protect inventoried historic structures; any proposed demolition of structures or building of new structures on a historic site requires a Type III review before the Planning Commission.

Availability of Public Services

The proposed site is within walking distance of many commercial and public services: 1/8 mile to Jaquith Park to the west; 1/4 mile to Friendsview Manor and George Fox University to the south and east; 1/2 mile to the downtown commercial area and just over 1/2 mile to the Newberg Library to the south; and less than a mile to Nap's Thriftway at the southwest end of the commercial area. This meets the Comprehensive Plan policies of high density housing being located near public services and public open spaces. It also means that residents of the proposed high density housing may walk, bike, or take public transit to commercial areas, jobs, parks, and schools.

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

Finding: Public facilities and services are available to support the proposed uses. There is an existing 8-inch sanitary sewer line to the property, with a manhole connection at the northern edge of the property at the end of Evergreen Drive. The applicant's sanitary sewer calculations report indicates, and City staff concurs, that there is adequate capacity in the system to support the zone change at the maximum permitted density for the proposed zone. There are existing water lines in Evergreen Drive

and Meridian Street with adequate capacity to support the proposed zone change. Any development of the site would require the public water line to be looped through from Evergreen Drive to Meridian Street to ensure adequate flow, a standard practice on most large development sites. The site is accessed by Meridian Street, a fully improved minor collector street with a 34 foot curb-to-curb pavement width, two 10-foot travel lanes, 7-foot parking lanes on both sides, and 5-foot sidewalks, the standard width for minor collector streets. Meridian Street is currently functioning at a level of service A in front of the site, and is projected to continue to function at a level of service A even with the addition of trips generated from the proposed development. Therefore, all public facilities and services have adequate capacity to serve the proposed change.

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

Finding: The State Transportation Planning Rule is meant to determine whether proposals “significantly affect” existing or planned transportation facilities, and if they do affect them, to ensure that they are properly mitigated. The Rule says that:

“a plan or land use regulation amendment significantly affects a transportation facility if it would: (a) Change the functional classification of an existing or planned transportation facility; (b) Change standards implementing a functional classification system; or (c) As measured at the end of the planning period identified in the adopted transportation system plan: (A) Allow land uses or levels of development that would result in types of levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.”

The proposed plan amendment site is located adjacent to Meridian Street, which is classified as a Minor Collector in the City’s Transportation System Plan. Meridian Street is built to the standards of a Minor Collector: 34 feet of pavement width, two 10 foot travel lanes, 7 foot parking lanes on both sides, and 5 foot sidewalks on both sides. The proposal would not change the functional classification of Meridian Street, or of any other existing or planned transportation facilities. The proposal would also not change any of the standards implementing the City’s functional classification system.

One of the main purposes of the traffic impact study included with the applicant’s application package is to determine whether the project meets subsection (c) of the Transportation Planning Rule. The traffic study analyzes the trip generation and distribution, safety analysis, and operational analysis of the proposed project to determine the impact the proposal will have on the transportation system. The trip generation is based on the maximum possible density allowed by the proposed zone; in this case that would be 96 possible dwelling units. That number is compared with the trips that would be generated by the possible maximum density allowed by the current zone, 15 units. The traffic study indicates that the proposed zone change could result in a net increase of 38 trips during the morning peak hour, with

31 exiting the site and 7 entering the site. In the evening peak hour, the maximum density could result in a net increase of 46 trips, with 30 entering and 16 exiting the site. The actual trips generated by the site may be fewer due to the unlikelihood of the site being built out at the maximum density – with the preservation of the existing house and preservation of many trees, site build-out will more likely be around 70 – 80 possible units. Most of the trips to and from the site are projected to be on Meridian Street south of the project site (going south toward Highway 99W and north back to the site).

Sight distance from the site frontage was examined and determined to be adequate, meaning that access to the proposed site could be taken from any point along its Meridian Street frontage. In the past three years, there was one reported crash at N College Street & Sierra Vista Drive and one crash at N Meridian Street & Sierra Vista Drive. Based on this small number of crashes, no significant traffic safety concerns are noted in the area.

Current trips along Meridian Street in front of the site were counted to be about 263 trips per hour in the evening peak hour, or about 1 car every 13 seconds on average. Development of the site is projected to increase this to around 307 trips per hour in the evening peak hour, or about 1 car every 12 seconds. This is approximately 7% of the capacity of Meridian Street.

The traffic study also looked at capacity analysis for the area and surrounding intersections for the expected project build-out in 2010 and to 2025. Capacity analysis looks at the volume-to-capacity (v/c) ratio for intersections; in other words, how much traffic an intersection can handle before it's at peak capacity, which would be a ratio of 1.0. The intersection is then given a letter grade ranging from A (best) to F (worst) for its level of service based on the v/c ratio for the intersection. The traffic study analysis shows that all of the surrounding intersections are operating at an acceptable level of service under all analysis scenarios. The evening peak hour level of service at N College St & Sierra Vista Dr drops to an E using the 2025 scenario and the level of service at N Meridian St & Fulton St drops to a D using the 2025 scenario, all other intersections continue to operate at a level C or above through all scenarios. The traffic study explains that the proposed development will likely have a minimal effect on intersection functions, and that the level of service for those intersections would be similar with or without the additional trips generated by the proposal.

According to the traffic study, the future trips generated from the proposed zone change will not “significantly affect” the transportation system – all study area intersections are projected to operate acceptably through the year 2025 planning horizon. Therefore, the proposal meets the State Transportation Planning Rule.

Section III. Historic Review Criteria & Applicable Historic Comprehensive Plan Goals and Policies

§ 151.492 Alteration, New Construction, Demolitions. (B) New Construction Type III Review Criteria.

Review Required. If an application is made to build a new building on a landmark site, the Planning Commission shall review the request through the Type III procedure to assure the plans are compatible with any existing Landmark structures on the site. No new structure or major public improvement shall be constructed without review pursuant to the following criteria.

Review Criteria. Designs shall be compatible with any existing Landmark structures on the site in terms of size, scale, material and character. Contemporary designs shall not be discouraged when they do not destroy significant historical, architectural, or cultural material. Review criteria shall include consideration of the guidelines listed in subdivision (A)(3)⁴.

Comprehensive Plan Section G. Open Space, Scenic, Natural, Historic and Recreational Resources. 3. Historic Resources Policies.

Policy a: The continued preservation of Newberg's designated historic sites and structures shall be encouraged.

Policy d: The City will encourage the re-use of historic structures such as the establishment of bed and breakfast operations, specialty shops, restaurants and professional offices.

Finding: This proposal affects a property that is on Newberg's Historic Resources Inventory. At this time, the proposal is only for a Comprehensive Plan map amendment and Zoning map amendment, not for a development proposal to modify the site. All future development on this site will require a Type III Design Review before the Planning Commission to ensure that the plans are compatible with the existing historic structures. At the time of that future review, the application must show that the new structures would be compatible with the existing historic structures in terms of size, scale, material and character.

The applicant has indicated that they intend to preserve the existing historic house and re-use it in some capacity for their project, possibly for on-site offices. According to the previous property owner, the existing house is decaying and is in need of much repair in order to be habitable or to be used for offices. Redevelopment of the site in such a way that will not require subdivision will encourage renovation, preservation, and reuse of the existing historic house as part of the overall project site. In addition, Newberg has Development Code standards that protect inventoried historic structures; any proposed demolition of structures or building of new structures on a historic site requires a Type III review before the Planning Commission.

⁴ The specifics of § 151.492(A)(3) are not listed here as they are not applicable to this current application. However, in general, the review criteria include design elements to be included and made compatible with the existing historic structure including the following: average setback; architectural elements; building orientation; vehicle parking/storage; fences.

Therefore, the application is consistent with and promotes the City's historic preservation criteria and policies.

Section IV. Applicable Statewide Planning Goals and Newberg Comprehensive Plan Goals & Policies

A. Citizen Involvement Goal

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

Finding: Part of the citizen involvement program includes opportunities for citizen involvement in planning. In this case, citizens have an opportunity to comment on this proposal, both in writing and by testifying at either the Planning Commission or City Council hearings. In addition, the applicant for this proposal held two neighborhood meetings for the purpose of discussing the project with neighbors before the official public process started.

E. Air, Water, and Land Resource Quality Policies

Policy 1: Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: The proposed project site is within the Newberg city limits and is already served with City water, sanitary sewer facilities, and streets with adequate capacity to serve the maximum permitted density of the proposed zone. The project proposal indicates a desire and willingness to preserve many of the large attractive trees on the site; tree preservation will help increase the carrying capacity of the site's air and land resource base.

Statewide Planning Goal 10: To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

NCP I. Housing Goals and Policies

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

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

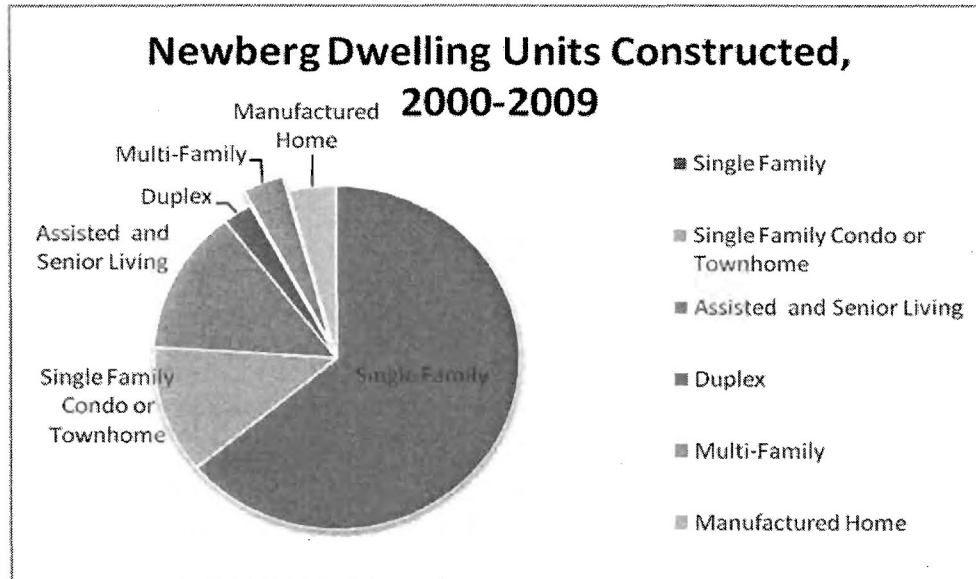
3. Mix Policies. b: Low and moderate income housing should not be concentrated within particular areas of the City.

3.i: The City shall encourage subsidized housing for low income people.

3.j: The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing and reducing housing costs.

3.k: The City shall encourage an adequate supply of rental housing dispersed throughout the city to meet the needs of renters.

Finding: According to data from the Newberg Planning and Building Department, recent residential development has been mostly single family. This is due to a variety of factors, including the lack of available higher density residential land. The graph below illustrates that construction of single-family units has far outpaced construction of multi-family units in Newberg since 2000.



Source: Newberg Planning and Building Department

The City also has a shortage of low income housing, as evidenced by our ongoing Affordable Housing project that recently culminated in the Affordable Housing Action Plan. Although the owner of the property makes no difference when reviewing a project proposal (as all proposals must meet the code criteria), the City has an obligation, reflected here in the comprehensive plan policies, to ensure that there is adequate housing of all density types and for every income level. The proposed zone change would help the City remedy its deficit of available multi-family housing.

As shown on the map in Attachment 4, rental apartments are dispersed throughout the city in many different residential neighborhoods, including on both the north and south sides of Highway 99W and in the east and west areas of town. The proposed project site is located across the street from a senior condominium complex, and near another apartment complex north of the senior condominiums. There are few other rental apartments located near the proposed site. It is difficult to determine how many single-family housing units are being used for rental units; however, the 2000 Census found that 30.7% of all occupied housing units in Newberg were rented. The 2006-2008 American Community Survey found that 34% of all occupied housing units in Newberg were rented. This increase is undoubtedly due in part to the recession, but also speaks to the demand for rental units in Newberg. A scan of the Newberg Graphic classified ads on October 5, 2010 revealed 16 units or houses for rent, ranging in price from \$425 for a bedroom in a house, \$569 - \$750 for a one-bedroom unit, \$635 - \$1195 for a two-bedroom, \$795 - \$1245 for a three-bedroom, and \$1250 - \$1500 for a four-bedroom. Of those 16, three appear to be apartments for rent, two are townhouses for rent, eight appear to be houses for rent, two are manufactured homes, and one is a room for rent in an existing household. According to the American Community Survey, 42% of renters in Newberg are paying 30% or more of their income for housing (a common threshold for unaffordability). Therefore, the City's stock of rental housing is not adequately meeting the needs of renters. According to the American Community Survey, from 2006-2008 Newberg had a vacancy rate of 6%. Since most of the dwelling units in Newberg are single-family structures (66%), we may assume that a certain number of those vacant properties are not affordable to

many residents. The City also had recent discussions with several property managers who said they were currently seeing apartment vacancy rates around 3%. This proposal may help the City remedy that deficit of affordable rental housing.

The proposed site is located adjacent to a minor collector and would not cause traffic to move through low density areas on local residential streets. In addition, the proposed site is within walking and biking distance of many commercial and public services: 1/8 mile to Jaquith Park to the west; 1/4 mile to Friendsview Manor and George Fox University to the south and east; 1/2 mile to the downtown commercial area and just over 1/2 mile to the Library to the south; and less than a mile to Nap's Thriftway at the southwest end of the commercial area. The project site also has close proximity to several arterial streets including College St to the west, Mountainview Dr to the north, and Highway 99W to the south.

Any future development on the site will require a design review process where the applicant will need to meet not only the basic design review criteria, but also the additional multi-family design review criteria and the historic review criteria. The City would have future opportunities to influence the design of the development and encourage innovation of housing types and design. The proposed zone change would provide an opportunity for a housing type that is currently less available in Newberg.

J. Urban Design Goals and Policies

Goal 1: To maintain and improve the natural beauty and visual character of the City.

1. General Policies. b: Design review should be provided for all new developments more intensive than duplex residential use.

1.1.e: Developments should respect the natural ground cover of their sites to the extent possible and plans should be made to preserve existing mature, non-hazardous trees in healthy condition.

1.1.i: The City shall encourage compatible architectural design of new structures in the community.

1.1.n: The City shall encourage innovative design and ensure that developments consider site characteristics and the impact on surrounding areas.

1.1.r: Developments of medium or high density shall be of a quality and design which will effectively offset the greater density.

Goal 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Policy c: Neighborhoods should be designed to promote safety and interaction with neighbors, with items such as walking paths and neighborhood parks.

Finding: Any future development on this property will require design review approval. Because this proposal is on an inventoried historic site, any new structures must be compatible with the existing historic house. The Newberg Development Code also has supplementary design review standards that multi-family developments must meet, including compatibility with adjacent sites. The site characteristics for future development would be looked at closely to encourage the best design of the

property and to properly mitigate any impacts on surrounding uses. In addition, because this is an inventoried historic property, any historic review will go before the Planning Commission for a decision.

The project application includes an arborist's report that surveyed all of the site's trees and determined which were healthy and should be preserved and which should be removed. The applicant has indicated that they will make an effort to preserve many of the trees on the site by including them in the site plan and designing the site around them.

Newberg has standards in the Development Code for pedestrian connectivity, such as not having excessive block lengths and requiring walkways where possible to break up long blocks. In this case, if the property were to be developed at its current zone with single-family residential houses, public access from Evergreen Drive through to Meridian Street would likely be required for adequate site access. The applicant has proposed a future multi-unit development that would take access only from Meridian St. Due to the long block length between Sierra Vista Dr and Fulton St, a public pathway through the future multi-unit complex would likely be required so that area residents may more easily reach Jaquith Park and College Street.

K. Transportation Goals and Policies

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

Policy b.2: The City shall encourage higher density development in residential areas near transit corridors, commercial areas and employment centers, including the downtown.

Goal 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

Policy 5.c: All new and improved commercial, office, institutional, and multi-family development shall be conveniently and directly accessible from the public right-of-way by bicycle and on foot.

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

Policy c: Develop a system of roads that provide for efficient movement of traffic, considering the general design guidelines below: 5) Minor Collectors. A minor collector provides access to abutting properties and serves the local access needs of neighborhoods by channeling traffic to the major collector and arterial street system. A minor collector is not intended to serve through traffic.

- *56 to 65 feet of right-of-way with 10 foot public utility easements.*
- *34 to 42 feet curb to curb*
- *Parking on both sides of the street, replaced by bike lanes where needed.*
- *A minimum four and one-half (4 ½) foot planter strip and five-foot sidewalk on both sides of the street.*

Finding: The applicant has included the Chehalem Transit Bus Routes map in their application packet. The map clearly shows that the bus route includes Meridian Street. Therefore, the proposed site meets the goal of promoting reliance on alternative modes of transportation and the policy of locating higher density development near transit corridors. In addition, the proposed site is within easy walking and biking distance to the downtown commercial core as well as to Friendsview Manor and George Fox University, two of Newberg's largest employers.

The proposed multi-family development site is located adjacent to Meridian Street and would take direct access from the street. Any future development on the site would likely require a bicycle and pedestrian connection through the site from Meridian Street to Evergreen Drive, which would lead to Sierra Vista Drive and College Street. Meridian Street is classified as a minor collector, and is developed to the minor collector standard with 34 feet curb to curb pavement width, two 10-foot travel lanes divided by striping, and 7 foot parking lanes on both sides of the street. According to the applicant's traffic impact study, Meridian St is functioning appropriately: the sight distance from the proposed site's frontage is adequate; in the past three years only one crash occurred in the stretch of Meridian from Fulton to Sierra Vista St (caused by a driver running through a stop sign from Sierra Vista onto Meridian Street); and the level of service rating is adequate for all nearby intersections through 2025.

According to staff GIS calculations, the distance between Sierra Vista Dr and the railroad tracks on Meridian Street is approximately 925 ft on the west side and 900 ft on the east side. After removing area for existing driveways (~154 ft on the west side and ~135 ft on the east side), the totals were ~771 ft on the west side and ~765 ft on the east side. Using these numbers, the amount of current on-street parking spaces available on Meridian Street is approximately 38 spaces per side (771 & 765 divided by 20 ft parking space length). A staff survey of that same area at different times of day on five different days found that the average use of the parking spaces was 7 used spaces on the west side and 6 used spaces on the east side, or about 17% of the available spaces. Any development on the proposed project site would require off-street parking on their lot to serve the dwelling units. However, Meridian Street still has capacity to accommodate further on-street parking if additional parking is d for area residents.

L. Public Facilities and Services Goals and Policies

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

1. All Facilities & Services Policies. f: Maximum efficiency for existing urban facilities and services will be encouraged though infill of vacant City land.

2. Sewers and Water Policies. c: Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

Finding: It is appropriate to use land within the city limits to its highest and best use in order to preserve the efficiency of public facilities to serve urban development. The proposed site has existing sewer and water facilities available, with adequate capacity to serve the maximum density of the proposed zone change. It is more efficient to use an existing site such as this as opposed to extending new public utilities to an undeveloped vacant parcel without such services.

There is an existing 8-inch sewer line with a manhole right at the northern property edge in Evergreen Drive. The application contains a report on sanitary sewer calculations done by Sisul Engineering, calculating the capacity of the existing sewer line with existing & potential maximum R-1 density (15 units) and existing & potential maximum R-3 density (96 units). The report found that the peak sewer line flow rates for existing + maximum R-1 density would use approximately 45% of the pipe capacity

and that existing + maximum R-3 density would use approximately 63% of the pipe capacity. When infiltration rates are added in, the existing + maximum R-1 density would use approximately 51% of the pipe capacity and the existing + maximum R-3 density would use approximately 70% of the pipe capacity. Therefore, the pipe capacity is adequate to accommodate the proposed zone change.

M. Energy Goals and Policies

Goal: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

1. Planning Policies. a: The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

Finding: Use of the proposed site for higher density housing would meet this goal and policy by encouraging compactness of urban development in an area that is served by transit and within walking and biking distance to the downtown commercial core, Friendsview Manor, and George Fox University. In addition, the land uses are inherently compatible with the high density housing directly across Meridian Street and medium density housing on the south side of the project site.

Exhibit B: Location Map

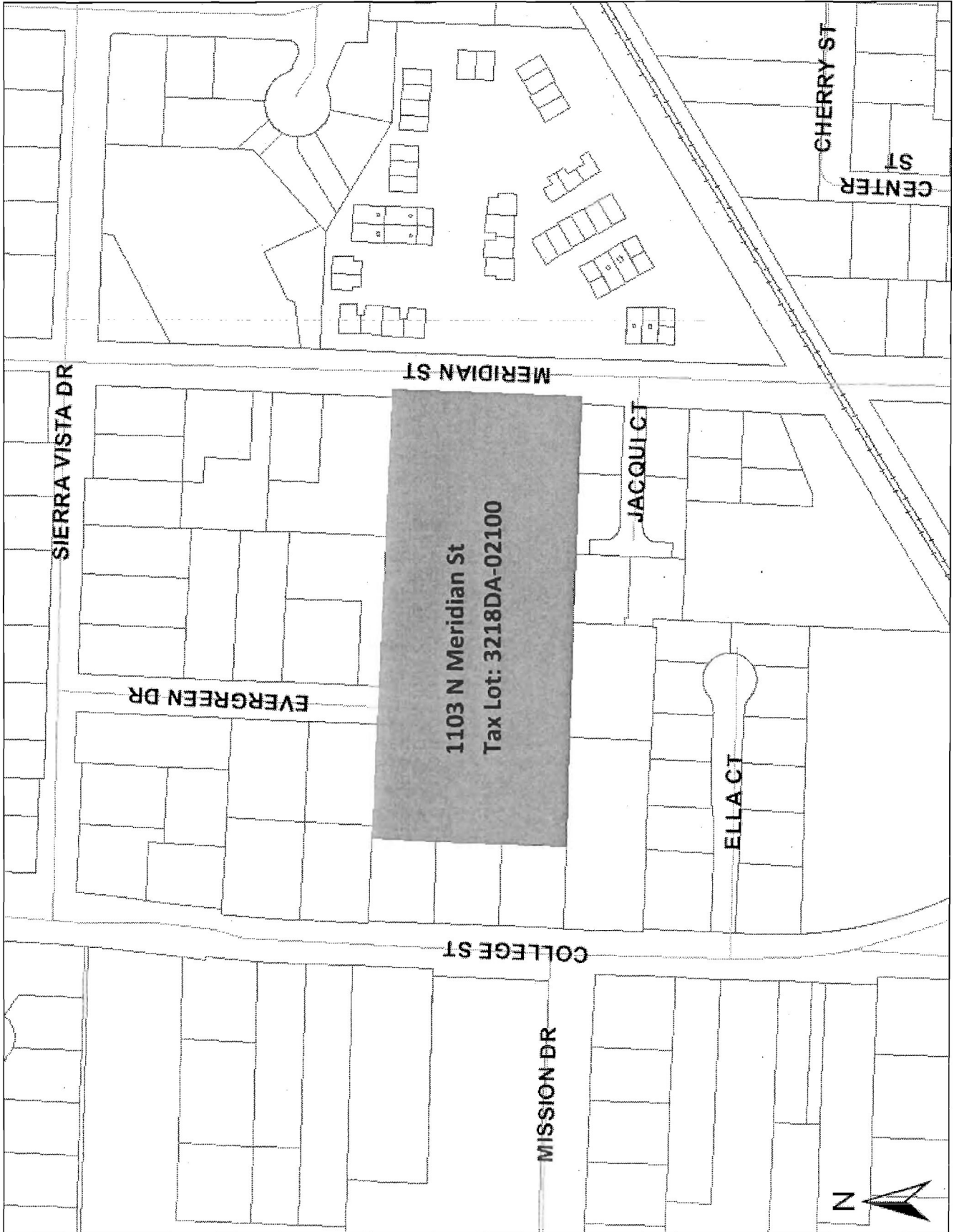


Exhibit "C": Legal Description

EXHIBIT "A"

File No.: **1032-1564264**

Policy No.: **1564264**

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

A part of the D. D. Deskins Donation Land Claim No. 54 in Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, bounded and described as follows, to-wit:

BEGINNING at a point on the Section line between Sections 17 and 18 in said Township and Range, said point being 723 feet South of the Quarter Post between said Sections and being also 396 feet South of the intersection of the North boundary line of said Donation Land Claim with said Section line; thence South along said Section line 245 feet; thence South 89°11' West 609 feet to the Southeast corner of tract conveyed to Dale D. Voss, et ux. by deed recorded February 24, 1954 in Book 172, Page 417, Deed Records; thence North 00°11' East 254.6 feet to the South line of land conveyed to George W. Constable by deed recorded August 2, 1949 in Book 153, Page 771, Deed Records, and thence East 608.4 feet to the place of beginning.

APN: R3218DA-2100

Division

OR 97132

ATTN: Plan Amendment Specialist

DLCP

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

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