



Oregon

Theodore R. Kubongoski, 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

07/22/2014

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 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, August 08, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

*NOTE: The Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Steve Olson, City of Newberg
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE 001-14
(20388)
File No.: [17945]
Received: 7/18/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Newberg

Local file no.: **ANX-14-001**

Date of adoption: 7/7/14

Date sent: 7/18/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5/31/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

The adopted annexations only include two properties. The original proposal included five potential annexation areas, but three were dropped from the proposal during the review process.

Local contact (name and title): Steve Olson

Phone: 503-537-1215

E-mail: steve.olson@newbergoregon.gov

Street address: 414 E. First Street

City: Newberg

Zip: 97132-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from VLDR-1	to R-1	Acres: 0.5
Change from LI	to M-3	Acres: 3.3
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: SC (STREAM CORRIDOR) Acres added: .3 Acres removed:

Location of affected property (T, R, Sec., TL and address): 1. 2525 Allison Lane, part of 3209-5800; 2. 2716 Wynooski Rd, *on M-3 property* 3229-300

List affected state or federal agencies, local governments and special districts: Chehalem Park and Recreation District, Newberg School District, Newberg Rural Fire Protection District, Yamhill County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinances 2014-2774 and 2014-2775



ORDINANCE No. 2014-2774

AN ORDINANCE FINDING A 0.5 ACRE PROPERTY LOCATED AT 2525 ALLISON LANE, PART OF TAX LOT 3209-5800, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY AND TO CHANGE THE ZONING DESIGNATION FROM YAMHILL COUNTY VLDR-1 TO CITY R-1, AND DECLARING THAT THIS PROPERTY 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 RECORDER 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 THE ANNEXATION OF THIS PROPERTY

RECITALS:

1. On March 17, 2014 the Newberg city council initiated a legislative island annexation proposal for this 0.5 acre property located at 2525 Allison Lane, part of tax lot 3209-5800, through resolution 2014-3118. The annexation would include a concurrent zone change from yamhill county VLDR-1 (very low density residential) to city R-1 (low density residential).
2. The property has a comprehensive plan designation of LDR (low density residential), which matches the proposed R-1 zone. The site is currently vacant, and part of the landscaped front yard at the Allison Inn & Spa.
3. After proper notice, the Newberg city council held a hearing on July 7, 2014 to consider the annexation and concurrent zone change. After the staff report and public testimony, the city council finds that the proposal has met the required criteria for an island annexation.
4. The City of Newberg charter requires that territory may be annexed into the city only upon approval by a majority vote among the electorate of the city. This matter may be placed before the voters at the November 4, 2014 general election.

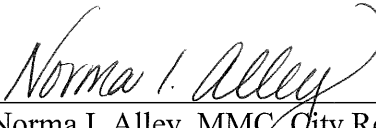
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The City Council finds that the annexation and concurrent zone change meets the Newberg Development Code criteria for an island annexation and adopts the findings in Exhibit D, which is hereby attached and by this reference adopted.
2. 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 November 4, 2014 general election. Exhibits A and B are hereby attached and by this reference adopted.

3. The City Recorder 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 Recorder 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 Recorder and the City Recorder is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Recorder 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 properties 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 zoning of the property shown in Exhibit A and described in Exhibit B is changed to R-1 (Low Density Residential). This zoning designation corresponds with the Comprehensive Plan designation of LDR as shown in Exhibit C, which is hereby attached and by this reference adopted.
 - B. The City of Newberg land use inventory data will be updated to reflect the new additions.
 - C. The Newberg City Recorder 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.

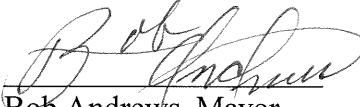
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 7, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of July, 2014, by the following votes: **AYE: 7** **NAY: 0** **ABSENT: 0** **ABSTAIN: 0**



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 10th day of July, 2014.



Bob Andrews, Mayor

**EXHIBIT B TO ORDINANCE NO. 2014-2774
LEGAL DESCRIPTION**

MAGNESS LAND SURVEYING

PO BOX 1239
WILLAMINA, OREGON, 97396
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET

Date: 17 JUNE 2014

**CITY OF NEWBERG– Legal description of land to be annexed by the
City of Newberg as contained in Ordinance No. _____
(Known as Tax Lot 3209-5800)**

A tract of land located in the Southwest ¼ of Section 9, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, being all of that tract of land described by deed to SPRINGBROOK PROPERTIES INC. and recorded in Instrument No. 2007-02619, Yamhill County Deed Records, and a 20 foot wide strip of Springbrook Road, being more particularly described as follows:

BEGINNING at an iron rod at the Southeast corner of said SPRINGBROOK PROPERTIES INC. tract, said point being on the north margin of Springbrook Road (20 feet from centerline) and said point bears North 38°10'39" West 2591.01 feet from an iron pipe and brass cap marking the Southeast corner of the Solomon Heater Donation Land Claim No 48; thence North 01°43'23" East 167.62 feet along the east line of said SRPINGBROOK PROPERTIES INC tract to an iron rod at the Northeast corner of SPRINGBROOK PROPERTIES INC, said point also being a point on the center line of vacated Cherry Street; thence North 88°22'14" West 82.56 feet along the centerline of vacated Cherry Street to an iron rod at the Northwest corner of said SPRINGBROOK PROPERTIES INC tract; thence South 01°38'33" West 220.28 feet along the west line of said SPRINGBROOK PROPERTIES INC tract to an iron rod at the Southwest corner of said SPRINGBROOK PROPERTIES INC tract, said point being on the north margin of Springbrook Road (20 feet from centerline); thence South 01°38'33" West 23.74 feet to the center line of Springbrook Road; thence North 59°02'24" East 97.68 feet along the south line of Springbrook Road to a point that bears South 1°43'23" West 23.79 from the Southeast corner of said SPRINGBROOK PROPERTES INC tract; thence North 01°43'23" East 23.79 feet to the POINT OF BEGINNING.

**EXHIBIT C TO ORDINANCE NO. 2014-2774
COMPREHENSIVE PLAN MAP**

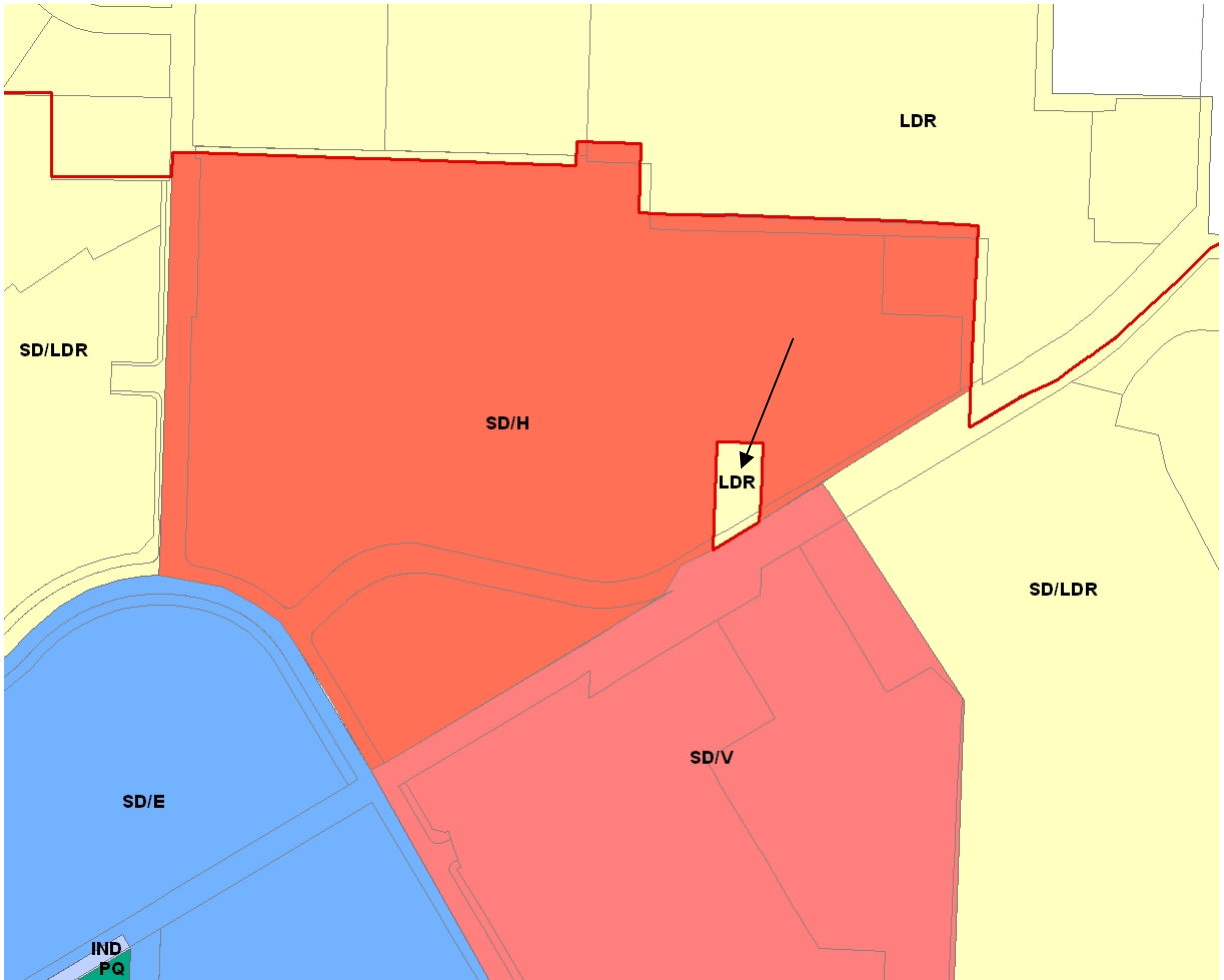


EXHIBIT D TO ORDINANCE NO. 2014-2774

FINDINGS

1. 15.250.020 Conditions for annexation.

The following conditions must be met prior to or concurrent with city processing of any annexation request:

A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.

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

Finding: The site, located at 2525 Allison Lane, is located within the Newberg urban growth boundary and is contiguous to the existing city limits on all sides.

2. 15.250.055 Legislative annexations.

A. Purpose. Legislative annexations are those annexations that are initiated by the City of Newberg. Legislative annexations include health hazard annexations, island annexations, batch annexations, and other annexations initiated by the city council.

B. Process. Legislative annexations shall be processed as a Type IV legislative action, except as noted. The annexation request shall be reviewed directly by the city council. A planning commission hearing shall be required only if a comprehensive plan amendment is involved or city council refers the matter to the planning commission for a recommendation.

C. Notice. The director shall provide notice of hearings:

1. To the owner of the site proposed for annexation.

2. To owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

3. To the Department of Land Conservation and Development per NMC 15.100.250.

4. Within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the action per NMC 15.100.270.

D. Approval. In approving any legislative annexation, the city council shall follow the applicable procedures of state law and the Newberg Charter. If the city council approves the annexation, where required by state law or city Charter the annexation shall be referred to an election at a date determined by the city council. If the annexation election is not approved, the city council, at its discretion, may refer the proposal to a future election with any modifications it determines are appropriate. If an election is not required by state law or city Charter, the city council shall by ordinance declare that the territory is annexed to the city. [Ord. 2745 § 1 (Exh. A), 7-18-11.]

Finding: The proposed island annexation was initiated by the City of Newberg and is a legislative annexation that was reviewed directly by the City Council. Notice was provided before the Council hearing per code section 15.250.055(C). If the annexation is approved by the Council then it shall be referred to the November 4, 2014 general election, as determined by the Council.

The property has a comprehensive plan designation of LDR. The proposed R-1 zoning corresponds with the LDR (low density residential) comprehensive plan designation.

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: The site is already fully developed as part of the landscaped front yard at the Allison Inn & Spa. No further development is anticipated, so the annexation should generate no additional trips and have no impact on existing or planned transportation facilities.

3. 15.250.070 Island annexation.

The following policies are adopted for island annexations:

A. The city shall attempt to not create islands of unincorporated territory within the corporate limits of the city. If such an island is created, the city council may set a time for a public hearing for the purpose of determining if the annexation should be submitted to the voters. The hearing shall be conducted in accordance with the policies and procedures contained in this code.

B. Written notice to property owners will be made prior to annexation to allow for property owner responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the city.

C. The island annexation shall follow the procedures required under ORS 222.750.

D. Annexation of an island shall be by ordinance, subject to approval by the voting majority. The city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the city council finds that a majority of the votes cast in the city and the territory combined favor annexation, the city council, by ordinance,

shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed.

Finding: The property is an island annexation and was considered for annexation at a public hearing. Written notice was sent to property owners regarding a public meeting for property owners on June 3, 2014 and the City Council hearing on July 7, 2014. The island annexation will follow the procedures required under ORS 222.750. If the potential annexation is sent to the ballot then the electors in the territory proposed to be annexed shall be allowed to vote and have their votes combined with city voters.

E. For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved.

Finding: The property is zoned for residential use in the county but is not in residential use. The effective date of annexation would be upon the conclusion of the election process. The Allison site is unusual since it is just a landscaped area, and does not need to connect to city water and sewer. The remainder of the Allison hotel site is within the city and already connected to city water and sewer.

4. 15.250.090 Coordination.

Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be incorporated into the city records. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.268.]

Finding: The annexation application was coordinated with affected public and private agencies.

5. Oregon Statute on Island Annexations

222.750 Annexation of unincorporated territory surrounded by city. (1) As used in this section:

(a) "Creek" means a natural course of water that is smaller than, and often tributary to, a river, but is not shallow or intermittent.

(b) "River" means a large, continuous and natural stream of water that is fed along its course by converging tributaries and empties into an ocean, lake or other body of water.

(2) When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

(3) This section does not apply when the territory not within a city:

(a) Is surrounded entirely by water; or

(b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory.

(4) Unless otherwise required by its charter, annexation by a city under this section must be by ordinance or resolution subject to referendum, with or without the consent of any owner of real property within the territory or resident in the territory.

(5) For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder or other officer performing the duties of the city recorder shall:

(a) Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; and

(b) Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

(6) Notwithstanding subsection (5) of this section, property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

(7) This section does not limit provisions of a city charter, ordinance or resolution that are more restrictive than the provisions of this section for creating or annexing territory that is surrounded as described in subsection (2) of this section.

(8) If a city charter, ordinance or resolution requires the city to conduct an election in the city, the city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the governing body of the city finds that a majority of the votes cast in the city and the territory combined favor annexation, the governing body, by ordinance or resolution, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed. [Amended by 1963 c.444 §1; 1985 c.702 §16; 2007 c.654 §1; 2007 c.706 §1]

Finding: The property is an island of unincorporated land surrounded by the city. The city notified the property owner and held a public hearing to consider the annexation of the property. If the annexation is approved by the City Council then it will be sent to the ballot for a vote.

Conclusion: Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code for annexation.



ORDINANCE No. 2014-2775

AN ORDINANCE FINDING A 3.3 ACRE PROPERTY LOCATED AT 2716 WYNOOSKI ROAD, TAX LOT 3229-300, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY AND TO CHANGE THE ZONING DESIGNATION FROM YAMHILL COUNTY LI TO CITY M-3, AND DECLARING THAT THIS PROPERTY 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 RECORDER 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 THE ANNEXATION OF THIS PROPERTY

RECITALS:

1. On March 17, 2014 the Newberg city council initiated a legislative annexation proposal for this 3.3 acre property located at 2716 Wynooski Road, tax lot 3229-300, through resolution 2014-3118. The annexation would include a concurrent zone change from yamhill county LI (light industrial) to city M-3 (heavy industrial) with a stream corridor overlay zone on the southwest corner.
2. The property has a comprehensive plan designation of IND (industrial), which matches the proposed M-3 zoning. The site currently contains a single family home.
3. After proper notice, the Newberg city council held a hearing on July 7, 2014 to consider the annexation and concurrent zone change. After the staff report and public testimony, the city council finds that the proposal has met the required criteria for annexation.
4. The City of Newberg charter requires that territory may be annexed into the city only upon approval by a majority vote among the electorate of the city. This matter may be placed before the voters at the November 4, 2014 general election.

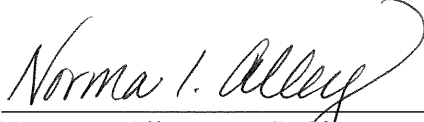
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

5. The City Council finds that the annexation and concurrent zone change meets the Newberg Development Code criteria for a legislative annexation and adopts the findings, which is attached hereto as Exhibit D and by this reference adopted.
6. 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 November 4, 2014 general election. Exhibits A and B are hereby attached and by this reference adopted.

7. The City Recorder 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 Recorder 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.
8. 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 Recorder and the City Recorder is further directed to certify this explanatory statement to the Yamhill County Clerk.
9. The City Recorder is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
10. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the properties 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 zoning of the property shown in Exhibit A and described in Exhibit B is changed to M-3 (heavy industrial) with a stream corridor overlay zone on the southwest corner. This zoning designation corresponds with the Comprehensive Plan designation of IND as shown in Exhibit C, which by this reference is hereby adopted.
 - B. The City of Newberg land use inventory data will be updated to reflect the new additions.
 - C. The Newberg City Recorder 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.

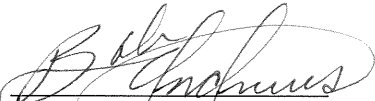
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 7, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of July, 2014, by the following votes: **AYE: 7 NAY: 0 ABSENT: 0 ABSTAIN: 0**



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 10th day of July, 2014.



Bob Andrews, Mayor

**EXHIBIT A TO ORDINANCE NO. 2014-2775
ANNEXATION MAP**

Annexation Map

For: City of Newberg

Location: THE NORTHEAST 1/4 OF SECTION 29 AND
THE NORTHWEST 1/4 OF SECTION 28 OF
TOWNSHIP 3 SOUTH, RANGE 2 WEST,
WILLAMETTE MERIDIAN, PART OF THE SAMUEL
D. SNOWDEN DONATION LAND CLAIM NO. 68,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON.

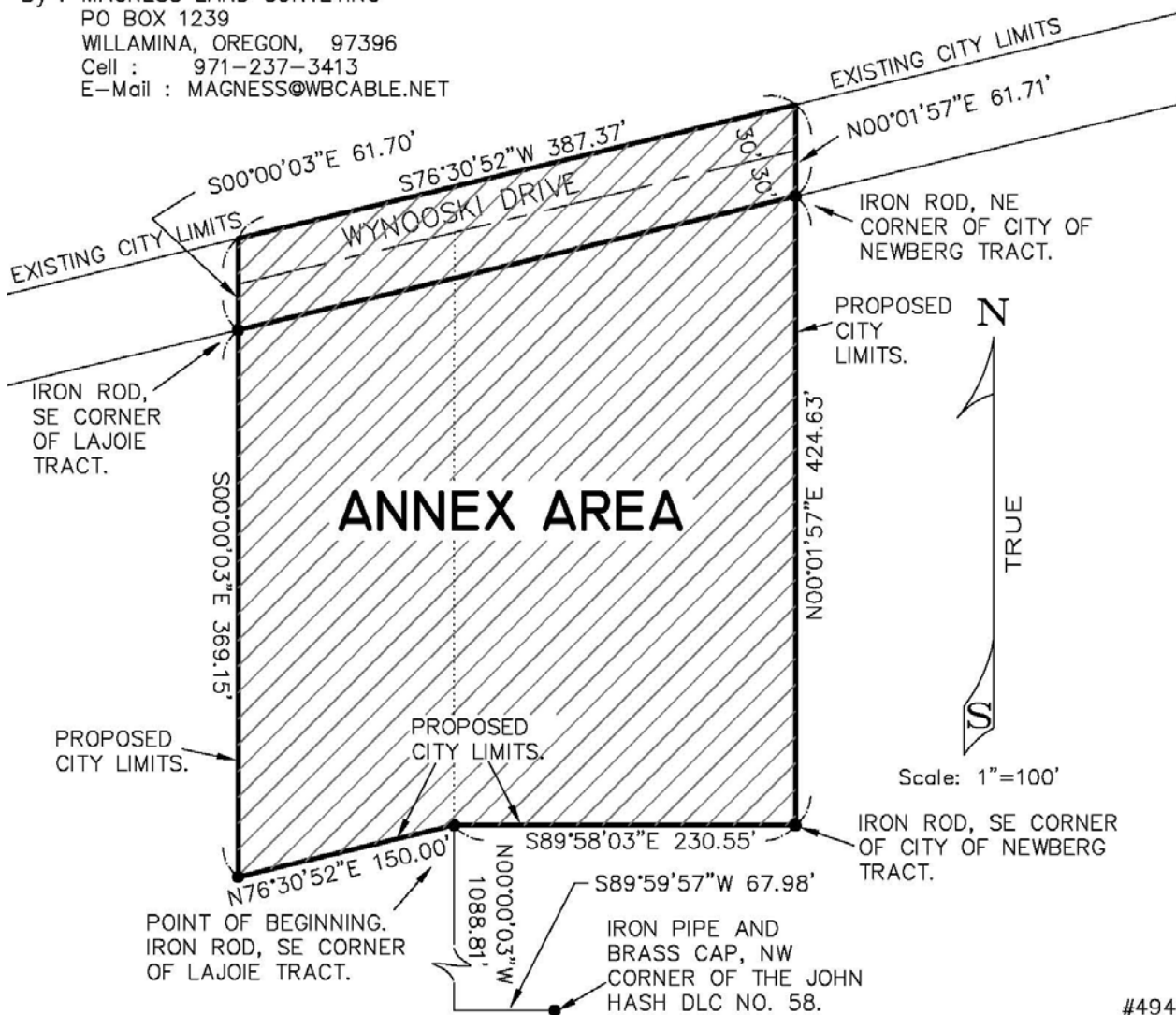
Tax Lot: 3229-300

Scale: 1"=100'

Date: 17 JUNE 2014

NOTE: DIMENSIONS BASED UPON CS-12657.

By : MAGNESS LAND SURVEYING
PO BOX 1239
WILLAMINA, OREGON, 97396
Cell : 971-237-3413
E-Mail : MAGNESS@WBCABLE.NET



#494

**EXHIBIT B TO ORDINANCE NO. 2014-2775
LEGAL DESCRIPTION**

MAGNESS LAND SURVEYING

PO BOX 1239
WILLAMINA, OREGON, 97396
CELL: 971-237-3413
EMAIL: MAGNESS@WBCABLE.NET

Date: 17 JUNE 2014

**CITY OF NEWBERG– Legal description of land to be annexed by the
City of Newberg as contained in Ordinance No. _____
(Known as Tax Lot 3229-300)**

A tract of land located in the Northeast ¼ of Section 29 and the Northwest ¼ of Section 28, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon, being all of tract of land described by deed to the CITY OF NEWBERG and recorded in instrument No. 2013-02493, Yamhill County Deed Records and a 60 foot wide strip of Wynooski Drive, being more particularly described as follows:

BEGINNING at an iron rod at the Southeast corner of that tract of land described by deed to MERLIN A. LAJOIE & SANDRA K. LAJOIE and recorded in Instrument No 1999-11073, said point bear South 89°59'57" West 67.98 feet and North 0°00'03" West 1088.81 feet from an iron pipe and brass cap marking the NW Corner of the John Hash Donation Land Claim No. 58; thence South 89°58'03" East 230.55 feet to an iron rod at the Southeast corner of said CITY OF NEWBERG tract; thence North 0°01'57" East 424.63 feet to an iron rod at the Northeast corner of said CITY OF NEWBERG tract; thence North 0°01'57" East 61.71 feet to a point on the north margin of Wynooski Drive and the existing city limits; thence South 76° 30'52" West 387.37 feet along the north margin of Wynooski Drive and existing city limits to a point that bears North 0°00'03" West 61.70 feet from the Northwest corner of said LAJOIE tract; thence South 0°00'03" East 61.70 feet to an iron rod the Northwest corner of said LAJOIE tract; thence South 0°00'03" East 369.15 feet to an iron rod at the southwest corner of said LAJOIE tract; thence North 76°30'52" East 150.00 feet to the POINT OF BEGINNING.

**EXHIBIT C TO ORDINANCE NO. 2014-2775
COMPREHENSIVE PLAN MAP**

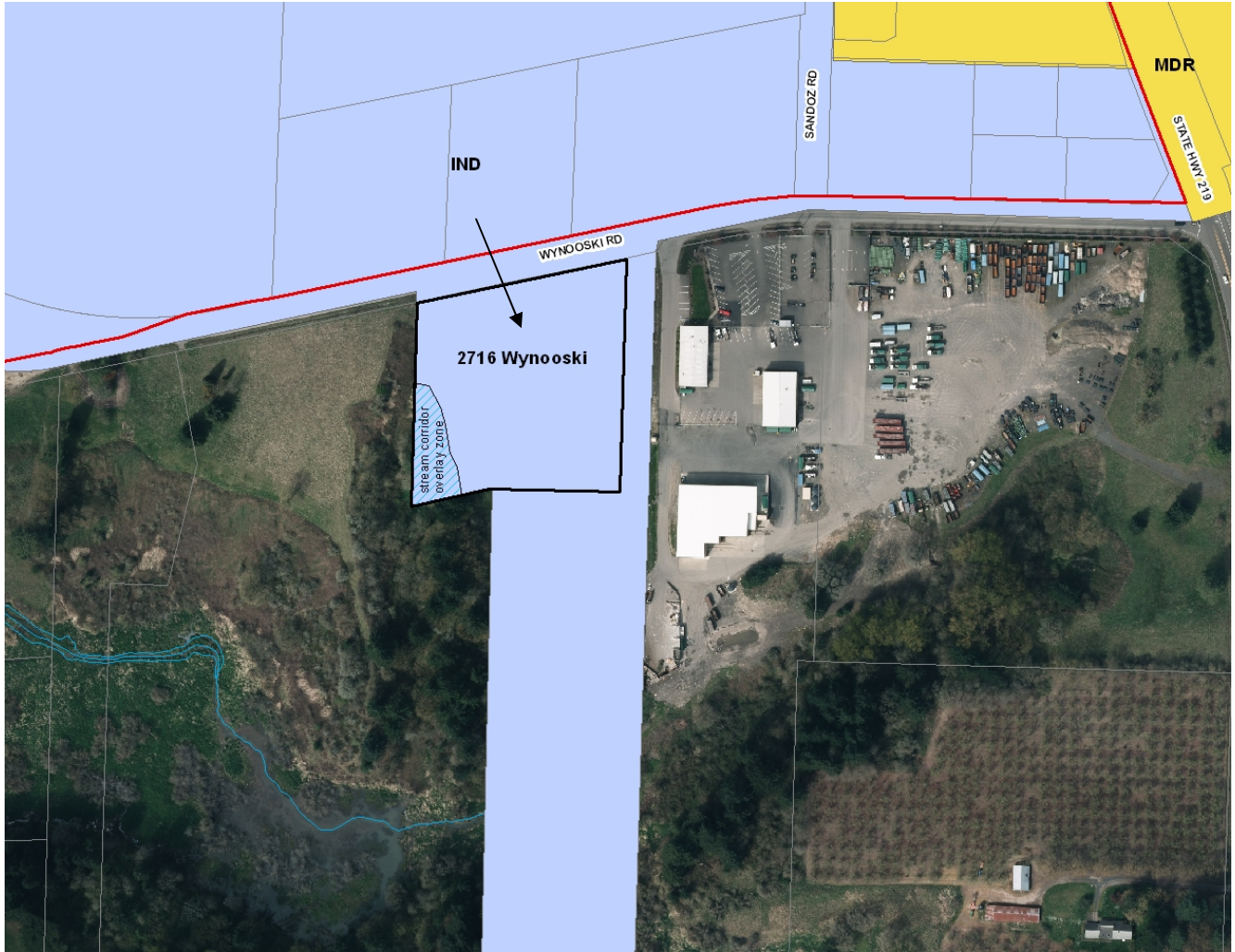


EXHIBIT D TO ORDINANCE NO. 2014-2775

FINDINGS

1. 15.250.020 Conditions for annexation.

The following conditions must be met prior to or concurrent with city processing of any annexation request:

A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.

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

Finding: The site, located at 2716 Wynooski Road, is located within the Newberg urban growth boundary and is contiguous to the existing city limits on its north side.

2. 15.250.055 Legislative annexations.

A. Purpose. Legislative annexations are those annexations that are initiated by the City of Newberg. Legislative annexations include health hazard annexations, island annexations, batch annexations, and other annexations initiated by the city council.

B. Process. Legislative annexations shall be processed as a Type IV legislative action, except as noted. The annexation request shall be reviewed directly by the city council. A planning commission hearing shall be required only if a comprehensive plan amendment is involved or city council refers the matter to the planning commission for a recommendation.

C. Notice. The director shall provide notice of hearings:

1. To the owner of the site proposed for annexation.

2. To owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

3. To the Department of Land Conservation and Development per NMC 15.100.250.

4. Within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the action per NMC 15.100.270.

D. Approval. In approving any legislative annexation, the city council shall follow the applicable procedures of state law and the Newberg Charter. If the city council approves the annexation, where required by state law or city Charter the annexation shall be referred to an election at a date determined by the city council. If the annexation election is not approved, the city council, at its discretion, may refer the proposal to a future election with any modifications it determines are appropriate. If an election is not required by state law or city Charter, the city council shall by ordinance declare that the territory is annexed to the city. [Ord. 2745 § 1 (Exh. A), 7-18-11.]

Finding: The proposed annexation was initiated by the City of Newberg and is a legislative annexation that was reviewed directly by the City Council. Notice was provided before the Council hearing per code section 15.250.055(C). If the annexation is approved by the Council then it shall be referred to the November 4, 2014 general election, as determined by the Council.

The property has a comprehensive plan designation of IND (industrial), with a small section of stream corridor overlay on the southwest corner. The proposed M-3 (heavy industrial) zoning with a small section of stream corridor overlay zone on the southwest corner corresponds with the comprehensive plan designation.

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: The site is fairly small (3.3 acres). If it is developed for heavy industrial use it is expected to generate approximately 7 trips during the PM peak hour, per the ITE Trip Generation Handbook. This level of development is not expected to have a significant impact on existing or planned transportation facilities.

E. For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved.

Finding: The property is not zoned for residential use, so if the annexation is approved then it would be effective at the conclusion of the election process.

3. 15.250.090 Coordination.

Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be

incorporated into the city records. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.268.]

Finding: The annexation application was coordinated with affected public and private agencies.

Conclusion: Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code for annexation.