



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

1/11/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 005-09

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: Thursday, January 21, 2010

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

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

<paa> YA



PROP **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

JAN 04 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

DATE STAMP

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

Jurisdiction: **City of Newberg**

Local file number: ANX-09-001

Date of Adoption: 12/21/2009

Date Mailed: 12/31/2009

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/29/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

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

Annexation of 19.68 acres into the City of Newberg with concurrent zone change from Yamhill County AF-10 (Agriculture/Forestry Small Holding) and HI (Heavy Industrial) to City M-2 (Light Industrial), M-3 (Heavy Industrial), with an Interim Industrial Use overlay for the portion of the site within the Newberg-Dundee bypass route. The City zoning districts correspond to the Industrial comprehensive plan designation for the site. Most of the site will be M-3. The M-2 zone will serve as a buffer zone to the residential properties east of the site.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **Industrial**

to: **no change**

Zone Map Changed from: **County AF-10, HI** to: **City M-2, M-3, w/Interim Industrial overlay**

Location: **1409 S. Sandoz Road, Newberg, OR 97132**

Acres Involved: **19.68**

Specify Density: Previous: **1/10 acres (AF-10)**

New: **no residential**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Yamhill County, Newberg School District, Newberg Rural Fire District, ODOT

Local Contact: **Steve Olson**

Phone: **(503) 537-1215** Extension:

Address: **PO Box 970**

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

City: **Newberg**

Zip: **97132**

E-mail Address:

steve.olson@newbergoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



ORDER NO. 2009-0025

AN ORDER FINDING THAT PROPERTY LOCATED AT 1409 S. SANDOZ RD., YAMHILL COUNTY TAX LOT 3229-100, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING DESIGNATION FROM YAMHILL COUNTY AF-10 AND HI TO CITY M-3 AND M-2, WITH AN INTERIM INDUSTRIAL USE OVERLAY ON THE NORTHERN PART OF THE SITE WITHIN THE BYPASS ROUTE

RECITALS:

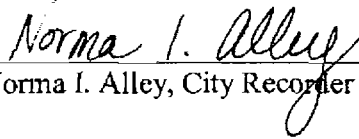
1. On September 29, 2009, City of Newberg staff submitted an application to annex one parcel (approximately 19.68 acres) located at 1409 S. Sandoz Road, Yamhill County tax lot # 3229-100, into the City of Newberg with a concurrent zone change from County AF-10 and HI to City M-3 and M-2, with an Interim Industrial Use overlay on the northern part of the site within the Bypass route.
2. The Newberg Planning Commission heard the annexation request on November 12, 2009, took public testimony, and found that the request met the applicable Newberg Development Code criteria. The Planning Commission recommended approval of the annexation and concurrent zone change, withdrawal of the parcel from the Newberg Rural Fire Protection District, and, if the annexation is approved by the voters, recommended that the City Council initiate a request to Yamhill County to transfer the jurisdiction of Sandoz Road to Newberg.
3. After proper notice, on December 21, 2009, the Newberg City Council held a hearing to consider the annexation request.
4. The City Council finds that the applicable criteria have been met, and that approval of the annexation is in the best interests of the community.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

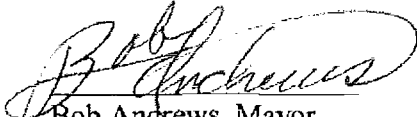
1. The City Council finds that the annexation and concurrent zone change meet the Newberg Development Code criteria and adopts the findings, which are attached hereto as Exhibit "A" and is hereby adopted and by this reference incorporated.
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:
 - A. The zoning of the property described in Exhibit "C" is changed to portions of M-2 (Light Industrial) and M-3 (Heavy Industrial), with an Interim Industrial Use overlay for the portion of the site within the bypass route as shown in Exhibit "E". Exhibits "C" and "E" are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: December 22, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of December, 2009.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 23rd day of December, 2009.


Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through the Planning Commission Committee at 11/12/2009 meeting.
(committee name) (date)

Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Annexation Map
- Exhibit "C": Legal Description
- Exhibit "D": Comprehensive Plan Map
- Exhibit "E": Zoning Map
- Exhibit "F": Concept Development Plan

EXHIBIT A: FINDINGS

Annexation of 19.68 acres located at 1409 S. Sandoz Road

I. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.261 CONDITIONS FOR ANNEXATION

(A) The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.

FINDING: The site is within Newberg’s urban growth boundary.

(B) The subject site must be contiguous to the existing city limits.

FINDING: The subject site is contiguous to the existing city limits along its west, south and east sides.

II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI- JUDICIAL ANNEXATION CRITERIA

(A) The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

FINDING: The comprehensive plan designation for the site is Industrial (IND), with an Airport Overlay and a Bypass Interchange Overlay. The proposed zoning for the site is partly M-3 (Heavy Industrial) and partly M-2 (Light Industrial), with an Interim Industrial Use overlay on the route of the Newberg-Dundee Bypass (the northern approx. 6.7 acres, as shown in Exhibit E).

The M-2 and M-3 zones correspond with the Industrial comprehensive plan designation. The proposed wastewater treatment plant expansion shown on the concept plan is planned for the M-3 portion of the site, where it is an allowed use. The public works maintenance yard would be placed primarily within the M-2 portion of the site, although it would be an allowed use within either the M-2 or M-3 zones. The animal shelter project will probably already be built by the time the property is annexed, and will be within the M-2 zone in the southeast corner. The animal shelter is an allowed use in the M-2 zone. The Airport Overlay primarily limits the height of structures near the airport; all of the projects shown on the concept plan will be able to comply with the Airport Overlay requirements.

The Bypass Interchange Overlay prohibits certain commercial uses:

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)

All of the proposed uses for the site are allowed by the Bypass Interchange Overlay.

The City recently created an Interim Industrial Use Overlay zone. The purpose of this overlay is to allow interim use of industrially zoned properties in areas that are planned for future acquisition for right-of-way, such as the Newberg-Dundee bypass. The overlay allows non-structural uses of the land, such as parking and storage. The overlay also reduces requirements for permanent site improvements, such as parking and landscaping, which would be removed upon acquisition of the right-of-way. The northern part of this 19.68 acre parcel is within the most current design of the bypass right-of-way, so the Interim Industrial Use Overlay should apply to the northern part of this site upon annexation (approx. 6.7 acres, as shown in Exhibit E).

ODOT has commented that they support placing the Interim Industrial Use Overlay on the northern part of the site.

Wetlands/wildlife habitat: The National Wetlands Inventory map does not show any wetlands or riparian corridors on this site. Staff walked the site to check the existing conditions. The site is currently a hazelnut orchard, and is generally flat. The northeast corner of the site has a grove of tall oak trees, which surround a clearing where a house used to be located. There are blackberry bushes and grass under the oak trees. There is little vegetation on the site beneath the hazelnut trees, so there were no plants that indicated potential wetlands. There were no wet spots, soft spots or dry streambeds to indicate potential wetlands on the site. Staff therefore did not determine a need to apply a protective stream corridor or wetland overlay on any portion of the site. The wildlife habitat on the site is limited because of the lack of vegetation other than hazelnut trees on most of the site.

(B) An adequate level of urban services must be available, or made available, within three years time of annexation, except as noted in division (E) below. An adequate level of urban services shall be defined as:

- (1) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.*
- (2) Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.*

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site within three years time of annexation.

Water: The animal shelter and other future development can connect to an existing water line within Sandoz Road. This line will probably be extended west along the southern property line of the parcel to connect to another city water line, and complete a loop.

Stormwater: Development on the eastern edge of the site (animal shelter) will be able to drain stormwater from gutter and parking areas towards Sandoz Road, where a ditch will take the stormwater to a catchbasin on Wynooski Street.

Sanitary Sewer: Development on the property will be able to install grinder pumps with forced mains to the wastewater treatment plant west of the site. There is no sanitary sewer line in Wynooski south of the site, or in Sandoz Road east of the site. If the animal shelter has already constructed a septic tank prior to annexation then it will be decommissioned after annexation and installation of a grinder pump/force main system.

Roads: The site is adjacent to and will take access from Sandoz Road, a dead-end local street. Sandoz Road provides access to Wynooski Road, a major collector. Sandoz Road has a 60 foot right-of-way south of the site, and a 50 foot right-of-way adjacent to the site. The City will dedicate an additional 10 feet of right-of-way along the western side of Sandoz Road to match the right-of-way to the south. The west side of Sandoz Road adjacent to the animal shelter project will be improved with additional paving, curb, gutter and sidewalk as part of the animal shelter project. If the Public Works Maintenance yard is developed north of the animal shelter then the portion of Sandoz Road adjacent to the project will be improved to city standards at that time.

One public comment was concerned about increased traffic from future development. The proposed future development on the site will have a low impact on transportation facilities in the area. The animal shelter will have only a few employee or visitor trips in any given day. The wastewater treatment plant expansion on the western part of the site is unlikely to add staff or trips to the site. If the WWTP expansion did add trips they would be through the existing wastewater treatment plant driveway on Wynooski Road, which is some distance west of Sandoz Road. The Public Works Maintenance yard could add approx. 30 to 40 trips during the PM peak hour on Sandoz Road. Sandoz Road is a dead-end, however, and is not a busy road. Wynooski Road is a major collector and has adequate capacity. Staff's conclusion is that even if the site is fully developed as shown on the concept plan it would not have a significant impact on area transportation facilities.

Yamhill County commented that Newberg should take jurisdiction of Sandoz Road upon annexation. If the proposed annexation is approved by the voters then staff recommends that the City Council initiate a request to Yamhill County to transfer the jurisdiction of Sandoz Road to Newberg.

State Transportation Planning Rule:

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of

correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding: As noted above, the development of the site with the proposed City uses would have a low impact on existing transportation facilities and will comply with the Transportation Planning Rule. ODOT has commented that they concur with this finding for the proposed uses, but they are concerned that other potential uses allowed in the M-2 and M-3 zones could generate a higher level of traffic and result in significant impacts to area transportation facilities. ODOT recommended that the City adopt a limited use overlay or other enforceable condition that would limit use of the property to the City's proposed uses. Staff understands ODOT's concern but does not recommend adopting a limited use overlay zone because of its lack of flexibility. For example, if the City decided in the future to add a storage building for city archives on the site it would first require a zone change to the limited use overlay, even though the building would add very little traffic to the site.

The existing design review process has provisions that should address ODOT's concerns. The Newberg Development Code requires all development on the site after annexation to be reviewed under a Type II design review process. This process requires new development that will generate more than 40 trips in the PM peak hour to submit a traffic study that examines the impact of the project on area transportation facilities and determines any needed improvements. A copy of the design review application would be routed to ODOT for comments because of the bypass interchange overlay on the site. If the City develops the site as proposed on the concept development plan then the transportation impact will be low. If for some reason the City wants to develop different uses on the site in the future that generate more traffic then a traffic impact study will be required as part of the design review process, which will determine any needed improvements to mitigate the impact to area transportation facilities. In either case, ODOT will receive a copy of the design review application for review and comment.

In conclusion, adequate transportation facilities will be available to serve the proposed uses.

(C) Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

Finding: Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The property will be developed for public uses, so it will not generate additional revenues. The City added three police officers in the General Fund budget for 2008-09, and has established a city-wide public safety fee that will fund an additional three officers. The proposed development on this site would not generate additional need for parks or school services. The proposed projects for this site are necessary expansions of City facilities, however, and are (or will be) needed to provide adequate public services to the city.

The new animal shelter on the site will improve one aspect of Newberg's public safety services. Overall,

adequate public facilities and services exist to support the proposed annexation.

(D) The burden for providing the findings for divisions (A), (B) and (C) of this section is placed upon the applicant.

FINDING: The applicant has provided written findings for this section.

(E) The City Council may annex properties where urban services are not and cannot practically be made available within the three year time frame noted in division (B) above, but where annexation is needed to address a health hazard, to annex an island, to address sewer or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the Council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.

FINDING: This criterion is not applicable to this property.

Positive and Negative effects of the annexation

FINDING: This annexation will have several positive effects. It will enable the expansion of the city's wastewater treatment plant, which will be a critical need in the future. It will also allow the Public Works Maintenance yard to move from its current site on W. 3rd Street, which it has outgrown. The annexation and subsequent development will improve the western half of Sandoz Road, widen the Sandoz Road right of way by 10 feet, and improve the water system in the area. The developments fronting Sandoz Road will have landscaped front yards at least 20 feet deep to soften the appearance of any development, and will provide a buffer between the wastewater treatment plant to the west, and the residential developments east of Sandoz Road. One negative effect of the annexation is that the hazelnut orchard will be removed as the site develops. The orchard is part of the local hazelnut industry. The site is within the Urban Growth Boundary, however, and is targeted for eventual urban development. Developing farmland within the UGB ultimately saves more farmland outside the UGB by constraining leapfrog development. The tall oak trees in the northeast corner of the site will probably be removed by the construction of the Newberg-Dundee bypass; this will be a negative effect of the bypass, however, and not of the annexation. On the whole, the positive effects of the annexation are much more substantial than the negative effects.

CONCLUSION:

The proposed annexation of this 19.68 acre parcel meets the criteria for annexation into the City of Newberg and should therefore be approved and sent to the voters at the May, 2010 election.

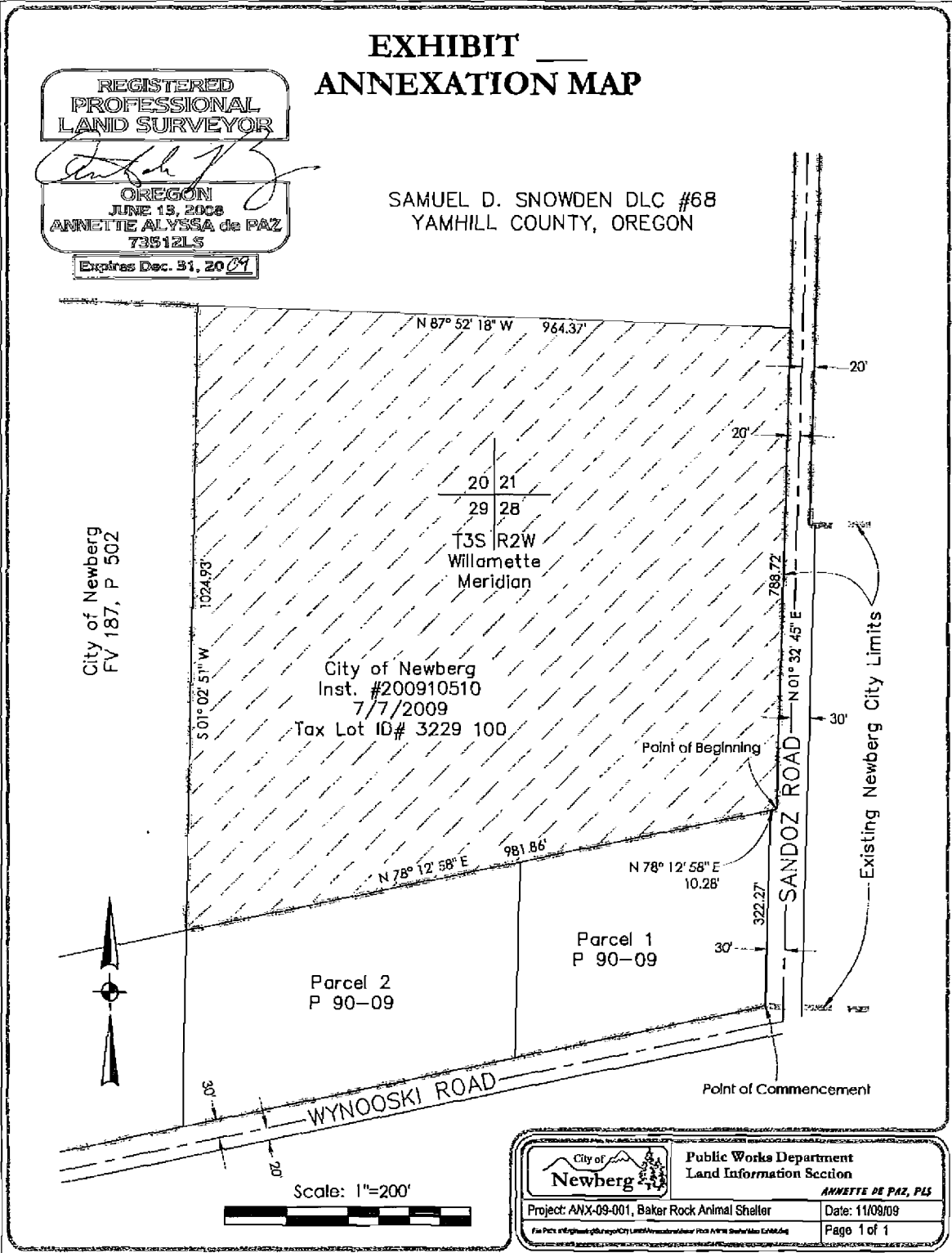
EXHIBIT B: ANNEXATION MAP

**EXHIBIT
ANNEXATION MAP**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Annette de Paz
OREGON
JUNE 13, 2008
ANNETTE ALYSSA de PAZ
73512LS
Expires Dec. 31, 2009

SAMUEL D. SNOWDEN DLC #68
YAMHILL COUNTY, OREGON



	Public Works Department Land Information Section ANNETTE DE PAZ, PLS
	Project: ANX-09-001, Baker Rock Animal Shelter Date: 11/09/09
File Path: \\s:\gis\landinfo\GIS\Projects\ANX-09-001\ANX-09-001.dwg	Page 1 of 1

EXHIBIT C: LEGAL DESCRIPTION

City of Newberg Annexation

BEING a tract of land in Sections 20, 21, 28, and 29 of Township 3 South Range 2 West of the Willamette Meridian in Yamhill County, Oregon, and being a portion of the Samuel D. Snowden Donation Land Claim Number 68, and also being all of that land described by deed to City of Newberg, an Oregon Municipal Corporation, recorded as Instrument Number 200910510, Official Yamhill County Records, on July 7, 2009, and said tract of land being more particularly described as follows;

COMMENCING at the southeast corner of Parcel 1 of Yamhill County Partition No. 90-09, said corner being at the intersection of the northerly line of Wynooski Road and the west line of Sandoz Road;

THENCE North 01° 32' 45" East, along the west line of Sandoz Road, a distance of 322.27 feet to the northeast corner of said Parcel 1, said corner being on the Newberg City Limit and on the south line of said City of Newberg tract of land recorded as Instrument Number 200910510;

THENCE North 78° 12' 58" East, along the southerly line of said City of Newberg tract of land and along the Newberg City Limit, a distance of 10.28 feet to the southeast corner of said City of Newberg tract, said corner being a corner of the Newberg City Limit and 20.00 feet from, as measured perpendicular to, the centerline of Sandoz Road, and said corner also being the TRUE POINT OF BEGINNING;

THENCE North 01° 32' 45" East, along a line being 20.00 feet west of and parallel to the centerline of Sandoz Road, said line being along the Newberg City Limit, a distance of 788.72 feet to the northeast corner of said City of Newberg tract of land;

THENCE North 87° 52' 18" West, along the north line of said City of Newberg tract of land, a distance of 964.37 feet to the northwest corner of said City of Newberg tract of land, said corner being a corner of the Newberg City Limit and also being the northeast corner of that tract of Land described by deed to City of Newberg, a Municipal Corporation of the State of Oregon, recorded in Film Volume 187, Page 502 of the Deed Records of Yamhill County;

THENCE South 01° 02' 51" West, along the east line of said City of Newberg tract recorded in Film Volume 187, Page 502, said line being along the Newberg City Limit, a distance of 1024.93 feet to a point on the northerly line of said Partition Number 90-09, said point being a corner of the Newberg City Limit;

THENCE North 78° 12' 58" East, along the northerly line of said Partition Number 90-09 and the Newberg City Limit, a distance of 981.86 feet to the POINT OF BEGINNING.

EXHIBIT D: COMPREHENSIVE PLAN MAP

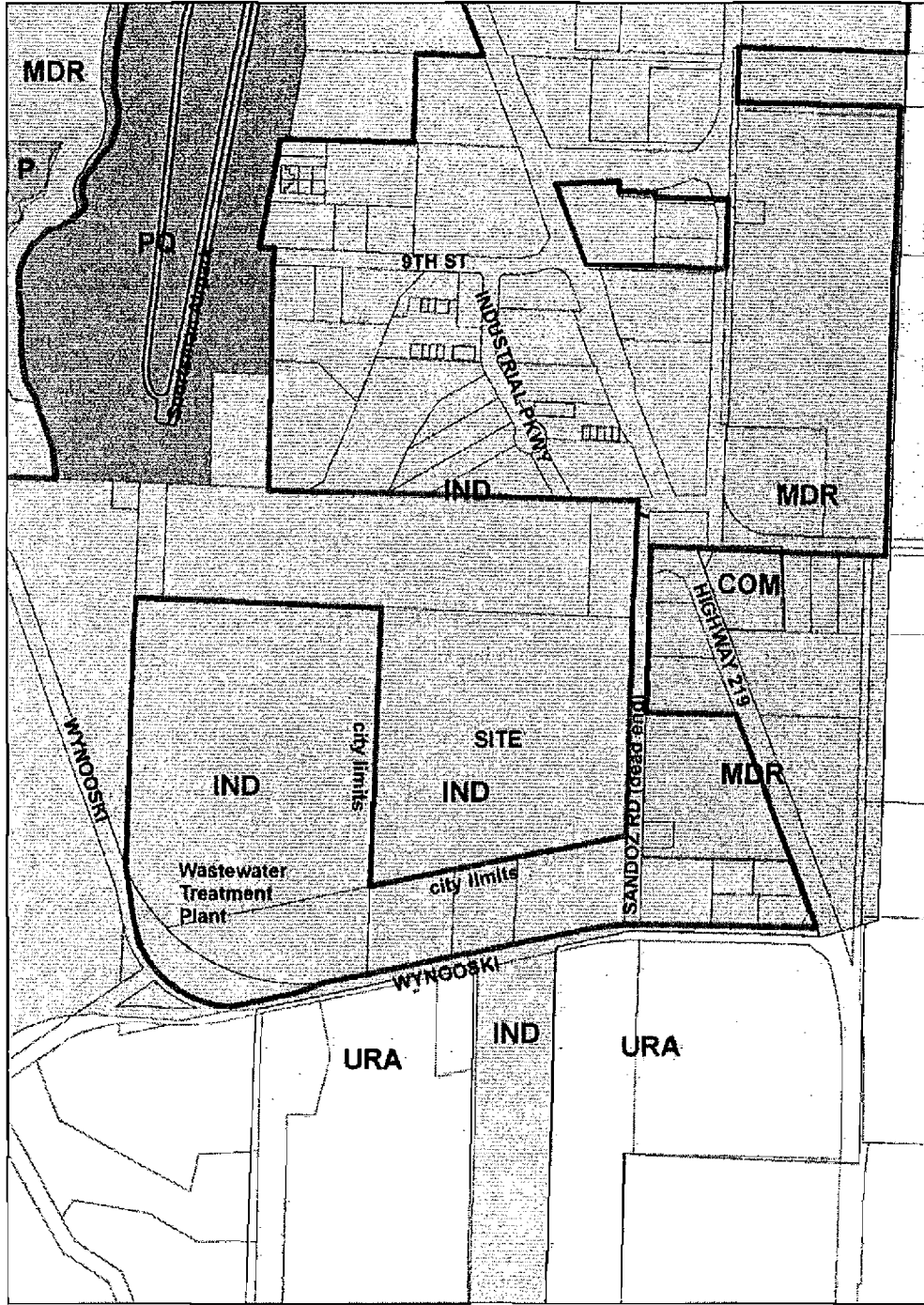


EXHIBIT E: ZONING MAP

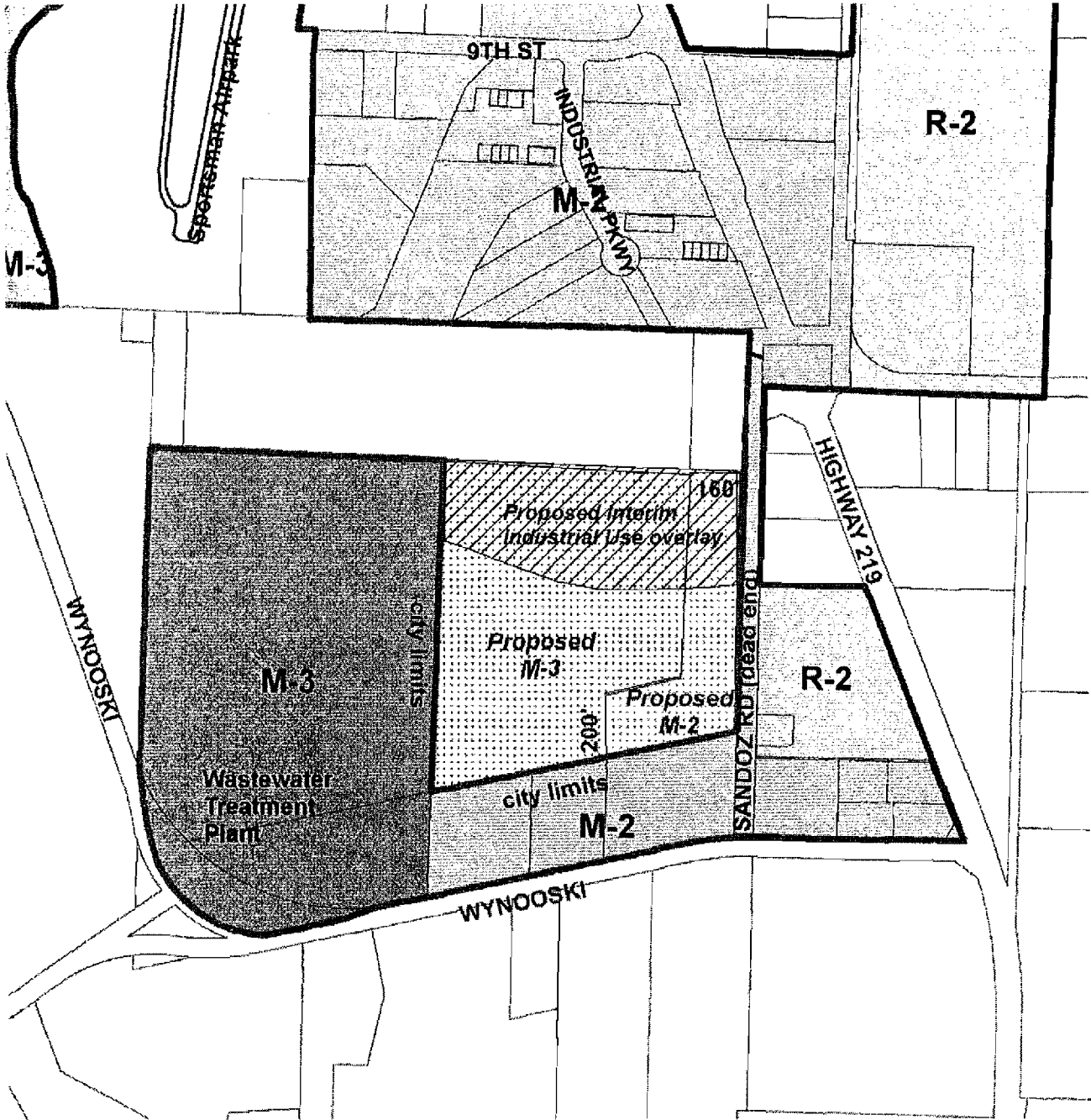
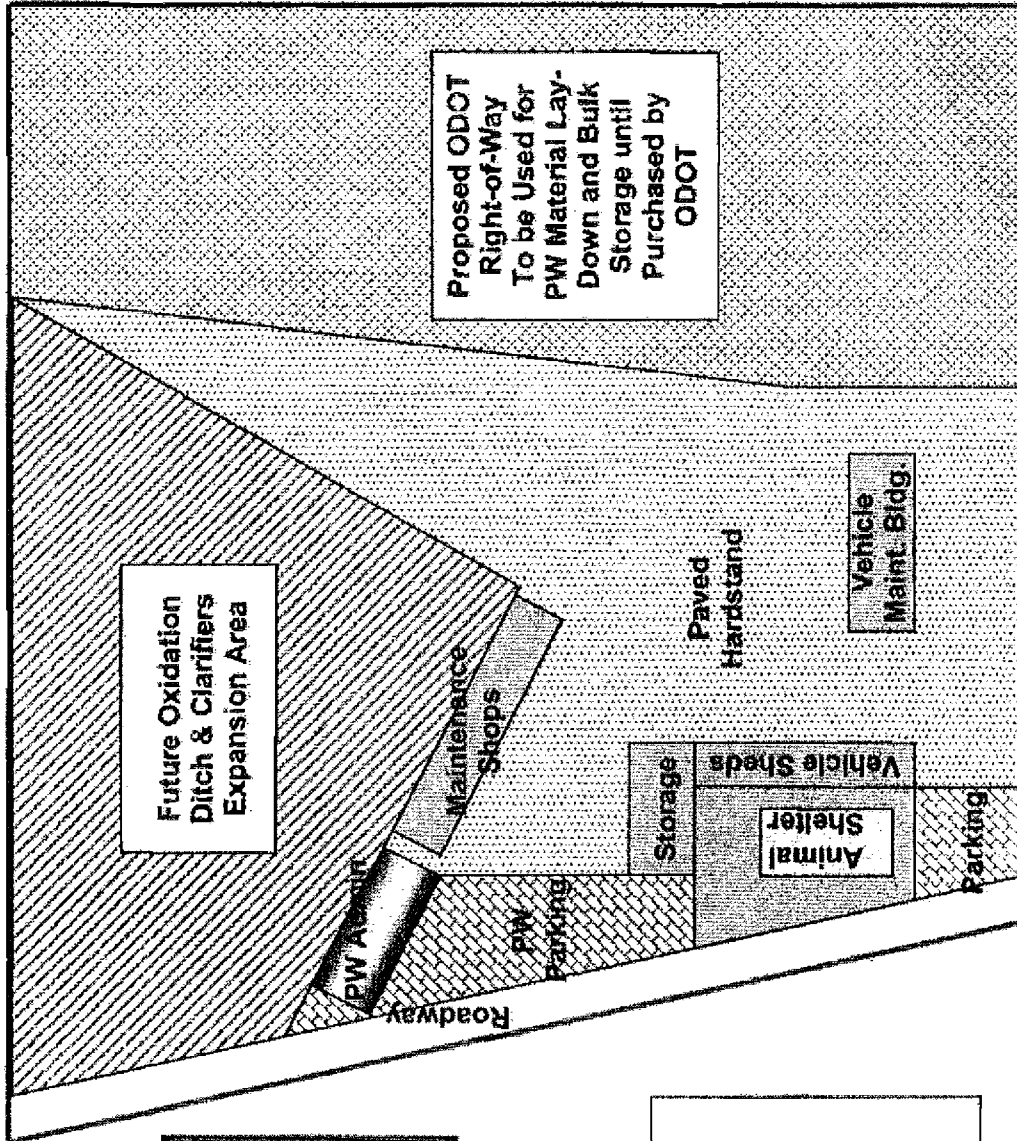


EXHIBIT F: CONCEPT DEVELOPMENT PLAN

NORTH



Sandoz Road

**Proposed
Animal Shelter
Site Plan**

L. B. Fain 5-11-09



Total Area --	19.8 acres
WWTF Exp. -	4.9 acres
PW Maint. Yard -	5.7 acres
Future ODOT -	6.7 acres
Animal Shelter -	0.9 acres
Roadway -	0.8 acres
PW Admin -	0.2 acres
Other -	0.6 acres



ORDINANCE NO. 2009-2722

AN ORDINANCE DECLARING PROPERTY LOCATED AT 1409 S. SANDOZ ROAD, YAMHILL COUNTY TAX LOT 3229-100, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY

RECITALS:

1. On September 29, 2009, City of Newberg staff submitted an application for annexation of property located at 1409 S. Sandoz Road, Yamhill County tax lot 3229-100.
2. After proper notice, on December 21, 2009, 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; 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.
3. On December 21, 2009, the City Council adopted Order 2009-0025 which affirmed that the annexation met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.

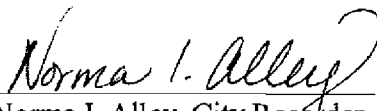
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the May 18, 2010 general election. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. The City Council directs that all costs associated with placing the item on the ballot be paid for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot.
3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.

4. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the property shown in Exhibit "A" and described in Exhibit "B", shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
 - A. The City of Newberg land use inventory data and GIS data, including the comprehensive plan map and zoning map, will be updated to reflect the new addition.
 - B. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.
 - C. The City will request that Yamhill County transfer the jurisdiction of Sandoz Road to Newberg.

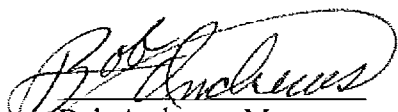
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: January 21, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of December, 2009, by the following votes: **AYE: 7 NAY: 0 ABSENT: 0 ABSTAIN: 0**



 Norma I. Alley, City Recorder

ATTEST by the Mayor this 23rd day of December, 2009.



 Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Planning Commission Committee at 11/12/2009 meeting.
(committee name) (date)

- Exhibits:
- Exhibit "A": Annexation Map
 - Exhibit "B": Legal Description

EXHIBIT A: ANNEXATION MAP

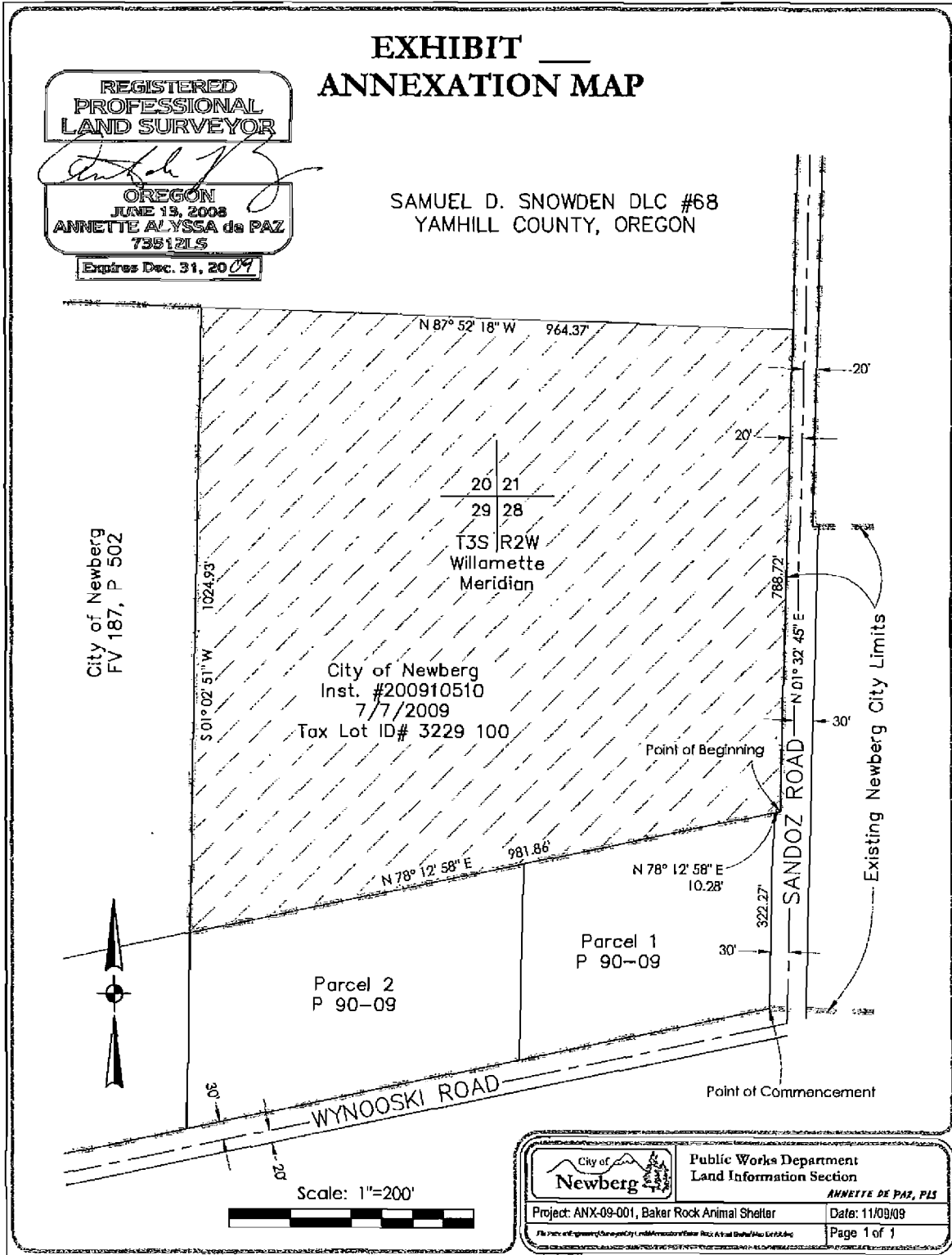


EXHIBIT B: LEGAL DESCRIPTION

City of Newberg Annexation

BEING a tract of land in Sections 20, 21, 28, and 29 of Township 3 South Range 2 West of the Willamette Meridian in Yamhill County, Oregon, and being a portion of the Samuel D. Snowden Donation Land Claim Number 68, and also being all of that land described by deed to City of Newberg, an Oregon Municipal Corporation, recorded as Instrument Number 200910510, Official Yamhill County Records, on July 7, 2009, and said tract of land being more particularly described as follows;

COMMENCING at the southeast corner of Parcel 1 of Yamhill County Partition No. 90-09, said corner being at the intersection of the northerly line of Wynoski Road and the west line of Sandoz Road;

THENCE North 01° 32' 45" East, along the west line of Sandoz Road, a distance of 322.27 feet to the northeast corner of said Parcel 1, said corner being on the Newberg City Limit and on the south line of said City of Newberg tract of land recorded as Instrument Number 200910510;

THENCE North 78° 12' 58" East, along the southerly line of said City of Newberg tract of land and along the Newberg City Limit, a distance of 10.28 feet to the southeast corner of said City of Newberg tract, said corner being a corner of the Newberg City Limit and 20.00 feet from, as measured perpendicular to, the centerline of Sandoz Road, and said corner also being the TRUE POINT OF BEGINNING;

THENCE North 01° 32' 45" East, along a line being 20.00 feet west of and parallel to the centerline of Sandoz Road, said line being along the Newberg City Limit, a distance of 788.72 feet to the northeast corner of said City of Newberg tract of land;

THENCE North 87° 52' 18" West, along the north line of said City of Newberg tract of land, a distance of 964.37 feet to the northwest corner of said City of Newberg tract of land, said corner being a corner of the Newberg City Limit and also being the northeast corner of that tract of Land described by deed to City of Newberg, a Municipal Corporation of the State of Oregon, recorded in Film Volume 187, Page 502 of the Deed Records of Yamhill County;

THENCE South 01° 02' 51" West, along the east line of said City of Newberg tract recorded in Film Volume 187, Page 502, said line being along the Newberg City Limit, a distance of 1024.93 feet to a point on the northerly line of said Partition Number 90-09, said point being a corner of the Newberg City Limit;

THENCE North 78° 12' 58" East, along the northerly line of said Partition Number 90-09 and the Newberg City Limit, a distance of 981.86 feet to the POINT OF BEGINNING.

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