



# Oregon

Theodore R. Kulbowski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

12/19/2008

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 009-08

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: Friday, January 02, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Elaine Taylor, City of Newberg  
Gloria Gardiner, DLCD Urban Planning Specialist  
Bob Cortright, DLCD Regional Representative  
Steve Oulman, DLCD Regional Representative

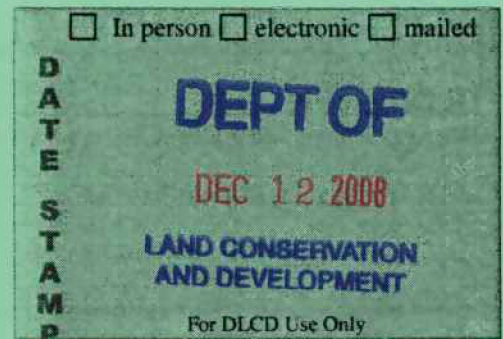
<paa> YA

FORM 2

DLCD

# Notice of Adoption

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



Jurisdiction: **Newberg**

Local file number: **CPTA4 07-001**

Date of Adoption: **12/1/2008**

Date Mailed: **12/11/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/13/2008

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 comprehensive plan and development code to end temporary freeze on certain changes in the Bypass Interchange Overlay District

Does the Adoption differ from proposal? **Yes**, Please explain below:

Includes substantial changes to policies "h", "k", and "l", and a minor additional change to Policy "n." Includes minor revisions to Newberg Code Section 151.531 to revise citations.

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

|                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                                     |                          |                          |                          |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                           | <b>12</b>                           | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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:

ODOT, DLCD, Yamhill County

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Local Contact: **Elaine Taylor**

Phone: (503) 554-7743 Extension:

Address: **P.O. Box 970**

Fax Number: 503-537-1272

City: **Newberg**

Zip: **97132-**

E-mail Address: **elaine.taylor@ci.newberg.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

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

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

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





## ORDINANCE NO. 2008-2708

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**AN ORDINANCE REVISING THE NEWBERG COMPREHENSIVE PLAN AND DEVELOPMENT CODE TO REMOVE A TEMPORARY FREEZE ON ZONE CHANGES, COMPREHENSIVE PLAN DESIGNATION CHANGES, AND AMENDMENTS TO THE URBAN GROWTH BOUNDARY AND URBAN RESERVE AREA FOR LAND IN THE BYPASS INTERCHANGE OVERLAY DISTRICTS**

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### RECITALS:

1. In September, 2004, the City adopted policies and regulations relating to the Newberg-Dundee Bypass. These policies provided for both short and long term restrictions on land uses near the interchanges to protect the functioning of the future interchange. The City entered into an intergovernmental agreement with the Oregon Department of Transportation detailing responsibilities of each party. Yamhill County also adopted similar policies and regulations.
2. The adopted policies provide for an interim freeze on urban reserve area changes, urban growth boundary amendments, comprehensive plan amendments, and zone changes in bypass interchange overlay areas until ODOT prepares Interchange Area Management Plans (IAMPs). It was anticipated that the IAMPs would be complete in three years (by September 2007).
3. As part of the intergovernmental management agreement, ODOT agreed to complete the IAMPs. ODOT has begun creation of the IAMPs. However, completion of the plans has been delayed several times. There is not currently a reliable timetable for their completion.
4. The interim freeze is currently delaying several important planning projects, including planning for the Urban Reserve Area, an expansion of the Urban Growth Boundary (UGB), and some needed comprehensive plan amendments within the UGB to provide needed industrial land and land for needed housing. It also is delaying several property owners from having the ability to request changes, and to have those changes considered.
5. The City Council would like to amend the Newberg Comprehensive Plan and Development Code to end the temporary freeze on urban growth boundary amendments, urban reserve area amendments, comprehensive plan amendments, and zone changes within the Bypass Interchange Overlay Districts.

### THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. *Goal 4 policies in the Transportation Chapter of the Newberg Comprehensive Plan are amended as follows:*



- h. The City actively supports the development of the Bypass in the southern location corridor described as Modified 3J in the Location Environmental Impact Statement, to be defined following the selection of a more narrowly defined preferred alternative through the Design-Level Environmental Impact Statement (EIS) process.
- i. The City supports the designation of the Bypass as a high-speed statewide expressway and freight route as defined in the Oregon Highway Plan. The Bypass and interchanges will be fully access controlled and no direct access will be allowed from private properties onto the Bypass. The primary function of the Bypass is to provide for high-speed through trips and to relieve congestion on Oregon 99W through downtown Newberg.
- j. The functions of the Bypass are to accommodate and divert longer-distance through trips around the Newberg-Dundee urban area and to serve regional trips going to and from Newberg or Dundee (i.e., those trips with either an origin or destination outside of the Newberg-Dundee urban area). The function of the planned intermediate interchanges is to provide access between Newberg or Dundee and other regions (e.g. McMinnville, Portland or the coast). It is not the function of the interchanges to provide for or attract regional commercial or highway commercial development in the vicinity of the interchanges. In general, needs for commercial development should be accommodated in areas planned for commercial development within Newberg. Plan amendments and zone changes shall be consistent with the function of the bypass and interchanges as set forth in this policy.
- k. For the purposes of compliance with the Transportation Planning Rule (OAR 660-12-0060) and in order to support the goal exception that Yamhill County must take to advance construction of the Bypass, the City of Newberg acknowledges that reliance upon the Bypass as a planned facility to support comprehensive plan amendments, or zone changes or UGB expansions is premature.

Accordingly, proposed changes to lands already planned and zoned for urban uses inside the Newberg UGB, ~~or annexations, and plan amendments or zone changes within or UGB expansions outside of designated approved~~ Urban Reserve Areas ~~approved as of August 1, 2004~~ shall be subject to the analysis and mitigation requirements of OAR 660-12-0060. Upon adoption of a Bypass financing plan by the Oregon Transportation Commission, those portions of the Bypass identified to be constructed within the 20-year planning horizon by the financial plan can be considered planned transportation facilities pursuant to OAR 660-12-0060. ~~It is expected that the Oregon Transportation Commission will adopt a financing plan in approximately three years of adopting this plan policy. During the period prior to adoption of a Bypass financing plan, the City of Newberg will work with ODOT to pursue interim measures to comply with OAR 660-12-0060.~~

~~Lands designated as Urban Reserve Areas as of August 1, 2004, and identified in Appendix A may or may not depend upon the transportation capacity of the future bypass or the improved capacity of Oregon 99W due to the future construction of the bypass. It is the policy of the City of Newberg to plan and zone those planned urban reserve areas that are outside the Interchange Area Management Plan Areas, as identified in Appendix A, to be~~



~~compatible with the trip generation assumptions used to develop the Newberg 2025 Transportation Model when they are annexed into the City. For the purposes of this policy, compatibility means that trips estimated as attributable to planning and zoning in an Urban Reserve Area shall be no greater than 5 percent above the estimates used for that area in the Newberg 2025 Transportation Model. The trip generation assumptions for each Urban Reserve Area and a map illustrating these areas are provided in Appendix A and Table A-1. Annexation of the Urban Reserve Areas will not occur at a rate any greater than 30 percent of the total Urban Reserve Area in any five year period from the date of the adoption of this policy or until the adopted financing plan proposes construction of the bypass or portions of the bypass relied upon for capacity by the development proposal within the planning horizon. This assumption addresses assumed capacity on Oregon 99W only; development in these Urban Reserve Areas will continue to be subject to OAR 660-012-0060 for impacts to transportation facilities other than Oregon 99W.~~

~~Those planned Urban Reserve Areas located within the Bypass Interchange Overlay District shall be subject to the provisions of the Overlay District in the interim period before the City of Newberg and the Oregon Transportation Commission adopt Interchange Area Management Plans for the Oregon 219 and East Newberg Interchanges. Upon adoption, the IAMPs will guide land use and capacity issues for purposes of complying with OAR 660-012-0060.~~

- ~~l. Prior to Oregon Transportation Commission approval of a Bypass financial plan and in conjunction with development and completion of the design-level Bypass EIS, The City will coordinate with ODOT, Yamhill County and affected property owners to participate in preparation and adoption of preliminary Interchange Area Management Plans (IAMPs) for the East Newberg and Oregon 219 Interchanges, consistent with the requirements of the 1999 Oregon Highway Plan and OAR 734-051-0200155 (the Access Management Rule). The IAMPs will address the following at a minimum: access management standards, road connections and local street circulation, compatible land uses and a process to ensure that bypass and interchange protection are considered when land use actions are proposed within the Interchange Overlay District. ~~bypass termini protection.~~ The preliminary IAMPs will be designed to protect the function and capacity of the interchanges for at least a 20-year planning period.~~
- m. To protect the function of the Bypass to serve primarily longer-distance through trips, the City of Newberg will apply an Interchange Overlay District to lands that are within the Newberg city limits and within approximately ¼ mile of the East Newberg and Oregon 219 interchange ramps.
- n. ~~To enable the City and ODOT to adequately plan land uses and local circulation for the interchange areas, the City of Newberg will retain existing base zoning within the Interchange Overlay District in the interim period before IAMPs are prepared and adopted. Annexations will be allowed if the associated zone change is consistent with the acknowledged Newberg Comprehensive Plan designation for the property in effect at the date of adoption of the Interchange Overlay. Permitted and conditional uses that are authorized under existing base city zones will generally be allowed within the Interchange Overlay District, with certain limitations on commercial uses in the industrial zones.~~



- o. The Bypass location corridor was selected to avoid displacement of the Sportsman Airpark. The City supports the continued operation of the airport. The airport is located within the Newberg UGB, is within ¼ mile of the Oregon 219 interchange and is currently under Yamhill County jurisdiction. If the airport property is annexed, the City intends to apply an Airport Zone that maintains the ongoing use of the facility as an airport. The City will not support conversion of the airport property to commercial zoning or uses. The Bypass itself should be designed to avoid conflicts with existing air transportation corridors.
- p. The City of Newberg will coordinate with ODOT on any development proposal within the Bypass location corridor and Interchange Overlay District interchange management areas through the City's established Site Design Review process. Development planning should consider the planned corridor location and avoid conflicts where feasible.
- q. The City recognizes that the Oregon Highway Plan seeks to avoid UGB expansions along Statewide Highways and around interchanges unless ODOT and the appropriate local governments agree to an Interchange Area Management Plan to protect interchange operation or access management for segments along the highways. [OHP Action 1B.4]. Thus, the City will work with ODOT, property owners, and citizens to update the create IAMPs with more specific management strategies as soon as possible a financing plan that identifies a more certain time frame for construction is adopted by the Oregon Transportation Commission for the Bypass.
- ~~r. The City agrees not to approve expansion of the Newberg UGB or Urban Reserve Areas around the East Newberg or Oregon 219 interchanges until IAMPs for the two interchanges are prepared and adopted by ODOT, Yamhill County and the City of Newberg. An exception to this policy will be allowed for a limited expansion of the Newberg UGB into the westerly portion of Urban Reserve Area C to accommodate construction of the Northern Arterial in the general location shown on the City of Newberg acknowledged Transportation System Plan.~~
- r. s. Special planning and efforts shall be made to replace affordable housing displaced by construction of the bypass within the community. ODOT shall be encouraged to provide relocation assistance to the maximum extent allowed under Federal law.
- s. t. Special planning and efforts shall be made to retain and create livable and desirable neighborhoods near the bypass. This shall include retaining or creating street connections, pedestrian paths, recreational areas, landscaping, noise attenuation, physical barriers to the bypass, and other community features.

**APPENDIX A**

**Table A-1**

**Newberg 2025 Transportation Model Assumptions for Urban Reserve Areas**

| URA Designation | Acres | Projected Households | Projected Employees | New Trips (2025 less existing) |             | Trips per Acre |             |
|-----------------|-------|----------------------|---------------------|--------------------------------|-------------|----------------|-------------|
|                 |       |                      |                     | PM Peak                        | Daily Trips | PM Peak        | Daily Trips |
| A               | 166   | 872                  | 11                  | 436                            | 4470        | 2.6            | 26.9        |
| B               | 120   | 675                  | 11                  | 343                            | 3489        | 2.9            | 29.1        |
| C               | 67    | 100                  | 1690                | 429                            | 4710        | 6.4            | 70.3        |
| D               | 60    | 256                  | 0                   | 126                            | 1303        | 2              | 22          |
| E               | 48    | 0                    | 0                   | 158                            | 1566        | 3.2            | 32.0        |
| F               | 151   | 357                  | 67                  | 170                            | 1747        | 1.1            | 11.6        |

2. *The Code of the City of Newberg is amended as follows:*

151.531 PURPOSE.

The purpose of the BI Overlay is to:

(A) Protect the planned function and capacity of the Newberg-Dundee Bypass (Bypass) as an "expressway" as defined in the 1999 Oregon Highway Plan by supporting ODOT's efforts and responsibility to manage access to the state highway system in accordance with the OHP and Oregon Administrative Rule 734-51 and managing land uses in the vicinity of the East Newberg and Oregon 219 interchanges.

(B) Support the Newberg Comprehensive Plan for urban lands surrounding the East Newberg and Oregon 219 interchanges to protect the planned function of the Bypass and interchanges to serve primarily longer-distance through trips ~~by retaining existing zoning within the Interchange Overlay in the interim period before Interchange Area Management Plans are adopted.~~

(C) (1) To avoid development of commercial uses within planned industrial areas near the interchanges and ensure the long-term capacity for the through traffic function of the Bypass, the BI Overlay will prohibit certain uses that would otherwise be permitted outright or with conditional use approved in Newberg's Industrial Districts (M 1, M 2, and M 3) within the Bypass Interchange Overlay.

(2) ODOT will prepare Interchange Area Management Plans (IAMPs) for the East Newberg and Oregon 219 interchanges in partnership with Newberg, Yamhill County and affected property owners. This Bypass Interchange Overlay is intended as an interim land use tool that may be refined, revised or replaced as IAMPs are prepared and adopted for the East Newberg and Oregon 219 interchanges as required by the Oregon Highway Plan and OAR ~~734-051-0200~~ 734-051-0155.

(Ord. 2004-2602, passed 9-20-04)

151.531.1 AREA OF APPLICATION OF INTERCHANGE OVERLAY.

(A) The Bypass Interchange Overlay shall apply to lands inside the city limits within approximately one-quarter mile of the end of the ramps to the East Newberg and Oregon 219 interchanges to the Bypass.



(B) The Bypass Interchange Overlay applies in addition to the regulations of this underlying zoning district. All property within the Bypass Interchange Overlay shall be subject to both the provisions of this section and to the underlying zoning district. Nothing in this section shall be construed as a waiver or suspension of the provisions of any underlying zoning district, or any other applicable overlay district.

(C) The general boundaries of the Bypass Interchange Overlay are shown on Map VI (East Newberg Interchange) and Map VII (Oregon 219 Interchange) and shall be delineated on a parcel specific basis on the official zoning map.

(Ord. 2004-2602, passed 9-20-04)

#### 151.531.2 PERMITTED USES.

All uses of land and water that are permitted in the underlying zoning district(s) are also permitted in the Bypass Interchange Overlay, with the exception of the special limitations on commercial uses in the Industrial Districts as outlined in § 151.531.4.

(Ord. 2004-2602, passed 9-20-04)

#### 151.531.3 CONDITIONAL USES.

(A) Use of land and water that are listed as conditional uses in the underlying zoning district(s) may also be allowed in the Bypass Interchange Overlay, with the exception of uses included in the list of prohibited uses in § 151.531.4.

(B) Proposed conditional uses in the Bypass Interchange Overlay are subject to the standard conditional use criteria and procedures of this code.

(Ord. 2004-2602, passed 9-20-04)

#### 151.531.4 PROHIBITED USES.

(A) Several commercial types of uses are permitted outright or with conditional use approval in Newberg's Industrial Districts (M 1, M 2, and M 3). The area within the Newberg UGB near the Oregon 219 interchange is generally planned for industrial use. To protect the interchange area from commercial development, the following uses are prohibited within the M 1, M 2, and M 3 Districts within the boundaries of the Bypass Interchange Overlay.

- (1) Automobile sales, new and used.
- (2) Billboards.
- (3) Car washes.
- (4) Convenience grocery stores.
- (5) Restaurants larger than 2000 square feet or with drive-up service windows.
- (6) Service stations.
- (7) Drive-in theaters.
- (8) Auction sales.
- (9) Bakeries, retail.
- (10) Building material sales.
- (11) Driving ranges.
- (12) Feed and seed stores.
- (13) Miniature golf courses.
- (14) Skating rinks.

(Ord. 2004-2602, passed 9-20-04)

~~151.531.5 INTERIM LIMITATIONS ON ZONE CHANGES WITHIN BYPASS INTERCHANGE OVERLAY.~~

~~To achieve the purpose of the Bypass Interchange Overlay, the City of Newberg will not approve zone changes within the boundaries of the BI Overlay during the interim period before Interchange Area Management Plans are prepared and adopted for the East Newberg and Oregon 219 interchanges. Exceptions will be allowed for the following:~~

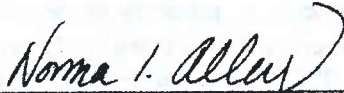
~~(A) Zone changes associated with annexation may be approved when the city zone implements the acknowledged Comprehensive Plan designation in effect at the date of adoption of the BI Overlay.~~

~~(B) A small portion of the Springbrook Oaks Specific Plan falls within the one-quarter mile Interchange Overlay associated with the East Newberg interchange. The boundaries of the specific plan residential, industrial and mixed-use zone may be adjusted as allowed in the Springbrook Oaks Specific Plan.~~

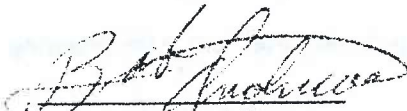
~~(C) Zone changes associated with the construction of the Northern Arterial in the general location shown on the acknowledged Newberg Transportation System Plan.  
(Ord. 2004-2602, passed 9-20-04)~~

➤ EFFECTIVE DATE of this ordinance is 30 days after the adoption date, which is: December 31, 2008.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of December, 2008, by the following votes: **AYE: 6 NAY: 0 ABSENT: 0 ABSTAIN: 0 VACANT: 1**

  
\_\_\_\_\_  
Norma I. Alley, City Recorder

ATTEST by the Mayor this 4th day of December, 2008.

  
\_\_\_\_\_  
Bob Andrews, Mayor



**EXHIBIT "A" TO ORDINANCE 2008-2708  
FINDINGS FOR CPTA-07-001**

The following findings support the adoption of amendments to the Newberg Comprehensive Plan and Development Code set forth in this ordinance to end the City of Newberg's temporary freeze on changes to the Urban Reserve, Urban Growth Boundary, comprehensive plan designation changes, and zoning within the Interchange Overlay Districts. The districts were established by Yamhill County and the City of Newberg. The amendments preserve the City of Newberg's other land use restrictions within the Interchange Overlay Districts. The findings are organized to address relevant goals, policies and criteria of the Newberg Comprehensive Plan, Newberg Development Code, and the Statewide Planning Goals. Language from the relevant documents is presented in bold, italic type.

**1. Newberg Comprehensive Plan Findings**

**A. CITIZEN INVOLVEMENT**

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

**Finding:** The City mailed individual notice of the December 1, 2008 public hearing on the recommended amendments to property owners of record with land within the boundaries of the Bypass Interchange Overlay District (within Newberg city limits). In addition, the City published a general notice of the Type IV public hearing in the November 12, 2008 edition of the *Newberg Graphic*. Notice of the hearing was also given through *News of Newberg's Future*, the Planning Division's newsletter. The Oregon Department of Land Conservation and Development (DLCD) was notified of the hearing on October 13, 2008.

The City finds that citizens have been provided adequate opportunity for involvement in the planning process for CPTA-07-001.

**K. TRANSPORTATION**

**GOAL 1:** *Establish cooperative agreements to address transportation based planning, development, operation and maintenance.*

**Finding:** ODOT and the City of Newberg have entered into an Intergovernmental Agreement (IGA, Agreement Number 21.367) to define respective state and local responsibilities for planning in the location and design phases of the bypass. The IGA is scheduled to terminate upon adoption of the IAMP or December 31, 2008, whichever occurs first, unless terminated earlier by mutual agreement or extended in writing. ODOT met with the Newberg staff on October 15, 2008 and have continued to work together since that time to develop these proposed amendments to Newberg policies and regulations. We anticipate a continued cooperative working relationship through the adoption of the Design FEIS and Record of Decision.

- i. ***New development and existing development undergoing expansion or modification shall be designed to accommodate planned long-term transportation improvement projects that are adjacent to the development.***

**Finding:** Lifting the freeze on changes in land use designation or zoning does not change the City's responsibility to coordinate with ODOT on any development proposal within the Bypass location corridor and interchange management areas through the City's established Site Design Review process. On-going City and ODOT coordination provides tools to accommodate the Bypass project. Development planning should continue to consider and complement the function of the bypass, and land use decisions should consider the planned corridor location and avoid conflicts where feasible.

**N. URBANIZATION**

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

**Finding:** Policy K.4.k was intended to limit UGB expansions and zone changes around the East Newberg and Oregon 219 interchanges to provide the City and ODOT time to adequately plan land uses and local circulation for the interchange areas. The proposed amended Policy K.4.k. removes the expectation that the Oregon Transportation Commission will adopt a financing plan within three years of the date the policy was adopted, and adds the statement, "During the period prior to adoption of a Bypass financing plan, the City of Newberg will work with ODOT to pursue interim measures to comply with OAR 660-12-0060." Policy K.4.j specifically recognized that the Oregon Highway Plan seeks to avoid UGB expansions around interchanges until ODOT and the appropriate local governments agree to an Interchange Area Management Plan to protect interchange operation. As amended, these policies will continue to control pressures to prematurely convert land from rural to urban land uses on the basis of the planned Bypass and interchange location and ensure that there will be an orderly transition from rural to urban land uses.

**2. Statewide Planning Goals Findings**

**GOAL:** **CITIZEN INVOLVEMENT**

**Goal 1 requires opportunity for citizens to be involved in all phases of the planning process.**

**Finding:** See Newberg Comprehensive Plan Findings, GOAL: CITIZEN INVOLVEMENT.

**GOAL 2: LAND USE PLANNING**

**Part 1 of Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. Goal 2 Part 1 also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base.**



**Finding:** The freeze limits the City's ability to take actions needed to implement its long-range plans. By lifting the freeze, in cooperation with Yamhill County and ODOT, the City will be able to proceed with plans for legislative amendment of its Urban Growth Boundary without creating islands of nonconformity or uncertainty at the bypass interchanges. All legislative and quasi-judicial actions in the Interchange Overlay District will still be fully evaluated and required to comply with other requirements for that zoning district.

**GOAL 9: ECONOMIC DEVELOPMENT**

*Goal 9 requires local governments to adopt comprehensive plans and policies that "contribute to a stable and healthy economy in all regions of the state."*

**Finding:** The freeze currently prevents owners of isolated parcels of residentially zoned land in the Urban Reserve from coming into the Urban Growth Boundary, and prevents industrially designated land within the Urban Growth Boundary from coming into the City to receive public water and sewer services. Lifting the freeze will allow industrial development where such use is appropriate and will not interfere with the future function of the bypass.

**GOAL 12: TRANSPORTATION**

*Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660, and Division 12.*

**TRANSPORTATION PLANNING RULE**

*OAR 660-012-0015 provide for coordination between the State of Oregon and affected cities and counties in developing transportation system plans.*

**Finding:** As the LDEIS and its supporting documents show, the Bypass project has been coordinated among ODOT, Yamhill County, and the cities of Newberg, Dundee and Dayton. Coordination has also extended to Marion County and the Federal Highway Administration.

The City of Newberg has been working with ODOT in drafting the proposed comprehensive plan and development code amendments, and is coordinating with Yamhill County to assure compatible and complementary policies and regulations for the areas of the Interchange Overlay Districts where they have or share jurisdiction.

*OAR 660-012-0045 requires that local governments adopt regulations to protect transportation facilities for their identified functions.*

**Finding:** This provision of the TPR provided the key impetus for the cities of Newberg, Dundee and Dayton to amend their comprehensive plans to protect the Bypass and interchanges to accommodate primarily longer-distance through traffic. To meet this requirement, the City of Newberg has adopted a Bypass Interchange Overlay District to help assure that the bypass will accommodate primarily longer-distance through traffic. At the appropriate time, the City of Newberg will work with ODOT to create and adopt an Interchange Area Management Plan also aimed at protecting this function. The Bypass and interchanges will be fully access controlled and all access to parcels adjacent to the

Bypass and interchanges will be from the local street system.

**GOAL 14: URBANIZATION**

*Goal 14 requires local governments to establish urban growth boundaries in accordance with the need and location factors listed in the goal in order to separate urban and urbanizable lands from rural lands. Goal 14 also mandates the orderly and efficient conversion of urbanizable land to urban uses.*

**Finding:** Under Goal 14, urban and urbanizable lands are available for urban uses. However, Goal 14 prohibits urban uses on rural lands. To locate urban uses on rural lands, local governments either must expand the UGB to include the subject property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural land and explaining why the urban uses cannot reasonably be located inside the UGB.

The Goal 4 policies in the Transportation Chapter of the Newberg Comprehensive Plan have limited URA and UGB expansions and zone changes around the East Newberg and Oregon 219 interchanges during the interim period before interchange area management plans are prepared and adopted. The policies were intended to reduce pressures to prematurely convert land from rural to urban land uses on the basis of the planned Bypass and interchange locations.

Due to delays in implementing the IAMPs, the restrictions on expansions and changes have had the effect of restricting all conversion of urbanizable land to urban uses, even when conversion would promote order and efficiency. The proposed amendments would allow changes in the URA, UGB, and zoning to occur within the Interchange Overlay Districts when and if the conversion of urbanizable land to urban uses is timely and appropriate, and would not interfere with the functions of a future bypass interchange.



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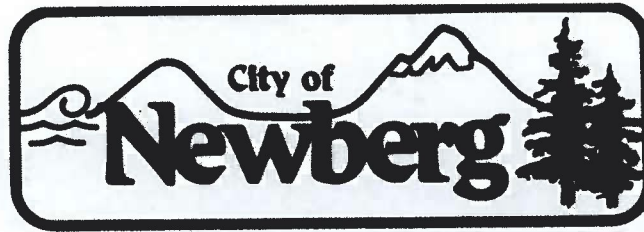
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City of Newberg  
414 E. First Street  
P.O. Box 970  
Newberg, OR 97132



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(503) 538-5013 FAX

## Planning and Building Department

P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132 • (503) 537-1240 • Fax (503) 537-1272

December 11, 2008

Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540

Re: Adoption of Newberg Comprehensive Plan and Development Code Text Amendments  
File No. CPTA4 – 07-001

Attention: Plan Amendment Specialist

The enclosed Form 2, DLCD Notice of Adoption, addresses changes to the Newberg Comprehensive Plan and Development Code needed to remove a temporary freeze on comprehensive plan changes, zone changes, urban growth boundary amendments, and urban reserve area amendments within the Interchange Overlay District. The adopted ordinance includes several changes in addition to those described in our October 13, 2008, "Notice of Proposed Amendment."

Two copies of the adopted Ordinance, with exhibits, are enclosed. Please contact me if you have any questions or concerns.

Sincerely,

Elaine A. Taylor, AICP  
Associate Planner

et

c: Barton Brierley, AICP, Planning and Building Director  
✓ Steve Oulman, Willamette Valley Regional Representative, DLCD

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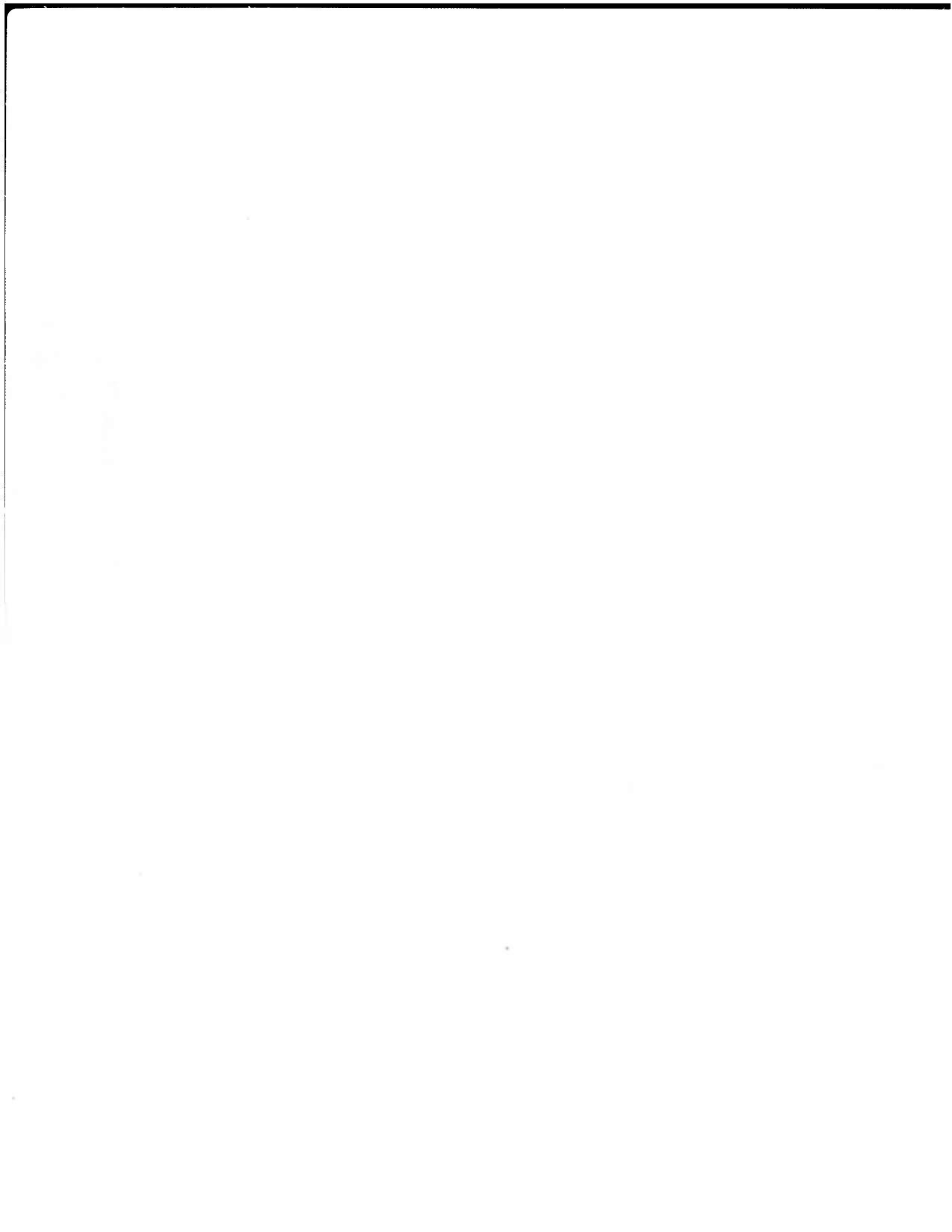
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Mr. Steven M. Oulman, AICP  
FLCD Mid-Willamette Valley Regional Representative  
635 Capitol St. NE, Suite 150  
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