



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 29, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 013-05

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: April 12, 2006

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

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

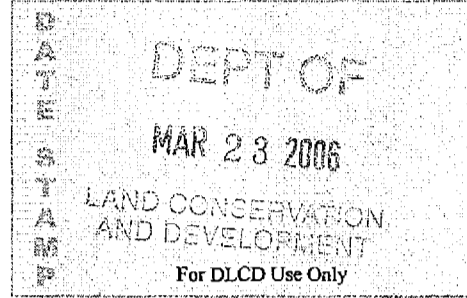
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

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

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PROF 2 Notice of Adoption

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



Jurisdiction: City of Newburg Local file number: UGB-05-014
 Date of Adoption: City 1-19-06 / County 3-15-06 Date Mailed: 3-22-06 (5 days after County adoption)
 Date original Notice of Proposed Amendment was mailed to DLCD: 10-28-05

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: Urban Growth Boundary amendment

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Expand Newburg's UGB to include a 18.83 acre parcel, and change the comprehensive plan designation from County AFSH + Urban Reserve to City LDR.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".
No change, except that the City Council intends to request jurisdiction of Asper Way adjacent to the site from the County at time of annexation.

Plan Map Changed from: AFSH / urban reserve to: LDR
 Zone Map Changed from: _____ to: _____
 Location: 2908 N. Asper Way Acres Involved: 18.83
 Specify Density: Previous: 1 unit/10 acres New: 4.4 du/acre (if annexed & zone changed) to R-1
 Applicable Statewide Planning Goals: 1, 2, 3, 5, 6, 8, 10, 11, 12, 14
 Was and Exception Adopted? YES NO

DLCD File No.: 013-05
(14785)

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

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

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

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

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

Yamhill County

Local Contact: Steve Olson Phone: (503) 537-1215 Extension: _____

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

Zip Code + 4: 97132- Email Address: Steve.olson@ci.newberg.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



ORDINANCE NO. 2006-2637

AN ORDINANCE DECLARING THAT CERTAIN TERRITORY BE INCLUDED IN THE CITY OF NEWBERG URBAN GROWTH BOUNDARY TOGETHER WITH A COMPREHENSIVE PLAN CHANGE FROM YAMHILL COUNTY AFSH AND URBAN RESERVE AREA DESIGNATION TO A CITY OF NEWBERG LDR COMPREHENSIVE PLAN DESIGNATION. THE SITE IS LOCATED AT 2908 NORTH ASPEN WAY, YAMHILL COUNTY TAX LOT 3208-1100.

RECITALS:

1. On September 29, 2005 WRG Design initiated a request, on behalf of the property owners, for an urban growth boundary amendment for property located at 2908 North Aspen Way, Yamhill County Tax Lot 3208-01100.
2. On November 16, 2006 notice of the Newberg Urban Area Management Commission meeting was posted on the site.
3. On November 30, 2005 notice of this proposed urban growth boundary amendment was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.
4. Notice was published in the Graphic Newspaper on November 30, 2005 which is at least ten days prior to the public hearing before the Newberg Urban Area Management Commission on December 14, 2005, and on November 30, 2005, notice was posted at four public places to comply with Oregon Revised Statute requirements.
5. On December 14, 2005 a hearing was held by the Newberg Urban Area Management Commission and the Newberg Urban Area Management Commission, by a majority vote, recommended to the City Council and Yamhill County Board of Commissioners approval of the requested amendment. Further, the Newberg Urban Area Management Commission recommended that at the time of annexation, the City of Newberg provide Yamhill County with written acceptance of jurisdiction over the North Aspen Way right-of-way.
6. On December 27, 2005 notice of this proposed urban growth boundary amendment was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.
7. Notice was published in the Graphic Newspaper on December 31, 2005, which is at least ten days prior to the public hearing before the City Council on January 17, 2006; and notice of the City Council meeting was posted on the site and at four public places to comply with Oregon Revised Statute requirements.

8. After proper notice, on January 17, 2006 at the hour of 7:00 PM in the Newberg Public Safety Building, 401 E. Third, the City Council held a Public Hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.

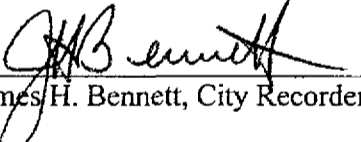
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

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


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

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

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


James H. Bennett, City Recorder

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


Bob Stewart, Mayor

LEGISLATIVE HISTORY

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

URBAN GROWTH BOUNDARY FINDINGS
UGB-05-014

Approval of an urban growth boundary amendment for 18.83 acres.

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

Findings:

Goal 1, Citizen Involvement.

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

Ad Hoc Committee on Newberg's Future. The Newberg City Council created the Ad Hoc Committee on Newberg's Future to provide a forum for citizen involvement in planning for Newberg's future land use patterns. The Committee was asked to make recommendations that would help the City Council make future amendments to the Comprehensive Plan. The Committee was to consider Newberg's future land use needs for at least the next 20 years (2025) and preferably longer (out to 2040).

The Committee met from April 2004 to June 2005. During that time, the Committee considered future population and housing needs, and the land requirements for residential, industrial, commercial, and industrial development. They reviewed the supply of buildable land within the existing Urban Growth Boundary (UGB), and evaluated the land in the Urban Reserve Areas (URAs) and surrounding areas to

determine which areas would be most suitable to meet the requirements of each type of land use.

The Committee received support from City staff and consultants. The Committee also sought the input from the general public. The Committee held two open houses, conducted two surveys, received comments at each of their meetings, and received several letters. The Committee's final report included a recommendation on the amount of land that needed to be included in the UGB to meet the projected shortfall in residential land. They did not recommend that this specific parcel be brought within the UGB because of the perception that utilities would not be available for more than 20 years.

UGB Amendment/Annexation application. Public notice has been provided to all properties within 500 feet of the site, the site has been posted, notice has been posted in four public places in accordance with ORS requirements, and notice of the hearing has been published in the Newberg Graphic. Public notice has been provided to the Oregon Department of Land Conservation and Development per state regulations.

Goal 2, Land Use Planning. This goal stipulates that land use decisions be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to the plan's policies must be adopted. It requires that plans be based on "factual information", that local plans and ordinances be coordinated with those of other jurisdictions and agencies, and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation. The City's Comprehensive Plan was originally adopted in 1979 and has been amended several times since then. An updated Housing and Residential Land Needs Report was prepared in 2004 and adopted in 2005.

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

Goal 3, Agricultural Lands. This goal requires counties to inventory agricultural lands and to "preserve and maintain" them for farm use. The property under review is currently designated as Urban Reserve land and is zoned under the Yamhill County Zoning Ordinance as Agriculture/Forestry Small Holding (AF-10). By definition, this is exception land and not resource land. The purpose statement for this zone is:

501.01 Purpose (excerpted from Yamhill County Zoning Ordinance)

The purpose of the AF-10 District is to provide for low density rural residential development on selected lands identified as Agricultural/Forestry Small Holding in the Comprehensive Plan; and, at the same time, to encourage small-scale or more intensive

farm and forestry activities. Within this District, no limitations shall be placed on farm and forestry uses of the scale, type and performance characteristics commonly found in the F-40, EF-40 and AF-20 Districts. In areas immediately adjacent to urban centers, the AF-10 District is intended to be a transitional zone between F-40, EF-40 or AF-20 Districts and higher-density VLDR and LDR Districts or urban districts identified in city comprehensive plans.

The AF-10 zone indicates that this property is not prime farmland that has been preserved for exclusive farm use. It is rural residential land, in a zone that allows large lot subdivisions and planned unit developments as well as farming and forestry activities. The site's 20-percent (+) sloped terrain limits the viability of farming on the property. The proposed expansion of the UGB to encompass this property would provide for efficient urban expansion into Urban Reserve land abutting the city limits. It would also create a buffer between urbanized land and more suitable land for agriculture north and east of the site

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

The property under review contains no identified forest lands, mineral resources and aggregate resources, fish, or waterways, and no recognized archeological, open space, scenic, natural, historic or recreational resources. The county has no identified wildlife resource information in this area.

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

Goal 8, Recreation Needs. This goal requires a community to evaluate its areas and facilities for recreation and to develop plans to deal with the projected demand for them. The City's Comprehensive Plan includes policies designed to ensure recreational facilities and services are expanded to meet growing recreation demands of the community. Future growth in the surrounding area will include provision of recreation space. Expanding the UGB to include this property will ensure its full consideration in

the master planning process the Austins are undertaking, and ensure that the proper amount of recreational amenities in the vicinity are provided.

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

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

In 2004, the City undertook a residential needs analysis to identify the need for residential land for the next 20 years. The Ad Hoc Committee on Newberg's Future recommended, in a report that was adopted by City Council in 2005, that the UGB would need to add 380 acres of residential land by 2025, 253 acres of which would be LDR. The steep topography of this site probably makes the LDR designation the most appropriate density for this site. While this parcel was not identified by the committee as a priority for inclusion within the UGB, due to the perceived delay in utilities reaching the site, it is true that inclusion of this parcel within the UGB would help meet the need that the committee identified for LDR land. The ongoing Austin master plan process may facilitate the development of the area south of the site, which could extend utilities to the site earlier than the committee was anticipating.

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

Goal 11, Public Facilities and Services. This goal calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The primary objective of this goal is to encourage planning of public services to meet the community's needs and capacities rather than being forced into the situation of responding to development as it occurs. The City's Comprehensive Plan includes the goal to plan and develop a timely, orderly and efficient arrangement of public facilities and services to

serve as a framework for urban development. Water, sanitary sewer and storm water management facilities were evaluated as part of the detailed URA analysis conducted by the City in 1997. Sanitary sewer and stormwater services can be provided in the project area, subject to development of the area south of the site or by the applicant extending these services approximately 2500 feet to reach the site. Water services can be provided at the site, but will require extensive public infrastructure improvements. Most of this property is located at an elevation above the service level (zone 1) for the current water reservoir. The 2004 City of Newberg Water Distribution System plan assumes that additional facilities will be constructed during the next 20 years that will enable the 2-3 zone (where this property is located) to be served. The facilities will include a Springbrook Road main water line, a new zone 1 reservoir, a new zone 2-3 reservoir, and pump station .

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

Newberg's Transportation System Plan includes recommended road improvements to North Aspen Way:

- ▶ *North Aspen Way:* Reconstruct Aspen Way to minor collector street standards between Villa Road and Mountainview Drive (northern arterial) to include sidewalks and on-street parking on each side of Aspen Way. Total length of this improvement is 1.38 miles.

Future development on this site will be required to construct at least a half-street improvement along the North Aspen Way frontage, and will pay for off-site transportation improvements through Transportation System Development Charges.

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

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

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

**Table A
UGB Population Forecasts**

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

Source: City of Newberg, Comprehensive Plan, November 21, 2005

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

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

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

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

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

	Single Family		Multi-Family		Manufactured		Total
	Detached	Attached	Medium Density	High Density	Parks	Subdivision	
	50%	7%	15%	23%	2%	2%	100%

2005 to 2025	3,377	492	1,022	1,533	140	140	6,704
2026 to 2040	3,234	471	978	1,467	135	135	6,420
Total	6,611	963	2,000	3,000	275	275	13,124

Source: City of Newberg, Comprehensive Plan, November 2005 (Johnson Gardner)

Table C includes projected residential land needs for the various housing types provided for in the Comprehensive Plan: Low Density Residential (LDR); Medium Density Residential (MDR); and High Density Residential (HDR). The table shows planned densities in order to calculate the needed acres needed for development.

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

Table C
Buildable Residential Land Need

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

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

Table D
Buildable Residential Land Needs vs. Supply

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

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

The evidence presented above clearly demonstrates that the current supply of vacant developable and appropriately zoned land is inadequate to meet the needs of the community over the next twenty years. There will be a negative supply of available low, medium and high-density land by 2025, if not before, to meet the community's need for residential land.

In summary, population and residential housing growth has averaged approximately 3% per year over the last 15 years. The City faces a shortfall in the supply of LDR land over the next 20 years, and needs to expand the UGB to meet this need. This site will not be developed in the next few years, due to the lack of City utilities at the site, but could be developed during the next 20 years as the area to the south is developed, utility lines are extended northward and water system improvements are built. Adding this site into the UGB will therefore help remedy the projected shortfall of LDR land within the UGB over the next 20 years, although it may not become available for development until the tail end of that period.

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

Finding: The property is currently not served by public water or sanitary sewer. Existing public water and sanitary sewer connections are approximately 2,500 feet away within public rights of way. A stormwater ditch traverses the northern portion of the site and links to the city's stormwater management system via a culvert, catchbasin and pipe that eventually leads to Hess Creek.

The property's location, however, adjacent to land designated as low-density residential (LDR) and that land's likelihood of development in the near future will expand options for providing utility services to this property. Immediate development is not expected on the site. Any new development on the site will likely occur after new development on the adjacent low-density residential land. Extending services northward to this property would likely be more feasible and efficient on a longer-term development timeframe (about 15-20 years).

In addition, there will need to be improvements in the public water infrastructure before urban development can occur. Most of this property is located at an elevation above the service level (zone 1) for the current water reservoir. The 2004 City of Newberg Water Distribution System plan assumes that additional facilities will be constructed during the next 20 years that will enable the 2-3 zone (where this property is located) to be served.

The facilities will include a Springbrook Road main water line, a new zone 1 reservoir, a new zone 2-3 reservoir, and pump station.

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

Finding: The proposed amendment will provide for maximum efficiency of land use on the fringe of the urban area through future extension of public water and sanitary sewer to land contiguous with the city limits. The potential use of the area for low-density urban residential development is appropriate considering the planned use of adjacent properties to the west, south, and east. As currently zoned by the County, very low-density rural residential development could occur. The site location contiguous to the City make it an efficient site to develop urban low density residential development.

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

Finding:

Environmental consequences: The site consists primarily of sloped terrain with minimal farming value. Several stands of trees are located in the northeaster corner and eastern portion of the property. These trees are intended to be retained. No known historic site or resources exists on the property.

Energy consequences: Inclusion of this property into the UGB avoids leap-frog development and provides the opportunity for master planning of a complete community in the north/northeastern section of Newberg. The anticipated master plan would ensure consideration of this property in the efficient urbanization of land in Newberg.

Economic consequences: Until the parcels are annexed, there is negligible economic impact. Upon annexation, a complete economic impact statement will be required and additional service requirements and the costs associated with them will be analyzed at that time. As an example, development activity will likely generate more traffic in the area but that same development activity will also generate additional transportation system development fees to fund local road improvements. The potential for positive economic impact, however, is likely with the planning and development of a complete community nearby. Development on – and the views from – this property can attract households with above average income. In addition to tax revenues from the new development, a larger amount of disposable income from these households may be spent in the community, contributing to the health of the local economy

Social consequences: The long-term socioeconomic benefits to the community will be enhanced by helping to create a “complete community”, where jobs, housing, goods and services are located in reasonable proximity to one another. Employers will be more inclined to retain and create well-paying jobs where a supply of housing choices is readily available to meet the needs of their employees.

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

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

Finding: The site contains a patchy mix of soil types of which only one is considered well suited for agriculture. The discordant mix of soils combined with fairly steep-sloped terrain offer limited agricultural use. Yamhill County identified the property under review as “lands committed to rural residential use”, and zoned it AF-10 exception land. Therefore, it has been previously determined that the site is not well-suited for use as agricultural land, and has low priority for retention as agricultural land.

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

Finding: Oregon’s land use laws were designed to protect farm land and to establish city boundaries. Where these boundaries terminate, potential conflict with adjacent activities, including farming activity can occur. Urban reserve areas, by their very nature, exist on the fringes of these city boundaries. These parcels were included within Newberg’s Urban Reserve Area in anticipation of development occurring by 2020. Newberg’s Development Code has been designed to mitigate impacts of new development on surrounding land uses. Impacts on this area which may occur as a result of existing farming practices can also be mitigated by proper installation of amenities such as landscaping and screening at time of development.

Adjacent property to the west and south of the property are planned for low density residential development. East of the site are existing low-density residential homes. North of the site is Urban Reserve Area land, currently used for rural residential development.

While no immediate development is proposed for the site, future development will be compatible with the surrounding uses. The conceptual use for the site is low-density residential development that is sensitive to the terrain of the property. Relatively few housing units could be built on the site, which would fit appropriately in the area, and even potentially serve as a transition zone between more urban development anticipated to the west and more rural areas to the north and northeast of the property.

II. Newberg Comprehensive Plan Amendment Criteria - Newberg Development Code, Section 10.20.030: *The applicant must demonstrate compliance with the following criteria:*

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

NEWBERG COMPREHENSIVE PLAN POLICIES AND GOALS:

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

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

Finding: As previously noted, in 1992 and 1993 an urban reserve area project was completed. The Urban Reserve Area land supply was intended to provide adequate land for the City's needs to 2020. As shown in Tables B, C, and D a current shortfall of residential land has been identified. This parcel was included within the urban reserve area. This parcel, if added to the UGB, will be included within a master plan for this area which should ensure that the conversion to urban uses occurs in an orderly and efficient manner.

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

Finding: The site under review has been identified by the County as exception land, and the inclusion within the Urban Reserve area was a recognition that this land had potential for urbanization. Tables B, C and D demonstrate that there will be a substantial shortage of land in the City available for medium density housing should growth rates and corresponding housing development trends experienced over the past few years continue. Inclusion of the property under review within the UGB would help to alleviate the shortages of land available for residential use expected to occur by 2025, if not sooner.

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

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

Finding: If the site develops as rural residential land then the houses will have to use septic systems. If this site is included within the UGB then, upon development, all residences will connect to City sewer service. Sensitivity to the topography and limited development on the site will help minimize impact to air, water, and land resource quality.

HOUSING - 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.

Finding: This site's steep slopes limit the amount of housing that can easily be built on the site, and make it well suited to larger lots. Adding this site into the UGB will help meet the demand for larger-lot housing and free up almost 20 acres of flatter land already within the UGB that could more efficiently be developed for smaller-lot and more affordable homes.

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

Finding: Future development in the general vicinity will include road improvements on North Aspen Way and also additional connection through the new master-planned community south of this site. Inclusion of this property within the UGB will ensure the site's integration in the master planning of general area, including connectivity and access to and within the new community.

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

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

Finding: Improvements and new extensions of public utilities as the general area develops will facilitate the efficient extension of utilities to this property.

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

Finding: As previously noted, the land has been included within Newberg's urban reserve area to provide adequate land for the City's needs to 2025. Since these parcels were included within the urban reserve area, conversion from agricultural to urban land uses is occurring in an orderly and efficient manner. As the area south of this site develops public services and facilities will be efficiently provided to the site to support an urban level of low density residential development.

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

Finding: The boundary will not be expanded to only include the lower elevation portions of the property. The proposed UGB amendment will include the whole property; it will follow the property's existing boundary.

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

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

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

Finding: The proposed Urban Growth Boundary Amendment itself does not require provision of public facilities. Future development in the general area can facilitate the extension of utilities lines to the site. The owners of the property also own adjacent properties to the west and south that will likely be developed prior to the property in discussion. Extensions of the necessary utilities to serve this property as low-density development should be feasible with the adjacent development, and might be financed by the developer.

In addition, there will need to be improvements in the public water infrastructure before urban development can occur. Most of this property is located at an elevation above the service level (zone 1) for the current water reservoir. The 2004 City of Newberg Water Distribution System plan assumes that additional facilities will be constructed during the next 20 years that will enable the 2-3 zone (where this property is located) to be served. The facilities will include a Springbrook Road main water line, a new zone 1 reservoir, a new zone 2-3 reservoir, and pump station.

III. ORS Standards:

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

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

The Newberg Urban Area Growth Management Agreement provides the following mechanism for a site specific urban growth boundary amendment: "Amendment of the

Urban Growth Boundary may be initiated by the Yamhill County Board of Commissioners, the Newberg City Council, or by an individual owner(s) of property who request(s) inclusion in or exclusion from the urban Growth Boundary”.

An updated residential needs analysis was completed in 2004. As previously shown in Tables A, B, C and D of these findings, there is currently a need for additional low density zoned land to meet projected increases in population by 2025. For the planning period ending in 2025, there is a significant shortfall in every residential land category. The proposed amendment will help the City meet the requirements of ORS 197.296(2) by providing a suitable inventory of buildable residential land to the year 2025.

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

Finding: As noted in Exhibit A - Findings, page 1, the property under review is located with an urban reserve area adopted by the City and Yamhill County in 1993.

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

Finding: The seven factors of Goal 14 have been addressed in Exhibit A - Findings, pages 1-11. The property was designated as “Exception Lands” in by Yamhill County when it was zoned AF-10 rural residential.

IV. Goal 14 Factors:

- a) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
- (b) Need for housing, employment opportunities, and livability;

- (c) Orderly and economic provision for public facilities and services;
- (d) Maximum efficiency of land uses within and on the fringe of the existing urban area.
- (e) Environmental, energy, economic and social consequences;
- (f) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
- (g) Compatibility of the proposed urban uses with nearby agricultural activities.

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

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

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

Potential development on the site can be feasibly served by extensions of public utilities that are a part of the preceding development of adjacent properties. Overall, inclusion of this property within the UGB will ensure that it is thoughtfully considered in planning – and developing – a complete community in the northern area of Newberg.

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

EXHIBIT "B" - LEGAL DESCRIPTION

A tract of land in the William T. Wallace Donation Land Claim No. 47 and in the Solomon Heater Donation Land Claim No. 48, in Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, being more particularly described as follows:

PARCEL I:

Part of the William T. Wallace Donation Land Claim No. 47 in Township 3 South, Range 2 West of the Willamette, in the County of Yamhill and State of Oregon, described as Beginning at an iron stake on the East line of said claim, 38.22 chains South from the Northeast corner of said claim; thence South along the claim line, 18.78 chains to a stone; thence West 10 chains to an iron stake; thence North 21°10' West along the center of the county road, 14.82 chains to an iron stake at the Southwest corner of the Dan Harmon tract as described in deed recorded December 13, 1944, in Book 126, Page 142, Deed Records; thence North 73°15' East, 15.82 chains along the Southerly line of said Harmon tract to the place of beginning. EXCEPT that portion conveyed to Leland W. and Doris M. Gibbons by deed recorded June 10, 1959 in Film Volume 5, Page 578, Deed and Mortgage Records.

PARCEL II:

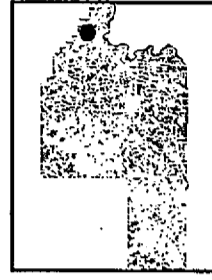
Beginning at an iron pipe on East line of the William T. Wallace Donation Land Claim No. 47 in Township 3 South, Range 2 West of the Willamette Meridian in the County of Yamhill and State of Oregon, 27.96 chains North of the Southeast corner of said claim; thence North on East line of said claim, 6.21 chains to an iron pipe; thence South 89°20' East 1.625 chains to an iron pipe; thence South parallel with the West line 6.21 chains to an iron pipe; thence North 89°21' West 1.625 chains to place of beginning, EXCEPT that portion conveyed to Leland W. and Doris M. Gibbons by deed recorded June 10, 1959 in Film Volume 5, Page 578, Deed and Mortgage Records. EXCEPTING THEREFROM that portion of the above described real premises deeded to Yamhill County, a political subdivision of the State of Oregon, dated May 8, 1989, and recorded in Film Volume 232, Page 0577, Deed and Mortgage Records, Yamhill County, Oregon.-----

STATE OF OREGON)
COUNTY OF YAMHILL)
I hereby certify that this instrument
was received and duly recorded
by me in Yamhill County records.
Instrument #
14116
CHARLES STERN,
COUNTY CLERK

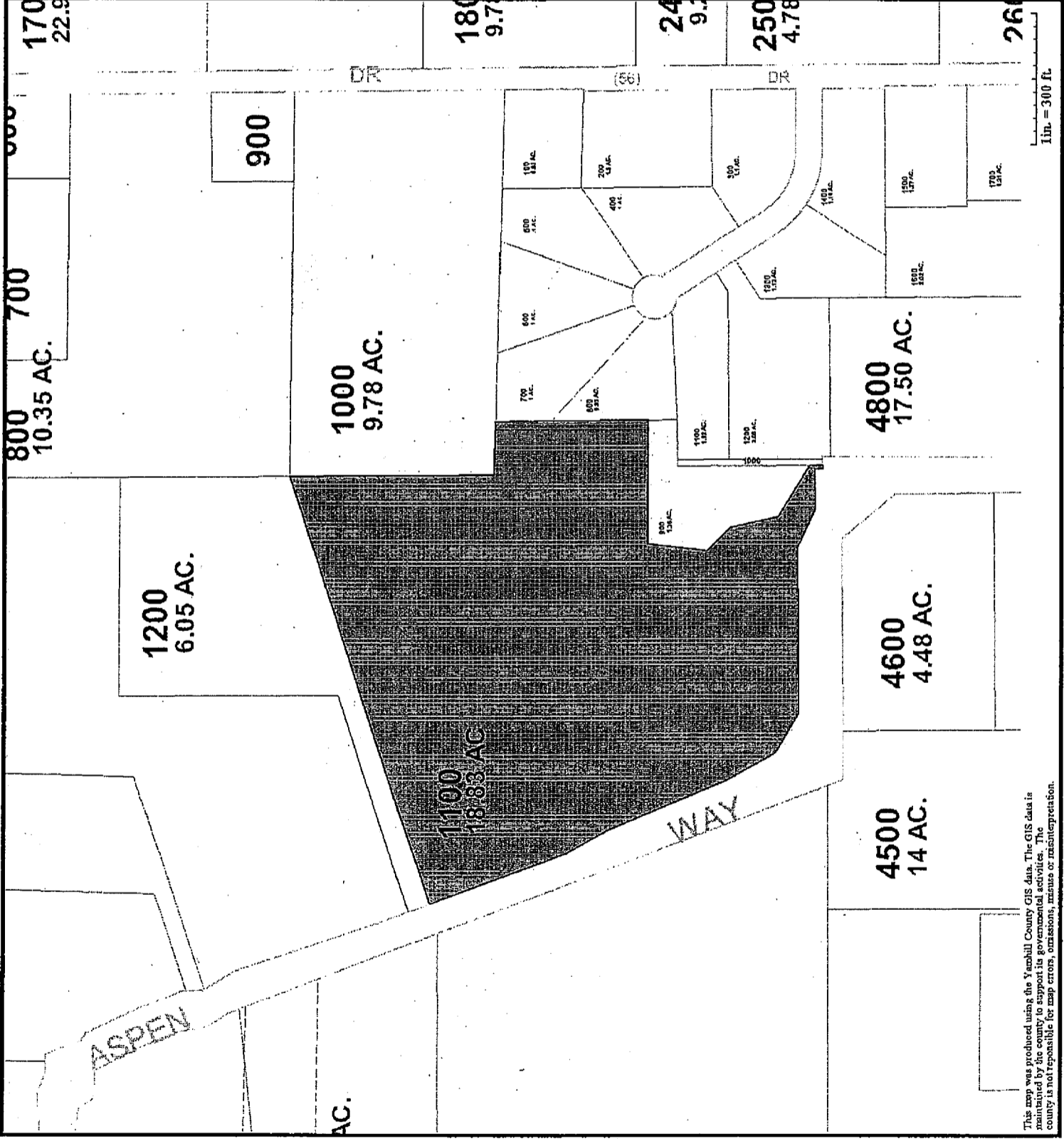
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Yamhill County Map

- Railroads
- Streams
- Taxlots
- Right of ways
- Taxlot lines
- Taxlot polygons
- Taxlot History
- Townships



2/10/2006



1 in. = 300 ft.

This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.