



# 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

August 26, 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 002-07 R



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: September 10, 2008**

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative  
Matthew Crall, DLCD Transportation Planner  
Elaine Taylor, City of Newberg

<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**

In person  electronic  mailed

**D  
A  
T  
E  
S  
T  
A  
M  
P**

**DEPT OF**

**AUG 21 2008**

**LAND CONSERVATION  
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Newberg**

Local file number: **UGB 05-015**

Date of Adoption: **7/7/2008** signed **7/10/08**

Date Mailed: **8/20/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **6/11/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **TSP**

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

Amendment repeals the Southeast Transportation Plan, which had identified the location, phasing and funding of transportation improvements needed to serve the portion of the Newberg 2007 Urban Reserve that is located south of OR99W, west of Corral Creek and Renne Roads, and north of Wilsonville Road.

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

Recitals #9 & #10 were slightly revised. The "Ordains" were re-ordered, and #4 was slightly revised. A map showing the area was included as Exhibit A.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>

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. 002-07 R (15889) [14936]

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

Federal Highway Admin., DLCD, ODOT, Yamhill County, Chehalem Park & Recreation District, Newberg ESD, and Newberg Fire District.

---

Local Contact: **Elaine Taylor, AICP**

Phone: **(503) 554-7743** Extension:

Address: **City of Newberg, P.O. Box 970**

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

City: **Newberg**

Zip: **97132-**

E-mail Address: **Elaine.Taylor@ci.newberg.or.us**

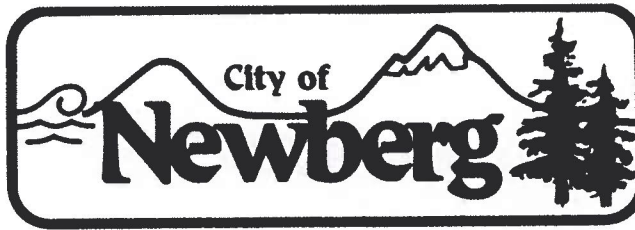
---

## **ADOPTION SUBMITTAL REQUIREMENTS**

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

1. Send this Form and TWO 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:

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



City Manager  
(503) 538-9421  
  
(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

August 20, 2008

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

DEPT OF

AUG 21 2008

LAND CONSERVATION  
AND DEVELOPMENT

Re: Repeal of Newberg Southeast Transportation Plan  
File No. UGB-05-015

Attention: Plan Amendment Specialist

The enclosed Form 2, DLCD Notice of Adoption, addresses an ordinance repealing the Newberg Southeast Transportation Plan. The plan would have amended Newberg's Transportation System plan of June 2005, which is part of the City's comprehensive plan. The Southeast Transportation Plan was to have taken effect if and when the Southeast area came into the URA.

In May 2008, the City of Newberg notified DLCD and those who had participated in the process. Because there had been a final decision on the Southeast Transportation Plan, we treated the hearing to repeal the adopted plan as the first hearing in a new process. Consequently, when the Newberg City Council repealed the plan on July 7, 2008, we considered that another final decision.

Two copies of Ordinance 2698, repealing the Southeast Transportation Plan, are enclosed. Please contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Elaine A. Taylor".

Elaine A. Taylor, AICP  
Associate Planner

et

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



## **ORDINANCE NO. 2008-2698**

---

---

**AN ORDINANCE REPEALING THE NEWBERG SOUTHEAST  
TRANSPORTATION PLAN, ORDINANCE 2007-2682, AND  
REMANDING THE PLAN TO THE NEWBERG URBAN AREA  
MANAGEMENT COMMISSION FOR FURTHER CONSIDERATION**

---

---

### **RECITALS:**

1. In its July 21, 2005, "Report to City Council," the Ad Hoc Committee on Newberg's Future recommended including a large area of rural and agricultural land southeast of the City within the Urban Growth Boundary (UGB) or the Urban Reserve Area (URA). In doing so, however, the Committee was concerned with the area's lack of adequate transportation facilities, noting that the area is currently served by a limited network of winding, rural roads. It stipulated that
  - a master plan would be needed for this area in conjunction with including it in the UGB;
  - the master plan should specify what street improvements and new streets should be constructed to serve this area; and
  - development should be allowed to occur only concurrently with the provision of the needed transportation facilities.
2. In August 2005, the Newberg City Council passed Resolution No. 2005-2590, which directed staff to undertake a number of actions, which included holding neighborhood meetings in each general area that the Committee recommended for addition to the Urban Growth Boundary (UGB) and Urban Reserve Area (URA) to define specific boundaries, and proceed with the hearings process to create a new UGB and a new URA. Accordingly, three neighborhood meetings were held for residents of the Southeast area to review and refine the Committee's land use proposals and consider transportation alternatives for that area. Input from those meetings was used to develop the January 18, 2007 draft of the Southeast Land Use and Transportation Plan, which was reviewed by the Newberg Urban Area Management Commission (NUAMC) at a public workshop on January 31, 2007.
3. The Newberg Urban Area Management Commission (NUAMC) held public hearings on a revised February 14, 2007 draft of the plan on April 11, May 14, June 11, and July 11, 2007. Following extensive public comment, NUAMC recommended approval of the plan as modified through their deliberations.
4. On October 15, 2007, the Newberg City Council held a public hearing on the September 28, 2007 draft of the plan, and closed public comment. The Council identified needed corrections to the plan and continued the hearing to November 19, 2007 to obtain additional information from the Oregon Department of Transportation (ODOT). Also on October 15, 2007, City Council adopted the 2007 URA, with the area covered by the Southeast Transportation Plan included in the URA contingent upon the plan's approval.

5. On November 19, 2007, the Newberg City Council reviewed the information provided by ODOT, resumed deliberations on the plan, and adopted the Southeast Transportation Plan after making a number of edits and deleting one of the projects, the "East-West Connector." The adopting Ordinance 2007-2682 was subject to adoption of the same by Yamhill County.
6. Yamhill County then held hearings on both the 2007 URA and Southeast Transportation Plan. After hearing considerable public testimony, the Commissioners asked ODOT to consider an additional access to 99W in the vicinity of Benjamin Road. After receiving word from ODOT that such access was not feasible, the Yamhill County Board of Commissioners resumed deliberations on April 24, 2008, and declined to adopt the Southeast Transportation Plan. Because the City's adoption of the 2007 URA had linked it to the adoption of the Southeast Transportation Plan, and the City's adoption of the Southeast Transportation Plan was subject to adoption of the same by Yamhill County, the Commissioners asked the City of Newberg to consider removing these linkages to make it possible for them to adopt the 2007 URA without the Southeast Transportation Plan.
7. When the Yamhill County Commissioners declined to adopt the Southeast Transportation Plan, the City's decision of November 19, 2007 became a final decision. Accordingly, the City staff notified DLCDC and those who had participated in the adoption process of the City's final decision.
8. On May 5, 2008, the City Council discussed various options for addressing the Commissioners' concerns, and asked for a joint meeting with the County Commissioners to hear and consider their specific concerns.
9. At the joint City-County meeting on June 2, 2008, the Commissioners noted that without the east-west connector, the plan did not address access to 99W pre-bypass. They were concerned that all three 99W intersections (Providence, Brutscher, and Springbrook) will fail in 30 years, with or without the east-west connector. In these discussions between the Councilors and the Commissioners regarding adoption of the 2007 URA, the Commissioners recommended deleting all reference to the Southeast Transportation Plan from the conditions and findings for adoption of the 2007 URA. They further requested that the City repeal the Southeast Transportation Plan and remand the plan back to NUAMC to resolve the 99W access issues.

After hearing the Commissioners' concerns, the Newberg City Council directed staff to prepare two ordinances for their consideration on July 7, 2008. Ordinance 2008-2697 would repeal Ordinance 2007-2681, which adopted the 2007 URA on October 15, 2007, and would re-adopt the 2007 URA without making reference to the Southeast Transportation Plan in either the conditions of adoption or the findings document. The new ordinance would include all the same land in the urban reserve that the October 15, 2007 ordinance did.

10. Ordinance 2008-2698, the subject of this request for Council Action, would repeal Ordinance 2007-2682, which adopted the Southeast Transportation Plan. Ordinance 2008-2698 would remand the plan to the Newberg Urban Area Management Commission to address the County's concerns. The County had several concerns, but the main issue was regarding how to get traffic from the

Southeast area out to Hwy 99W prior to construction of the Newberg-Dundee Bypass.

**THE NEWBERG CITY COUNCIL ORDAINS AS FOLLOWS:**

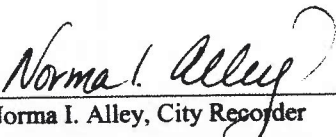
1. Ordinance 2007-2682, which adopted the Southeast Transportation Plan, is hereby repealed.
2. The Council finds that repeal of the Southeast Transportation Plan, as adopted in Ordinance 2007-2682 of November 19, 2007, will facilitate the adoption of the 2007 Urban Reserve, and is in the best interests of the community.
3. The Council further finds that it will be possible to provide adequate transportation access to the area covered by the Southeast Transportation Plan, as shown in Exhibit "A", when the area is developed at urban densities.
4. The Southeast Transportation Plan, as adopted by the City of Newberg on November 19, 2007, is hereby remanded to the Newberg Urban Area Management Commission to address the County's concerns. The County had several concerns but the main issue was regarding how to get traffic from the Southeast area out to Hwy 99W prior to construction of the Newberg-Dundee Bypass.
5. Until an adequate transportation plan is developed and adopted for the Southeast area, the City of Newberg will not approve amendments to the Newberg Urban Growth Boundary within this area.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 6, 2008.  
**ADOPTED** by the City Council of the City of Newberg, Oregon, this 7<sup>th</sup> day of July, 2008, by the following votes:

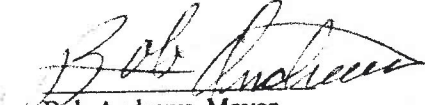
**AYE: 6**

**NAY: 1 (CURRIER) ABSENT: 0**

**ABSTAIN: 0**

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

ATTEST by the Mayor this 10<sup>th</sup> day of July, 2008.

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

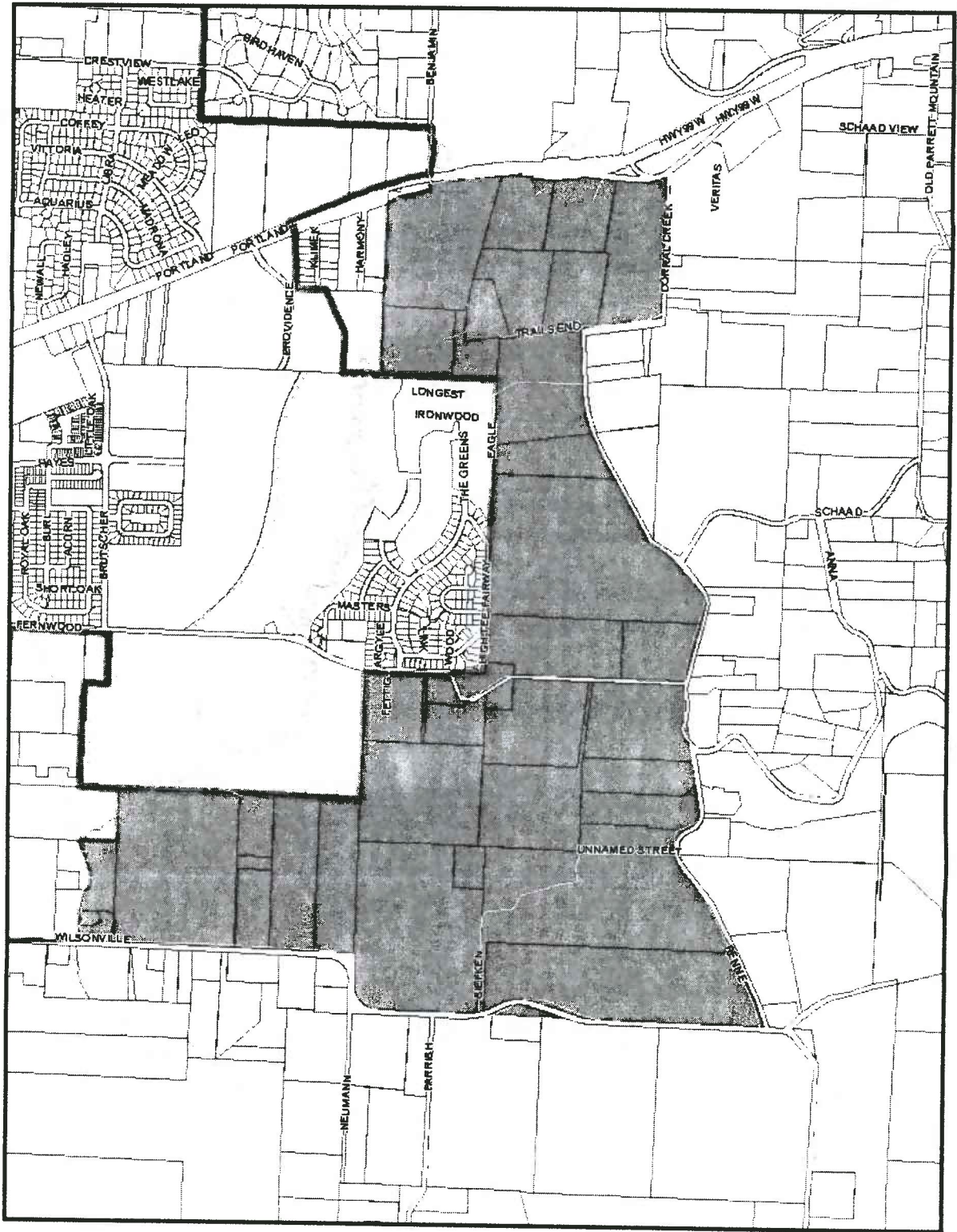
**LEGISLATIVE HISTORY**

At a joint meeting with the Yamhill County Board of Commissioners on June 2, 2008, the Newberg City Council directed staff to prepare an ordinance, for their consideration on July 7, 2008, to repeal the Southeast Transportation Plan, and remand it back to the Newberg Urban Area Management Commission to resolve 99W access issues.

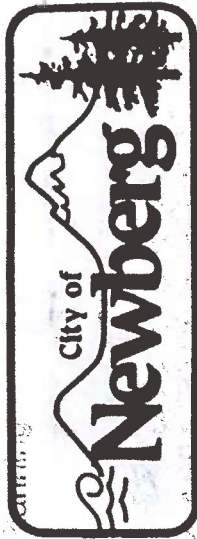
**Exhibits**

Exhibit "A": Map of *Newberg Southeast Transportation Plan* area

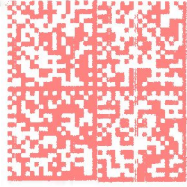
# EXHIBIT "A"







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



049J82047976  
\$00.420  
08/20/2008  
Mailed From 97132  
US POSTAGE

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

Attn: Plan Amendment Specialist

97301-2540

