



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

December 14, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment
DLCDC File Number 017-06



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: December 28, 2006

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Martin Chroust-Masin, Yamhill County

<paa>



BOARD OF COUNTY COMMISSIONERS

KATHY GEORGE • LESLIE LEWIS • MARY P. STERN

535 NE Fifth Street • McMinnville, OR 97128-4523
(503) 434-7501 • Fax (503) 434-7553
www.co.yamhill.or.us

RECEIVED
DEC 04 2006

BY:.....

December 1, 2006

Jeffrey Smith
4386 SW Macadam, Suite 102
Portland, OR 97201

Michael Robinson
Perkins Coie, LLP
1120 NW Couch St, 10th Floor
Portland, OR 97209-4128

RE: Planning Docket PA-02-06 / Applicant Elle Gueldner
Ordinance 798

Dear Mr. Smith and Mr. Robinson:

At the November 29, 2006 formal session of the Board of Commissioners, the Board adopted Ordinance 798, approving an urban growth boundary amendment to add a parcel of approximately 14.47 acres, Tax Lot 3216AC-13800.

Findings in support of the Board's decision are contained in Exhibit "A" of Ordinance 798, a copy of which is enclosed. Copies may also be reviewed in the Planning Department during normal business hours. The Planning Department is located at 525 NE Fourth Street, McMinnville, Oregon.

This action constitutes a final action by Yamhill County on the application, but you should be aware that a final land use decision by a local government may be appealed to the Land Use Board of Appeals in most circumstances. An appeal must be filed within 21 days of the date the decision became final, which was November 29, 2006. A successful appeal could revoke this approval.

If you have any questions regarding the county's action, you may contact me at the phone number listed above or the Planning Department (434-7516).

Sincerely,

Carol Ann White, Paralegal
for Leslie Lewis, Chair
Board of Commissioners

LL-CW:cw
Enclosure

cc: Planning Department & Martin Chroust-Masin
Interested parties per attached list (w/out attachment)

*Notice of Decision
Ella Gueldner, Applicant
PA-02-06
December 1, 2006*

C. Alex Miller
4308 E. Robin Ct.
Newberg, OR 97132

Russell Thomas & Lisa Thomas
1808 Leo Lane
Newberg, OR 97132

Vicki Shephard
30230 NE Benjamin Rd
Newberg, OR 97132

Michael Robinson,
Perkins Coie, LLP
1120 NW Couch St. Tenth Flr
Portland, OR 97209.4128

Tamera Yocom
1809 Leo Lane
Newberg, OR 97132

Albert W. Parson
1955 West Lake Loop
Newberg, OR 97132

Dick Petrone
4301 NE Crestview Drive
Newberg, OR 97132

Justin Mortensen
1935 Westlake Loop
Newberg, OR 97132

Mark Parker
1811 Leo Lane
Newberg, OR 97132

John and Pat Trudel
4303 NE Birdhaven Loop
Newberg, OR 97132

Tom Louisell
4307 NE Birdhaven Loop
Newberg, OR 97132

Ella Gueldner Survivors' Trust
30605 NE Bell Rd
Sherwood, OR 97140-8571

Jeffrey D. Smith
Joe Schieve, P.E.
4386 SW Macadam, Suite 102
Portland, OR 97201

WRG Design Inc.
Mimi Doukas
5415 SW Westgate Drive, Suite 100
Portland, OR 97221

The Transpo Group
Michael J. Swenson
11730 118th Ave. NE, Suite 600
Kirkland, WA 98034-1720

City of Newberg
Attn: Barton Brierley
PO Box 970
Newberg, OR 97132

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving an Urban Growth Boundary Amendment)
for the City of Newberg to Add a Parcel of Approximately 14.47) **ORDINANCE 798**
Acres, Docket no. PA-02-06, Tax Lot 3216AC-13800,)
Applicant Ella Gueldner, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on Wednesday, November 29, 2006, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

IT APPEARING TO THE BOARD that Ella Gueldner applied for an urban growth boundary amendment to include a 14.47 Acre Parcel currently within Newberg Urban Reserve Area, tax lot 3216AC-13800, and

The Newberg Urban Area Management Commission (NUAMC) and Newberg City Council held duly noticed public hearings on this application and it was approved by both bodies. A duly noticed public hearing was held November 8, 2006, before Yamhill County Board of Commissioners. The applicant appeared, no opponents appeared, and the Board voted 3-0 to approve the application.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD:

The application is approved as detailed in Exhibit "A", attached and hereby incorporated into this ordinance. A map of the parcel is appended as Exhibit "B". This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.


DONE this 29th day of November, 2006, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk


Chair
LESLIE LEWIS

By 
Deputy Anne Britt




Commissioner
KATHY GEORGE

APPROVED AS TO FORM:


Rick Sanai
Assistant County Counsel


Commissioner
MARY P. STERN

\\Yam-main\Admin\Users\sanair\LU\GueldnerUGBAmdmentOrdinance.wpd

Ordinance 798

B.O.06-966

**FINDINGS OF THE YAMHILL COUNTY
BOARD OF COMMISSIONERS**

I. INTRODUCTION

This document supports Yamhill County Ordinance No. 798, which approves an amendment to the Newberg Urban Growth Boundary (UGB) for approximately 14.47 acres of land within the City of Newberg Urban Reserve Area, and changes the comprehensive plan designation for the subject property from Urban Reserve to a mixture of Commercial, Medium Density Residential and Low Density Residential, as indicated on the applicant's revised site plan dated October 3, 2006, hereby incorporated by this reference.

II. APPLICANT

The application was submitted by Jeffrey Smith on behalf of the property owner, Ella Gueldner Survivors' Trust.

III. DESCRIPTION OF SITE AND PROPOSAL

The application requests approval of a UGB amendment to include 14.47 acres of land within the City of Newberg Urban Reserve Area (in the "Northeast URA"). The subject property is contiguous to existing city limits. The request is for inclusion of the property within the UGB for future commercial development. As approved by the Newberg City Council, the proposed UGB amendment includes a request to change the comprehensive plan designation for the property from Urban Reserve (UR) to a mixture of Commercial (COM), Medium Density Residential (MDR) and Low Density Residential (LDR).

The subject property is adjacent to the city's eastern boundary north of Highway 99W, directly across from the new Providence Hospital site. Highway 99W and the hospital site form the property's southern boundary. North of the site is the Oxberg Neighborhood, which is comprised of very low density unincorporated residential properties. West of the site sits Spring Meadow Park, which flanks the majority of the property's western boundary. Three residential properties make up the rest of the western boundary. East of the property lies a large parcel (18.4 acres) designated as urban reserve, which contains a single-family home and some farm uses. Currently, the property is vacant.

The City of Newberg Comprehensive Plan designates the property as "Urban Reserve" (UR), which makes it a high priority for UGB expansion. The property

carries an "Agriculture/Forest Small Holding" (AF-10) designation within Yamhill County.

The site is generally flat, having a gently declining eastern slope of less than 3%. Its relatively flat terrain, proximity to anticipated Highway 99 transportation improvements, and planned completion of the Crestview Drive arterial connection make the property an ideal setting for a potential gateway commercial development

IV. CITY AND COUNTY PROCEDURES

The Newberg Urban Area Management Committee recommended by a vote of 5-0 that the Newberg City Council and the Board of County Commissioners amend the UGB pursuant to a motion by Chair Lewis. The motion provided that the majority of the site be designated Commercial, but that there also be a Residential Comprehensive Plan map designation on the north part of the property adjacent to the single family homes to the north and west.

Subsequent to the Committee's recommendation, the applicant submitted a letter dated October 6, 2006 to the Newberg City Council, including a revised site plan dated October 3, 2006 (the "Revised Site Plan"). The Revised Site Plan proposed that a majority of the property be designated Commercial.

The Newberg City Council held a public hearing on October 16, 2006 and heard testimony on the proposal. The City Council unanimously approved a motion by Councilor Rierson to approve the UGB amendment and the comprehensive plan map designations, but including the revised site plan showing an LDR designation (including a 30-foot building setback) and an MDR designation in addition to the Commercial designation.

The Board of Commissioners held a public hearing on November 8, 2006, and heard testimony on the proposal. The Board of Commissioners considered all of the materials submitted in the record and deliberated to a decision, voting 3-0 in favor of approving the UGB expansion and comprehensive plan map amendments as approved by the Newberg City Council.

V. APPLICABLE STANDARDS AND CRITERIA

This application involves an amendment to the Newberg UGB and related map amendment necessary to permit commercial development. This process requires county approval under the UGB Agreement between the city and the county, and also requires compliance with an array of state and local criteria, which are addressed below.

A. Urban Growth Management Agreement

The Urban Growth Management Agreement between Yamhill County and the City of Newberg requires that amendment of the city UGB 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:

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.

The need to accommodate long-range urban population growth requirements consistent with the applicable Statewide Planning Goals is addressed in Section V.B below.

2. Need for housing, employment opportunities, and livability.

Newberg's growth rate experienced over the past decade is consistent with the Comprehensive Plan 2010 forecast of 27,000. The city's 2020 population projection is 38,352 based on a "medium growth" scenario (see Table 1 in applicant's narrative). With new housing developments planned in the vicinity of the Gueldner Property, opportunities for employment and enhanced livability will need to become part of the overall mix in the area. With the new Providence Hospital across Highway 99W, development of commercial establishments on the site will help towards providing needed commercial services and creating a complete community on the eastern end of Newberg.

Growth in recent years—3 to 4 percent in the last ten years—has reduced the available developable land within the City of Newberg. With respect to commercial land, the lands inventory study and public involvement undertaken by the Ad Hoc Committee on Newberg's Future Based in 2005 reasoned that "a regional shopping center was not consistent with the community's desire to maintain a small town feeling and have a complete community rather than a bedroom suburb, and that smaller shopping centers were preferred." Existing large commercial sites (10-30 acres) were preferred to meet future commercial needs. Although the commercial buildable land inventory inside the current Newberg UGB estimated 105 acres available for commercial development, the properties consisted mostly of small (less than 5 acres), scattered sites, with only three parcels larger than 5 acres. With an existing under-supply of retail development combined with expected population growth, the demand for retail development in Newberg is expected to be strong.

Inclusion of the subject property will play a part in alleviating the limited land supply for commercial development. No residential development will occur on the

property. Commercial development on the site will create new jobs for area residents and contribute to the City's tax revenue. Overall, creating room for commercial development in the area—in particular at this site—will help balance the supply of land, provide new job opportunities, and help in the buildout of a complete community.

Additionally, the proposed site combined with the three adjacent parcels to the west is one of the locations the Ad Hoc Committee showed preference and recommended for a future new community commercial center. The Committee has recommended a mix of community shopping center uses for both the short-term (2025) and long-term (2040) needs as well as low density residential development along the north side of the URA to buffer the adjacent residential neighborhood.

3. Orderly and economic provision for public facilities and services.

According to the applicant's Utility Study, future development can readily be served by the extension of utilities from the Fernwood pump station and from water lines adjacent to the property. As determined in the findings below, public utilities easily have adequate capacities to accommodate the future demands of the area.

Water. A 10-inch water line within Highway 99W fronts the property. Commercial development on the property could be served by this adjacent water line. The 24-inch water line installed in 2003 to connect the new reservoir with the water lines in Springbrook Road will have an 8-inch tee to supply all the water required by this parcel. The same line will serve the hospital site. The new reservoir on Corral Creek Road and the additional wells in Marion County were completed in 2003 and increased the City's overall water storage ability by 50 percent (4 million gallons) per day.

Sanitary Sewer. A sanitary sewer pump station was installed in Fernwood Road. It was designed to accommodate all potential development in the neighboring URA and UGB lands. Adjacent to the Gueldner property is a residential development containing 8-inch sewer lines to which, if necessary, the property could connect.

The proposed development can potentially connect to a private line where it crosses the public right of way in Providence Way which was constructed during the recent hospital construction project. This line is served by a trunk line that drains south to the pump station on the north side of Fernwood Road.

Stormwater Sewer. Two drainage ditches traverse the property. They connect to drainage pipes on the west end of the property.

4. Maximum efficiency of land uses within and on the fringe of the existing urban area.

The amendment will provide for maximum efficiency of land use on the fringe of the urban area through extension of public water and sanitary sewer that allow for development at an urban scale. Under existing county zoning, low-density rural residential development may not occur. The proposed use of the area for low-density urban residential development is in line with the use of nearby properties located north of the site and within the city boundary. Properties to the east are predominantly zoned for agricultural use (AF-20). Chehalem Parks and Recreation Department owns and operates a park west of this parcel. The property north of the site is within County jurisdiction and is zoned for very low-density residential (VLDR-1) units. While no residential development will occur on the site, its proximity to existing and nearby planned neighborhoods, a new arterial/collector facility, a state highway, and a new hospital make it an appropriate place to provide commercial services. The site abuts the city limit. Commercial development on the site can efficiently be integrated into and serve the surrounding area.

5. Environmental, energy, economic and social consequences.

Environmental: The site consists primarily of a hay field with no unique features. Several trees are located on the perimeter of the property. These trees will be retained for buffering and screening. No known historic sites or resources exist on the property.

Energy: The provision of commercial development in the vicinity will help to conserve energy resources by placing goods and services in closer proximity to potential users. Overall trip distances to obtain goods and services may be reduced. Residents and workers in the area may also be able to walk to the proposed commercial area.

Economic: Upon annexation, a complete economic impact statement will be required and additional service requirements and the cost associated with them will be analyzed at that time. Commercial development on the site will also generate new jobs for area residents and contribute to the city's tax base. Additionally, development activity will generate additional transportation system development fees to fund local road improvements.

Social: The long-term socio-economic benefits to the community will be enhanced by helping create a "complete community," where jobs, housing, goods and services are located within reasonable proximity to one another. Employers will be

more inclined to retain and create well-paying jobs in a general area where a healthy balance exists between various lands uses. Commercial development on the site will help toward achieving that balance and creating an overall complete community.

6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority

The site contains a variety of soil types of which some are deemed to be low quality soils for intensive agricultural use. In many cases, the area also has poor drainage. Yamhill County identified the property under review as “lands committed to rural residential use” in Exceptions Statement II, issued in 1980. 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.

7. Compatibility of the proposed urban uses with other adjacent uses.

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.

The area under consideration is located between Crestview Drive to the north and Highway 99w to the south. Land directly west of the site contains residential dwellings developed to City of Newberg R-2 zoning standards. South of the property, across Highway 99W, is the site of the new hospital.

The City of Newberg is currently short of land available for commercial development. The 1997 Urban Reserve Project reported that commercial development will be in short supply by 2010 and in a deficit by 2020.

With respect to commercial land, the applicant’s lands inventory study (prepared by Johnson and Gardner) and public involvement undertaken by the Ad-Hoc Committee on Newberg’s Future Based reasoned that “a regional shopping center was not consistent with the community’s desire to maintain a small town feeling and have a complete community rather than a bedroom suburb, and that smaller shopping centers were preferred.” Existing large commercial sites (10-30 acres) were preferred to meet future commercial needs. Although the commercial buildable land inventory

inside the current Newberg UGB estimated 105 acres available for commercial development, the properties consisted mostly of small (less than 5 acres), scattered sites, with only 3 parcels larger than 5 acres. With an existing under-supply of retail development combined with expected population growth, the demand for retail development in Newberg is expected to be strong.

The City's Ad-Hoc Committee on Newberg's Future recently prepared a report (July 2005) showing that the land immediately across Highway 99W from the new hospital is a suitable place for commercial development. That commercial development on this site can provide goods and services to both the residential and hospital development in the immediate area makes proposed urban development here compatible with adjacent uses.

B. Statewide Planning Goals

The Board finds that there is a need to accommodate long-range urban population growth requirements consistent with the applicable Statewide Planning Goals, for the reasons stated below.

1. Goal 1 – Citizen Involvement

The property under review is located within the Study Area "C-13800" of the Newberg Urban Reserve Area Project adopted by the City and Yamhill County in 1995. 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. The study provided a buildable lands inventory and a 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 inter-governmental 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. In 1997, approximately 70 people attended two workshops for property owners and other parties interested in the URAs. A questionnaire was also distributed at that time to solicit additional input in the URA planning process. Additionally, in 2004, the Newberg City Council created the Ad Hoc Committee on Newberg's Future (the Committee) to provide a forum for citizen involvement in planning for Newberg's future land use patterns. Between April 2004 and June 2005, the Ad Hoc Committee on Newberg's Future sought the input from the general public. During that time, the Committee held two open houses, conducted two surveys, received comments at each of their meetings, and received several letters.

2. Goal 2 – Land Use Planning.

Goal 2 provides that land use decisions must 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 are 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 of Newberg’s Comprehensive Plan was originally adopted in 1979 and has been amended fifteen times, the most recent being August 2, 1999. An updated Residential Needs Analysis and Policy with recommended Comprehensive Plan and Development Code amendments was prepared in 1997. 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 assure coordination and cooperation between the City and County in the management of growth within the Newberg Urban Growth Boundary (UGB) and URAs. The agreement establishes a process for maintaining ongoing planning efforts and is 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.

3. 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 planned VLDR (Low Density Residential) and is zoned AF-10 (Agriculture/Forestry Small Holding) under the County Zoning Ordinance. In 1980, Yamhill County identified the property under review as “lands committed to rural residential use” in Exceptions Statement 11. The exception land definition identified this general area as having a mixture of soil types ranging from Class II to Class VI soil type. The City of Newberg Inventory of Natural and Cultural Resources indicates that most soils in the vicinity are flat and at least moderately fertile, though nearly all types have some problems with drainage. Sheet 16 of the Yamhill County soil survey shows that the majority of the parcel, approximately 55% is Woodburn silt loam (WuB, 0.00 – 7.0%), which is designated as Class II soil type. Approximately 25% is Laurelwood (LuD, 12 – 20%) and approximately 20% is Woodburn Clay (WuC, 3 – 12%). Woodburn Clay is classified as Class III soil type. The property has previously been used primarily for hay production. In the last several years, however, the property has been little used and has produced no economic benefit.

The Exceptions Statement II document includes a discussion noting that the area involved is characterized by good roads, rural fire service, fair or better water availability, and has mostly fair soil suitability for septic systems. The subject property is committed to rural residential development.

The Inventory of Natural and Cultural Resources report states the City's recognition that urban expansion will undoubtedly occur on prime Class II soils but notes that wasteful land use practices should be discouraged. The proposed addition of the project site into the UGB would provide needed land for urban expansion adjacent to the City where services are available or can be readily extended, thereby avoiding leap-frog development or other land consumptive practices.

4. Goal 5 – Natural Resources.

Goal 5 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 consists primarily of WuB Woodburn silt loam soils with LuD Laurelwood silt clay soils in the vicinity of the drainage ditch. Woodburn soils are identified as Class II soils by SCS; Laurelwood soils are identified as Class III as indicated on the USGS soil map. Much of the area has been used for hay pasture. The parcel 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. Residential development on the west and north of the property currently releases all their storm water onto this parcel. This has resulted in the development of some very low quality wetlands along the drainage ditches created by off site stormwater runoff. The county has no identified wildlife resource information in this area.

5. Goal 6 – Air, Water and Land Resources Quality.

Goal 6 addresses waste and process discharges from future development and requires local governments to determine that the future discharges, when combined with existing development, would not threaten to violate or violate applicable state or federal environmental quality statutes, rules and standards. The applicants have

submitted evidence establishing that they will comply with any applicable state and federal environmental laws and regulations. Therefore, Goal 6 will be met.

6. Goal 8 – Recreation Needs.

Goal 8 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 of Newberg Comprehensive Plan includes policies designed to ensure recreational facilities and services are expanded to meet growing recreation demands of the community. The subject property is not identified as a recreational resource by the county, and the application does not request approval as a destination resort. Goal 8 is satisfied.

7. Goal 10 – Housing.

Goal 10 requires a community to plan for and accommodate needed housing types, including multifamily and manufactured housing. The community is also required to inventory developable residential lands, conduct an analysis of projected future demand for various housing types, and to plan and zone enough buildable land to meet those needs. The goal prohibits local plans from discriminating against needed housing types. The goals for housing in the City of Newberg's Comprehensive Plan are to provide for diversity in the type, density, and location of housing to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.

In 1993 the City adopted an Urban Reserve Area. The URA includes 916 acres of land with approximately 750 acres of developable land. By 2020, Newberg will have an estimated population of 33,200.

The 1997 Urban Reserve Project reported that, by 2020, Newberg would need 157 acres of land for commercial development. Inclusion of the Gueldner Property into the UGB will help offset the City's projected shortfall of land for commercial development. The commercial development on the site will provide needed commercial services to serve the surrounding neighborhood and new housing development in the vicinity. No housing units are proposed for this property.

8. Goal 11 – Public Facilities and Services.

Goal 11 requires efficient planning of public services such as sewers, water, law enforcement and fire protection. It encourages planning of public services to meet the community's needs and capacities rather than responding to development as it occurs. The applicant has submitted evidence establishing that timely, orderly, and

efficient public facilities and services can be provided to the subject property. Water, sanitary sewer, and storm water management facilities were evaluated as part of the detailed URA analysis conducted by the City in 1997.

9. Goal 12 – Transportation.

Goal 12 requires local governments 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.

The City recently adopted a new transportation system plan (TSP). This plan evaluated not only the transportation needs of future development within the UGB, but also the transportation needs of development of the designated URAs. The TSP used the land use assumption that the subject property would be designated commercial. Therefore, the TSP can be relied upon for consideration of the UGB amendment.

The TSP includes several planned road improvements in the vicinity of the site, including a Northern Arterial Street Connection that will connect Crestview Drive to Oregon 99W. The TSP recommends that Crestview Drive be completed through the Gueldner property to OR Highway 99W. This connection is of the City's plan to construct a Northern Arterial connecting OR 99W at the project site to Villa Road and College Street north of the downtown core via Mountainview Drive and Crestview Drive. The TSP also includes an east-west connection between the Crestview Drive extension and Benjamin Road.

A traffic impact study was prepared for this project by the Transpo Group, assuming the construction of the Crestview Drive to Highway 99W connection. The conceptual commercial development on the site is expected to generate a total of 3,488 new daily, and 349 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,292 weekday daily and 223 weekday PM peak hour pass-by trips would be generated by the project, and a total of 4,146 weekday internal trips and 254 weekday

PM peak internal trips are generated. Details of the study methodology, findings, and recommendation are provided in the traffic impact study. Future development of the subject property will be required to mitigate impacts, consistent with Goal 12 and the Transportation Planning Rule.

10. Goal 14 – Urbanization.

Goal 14 requires 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 a UGB to “identify and separate urbanizable land from rural land.” The existing Newberg UGB contains approximately 4,016 acres, of which 3,138 acres are incorporated into the City. The remaining 878 acres have been identified as vacant and buildable. Anticipated development needs expected to exceed the area currently located with the UGB, thus vacant and buildable lands within the UGB are a high priority for annexing into the City.

Seven factors are specified by Goal 14 that must be considered in establishing and changing UGBs. Those seven factors are addressed above in Section V.A.1-7.

Approval of this UGB expansion request and subsequent annexation into the City of Newberg will enable the future extension of Crestview Drive to Highway 99W and complete a connection of the planned Northern Arterial (Northern Collector), allowing some relief to the Highway 99 and Springbrook Road intersection.

C. County Comprehensive Plan Policies

Directly applicable goals and policies of the Yamhill County Comprehensive Plan are addressed in the findings below. In addition, the Board of Commissioners adopts and incorporates by reference the applicant’s narrative and the staff reports regarding compliance with all applicable plan provisions.

Section 1.A – Urban Area Development

Goal Statement 1 – To encourage the containment of growth within existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use.

The Board finds that the proposed UGB amendment and related comprehensive plan map amendments will encourage the containment of growth within the city’s UGB, and provide for orderly, staged, diversified and compatible development in the

City of Newberg. Expansion of the city's UGB into an identified URA ensures an efficient transition from rural to urban land use.

Goal Statement 2 – To encourage the containment of urban services and facilities and other public capital improvements within existing urbanizing areas in order to achieve an orderly pattern of urban growth.

The Board finds that the proposed UGB amendment and related comprehensive plan map amendments will encourage the containment of urban services and facilities within an urban area in order to achieve an orderly pattern of urban growth.

Section 1.D – City Growth and Development

Policy A – All urban growth boundaries in the county will be delineated as shown on the plan map and no extension of urban land uses or city water and sewer services beyond the designated urban growth boundaries will be undertaken without concurrent amendments to both the respective city and county comprehensive plans.

The Board finds that the proposed UGB amendment and related comprehensive plan map amendments are consistent with this policy to restrict urban land uses and extension of services and utilities to inside UGBs.

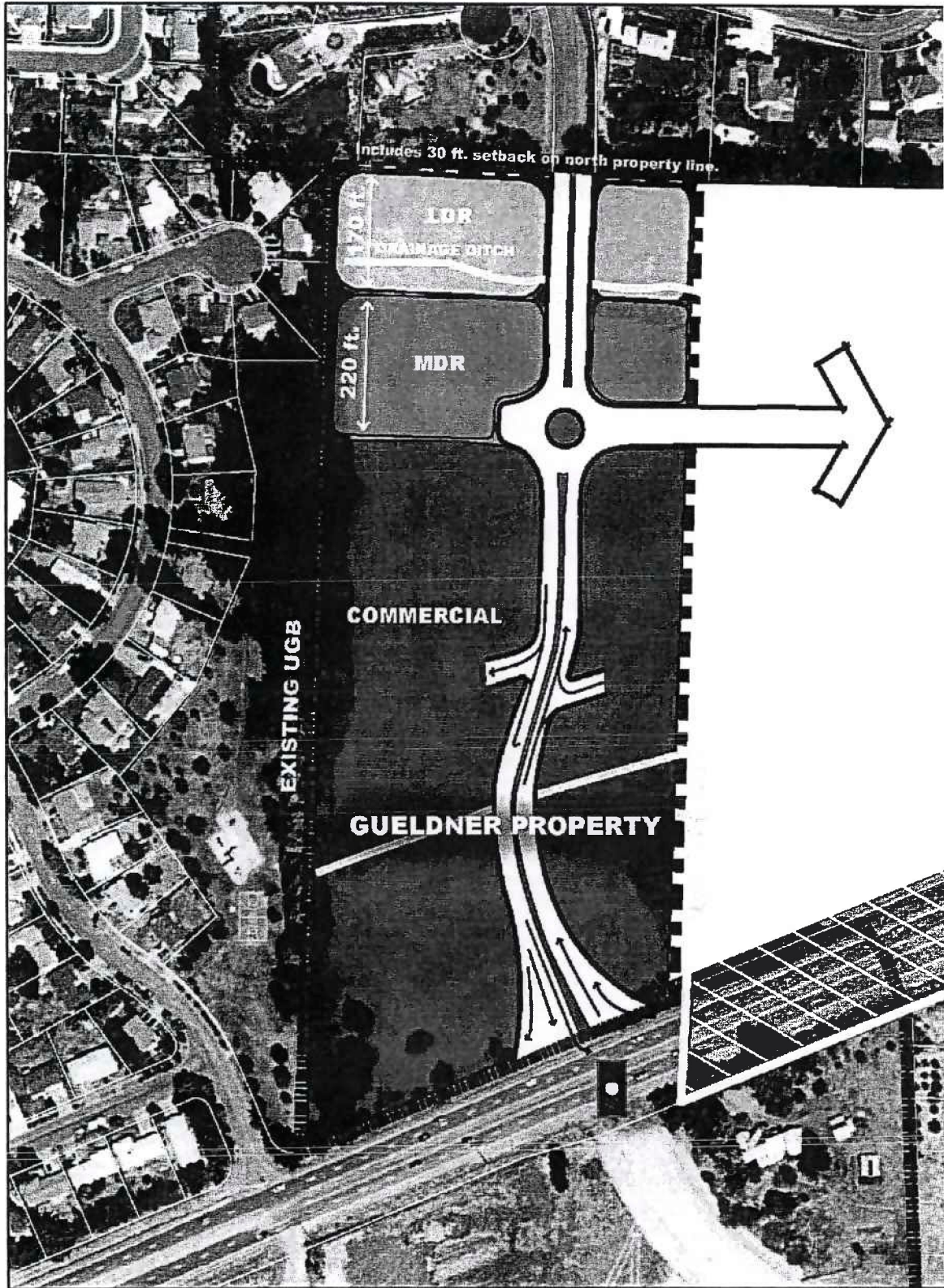
Policy F – An Urban Reserve Area is designated for the City of Newberg as shown on the Comprehensive Plan Map. The URA identifies high-priority land to include within the City of Newberg UGB on a phased basis to meet urban growth needs to the year 2030. Interim rural development within the designated Urban Reserve Area shall be regulated and reviewed as outlined in the City of Newberg/Yamhill County Urban Growth Management Agreement to ensure that long term opportunities for urban development are protected.

The Board finds that the proposed UGB amendment and related comprehensive plan map amendments are consistent with this policy, because the subject property is within a designated URA for the City of Newberg, which is the highest priority of land on which to expand the UGB. The expansion is also consistent with the priorities established by ORS 197.298.

VI. CONCLUSION

Based on all of the findings set forth above and all of the evidence in the record, the Board of Commissioners approves the UGB expansion and related comprehensive plan map amendments.

EXHIBIT B: COMPREHENSIVE PLAN MAP DESIGNATIONS



B.0.06-966