

Council accepts comments on agenda items during the meeting. Please fill out a form identifying the item(s) you wish to speak on prior to the meeting starting, if possible, or prior to the agenda item beginning and turn it into the City Recorder. (The exception is formal land use hearings, which requires a specific public hearing process.)

**CITY OF NEWBERG
CITY COUNCIL AGENDA
OCTOBER 19, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

I. CALL MEETING TO ORDER*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CITY MANAGER'S REPORT

V. PUBLIC COMMENTS

(30 minutes maximum which may be extended at the Mayor's discretion; an opportunity to speak for no more than 5 minutes per speaker allowed)

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2009-2864** supporting the implementation of the County's End Homelessness Now Plan. (Pgs. 3-4)
2. Consider a motion approving a **proclamation honoring the retirement of Captain/Mechanic Rodney G. Meade**. (Pgs. 5-6)
3. Consider a motion **appointing members to the Affordable Housing Action Committee**. (Pgs. 7-8_
4. Consider a motion approving **City Council Minutes** for September 21, 2009. (Pgs. 9-13)

VII. NEW BUSINESS

Consider a motion approving **Order No. 2009-0024** requesting property located at 2716 Wynooski Road be included in Newberg's Urban Growth Boundary and changing the Comprehensive Plan designation. (Pgs. 15-101)

VIII. COUNCIL BUSINESS

IX. ADJOURNMENT

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

INDEX OF ORDERS, ORDINANCES AND RESOLUTIONS:

ORDERS:

Order No. 2009-0024 including a 1.24 acre parcel located at 2716 Wynooski Road into the Urban Growth Boundary and changing its Comprehensive Plan designation from Yamhill County Very Low Density Residential to Newberg Industrial with a Stream Corridor Overlay, Tax Lot 3229-00300.

ORDINANCES:

None

RESOLUTIONS:

Resolution No. 2009-2864 supporting the implementation of Yamhill County's 10 year plan to End Homelessness Now.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Norma Alley, City Recorder, at (503) 537-1283.

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 19, 2009

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2009-2864

SUBJECT: Support the implementation of Yamhill County's 10 year plan to end homelessness now.

Contact Person (Preparer) for this Resolution: Daniel Danicic, City Manager

Dept.: Administration
File No.: N/A

RECOMMENDATION:

Adopt **Resolution No. 2009-2864** supporting the implementation of Yamhill County's 10 year plan to end homelessness now.

EXECUTIVE SUMMARY:

On August 3, 2009, County Commission Kathy George gave a presentation before the Council on the Yamhill County's plan to end homelessness. She has requested the support of the City Council, by passing a formal resolution, to implement the County's 10 year plan.

Currently, the City has Councilor Marc Shelton serving on a countywide committee addressing issues such as homelessness. It has been stated that the Council would continue to provide a Councilor to serve on this committee.

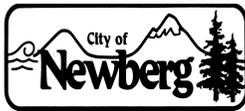
The resolution before the Council formally supports both actions.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

Supporting the cause to end homelessness goes with the City Council's goal to be an active participant in countywide programs that support and make Newberg a stronger community.



RESOLUTION No. 2009-2864

A RESOLUTION SUPPORTING THE IMPLEMENTATION OF YAMHILL COUNTY'S 10 YEAR PLAN TO END HOMELESSNESS NOW

RECITALS:

1. Safe and decent shelter is one of the most basic of all human needs and the lack of adequate and affordable housing is being felt by individuals of all ages and income levels.
2. Inadequate housing and homelessness make it more difficult for children to learn, adults to be productive, and people of all ages to stay healthy; and represents an economic burden on the community, especially the public safety and public health systems.
3. Many non-profit groups, individuals, and government agencies in Yamhill County are working valiantly to address shelter needs. Findings show the local resources to deal with the problem fall far short of the need, with housing and shelter programs of all types reporting long waiting lists.
4. The federal government has adopted a 10 year goal to end homelessness and has asked local jurisdictions to join in this effort.
5. The abolition of homelessness, especially chronic homelessness and offering transitional housing, requires collaboration and coordination of resources at all levels of government, together with community institutions, non-profit organizations, businesses, faith-based organizations, and interested individuals to best accomplish this goal.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City of Newberg supports implementation of the Yamhill County 10 Year Plan to End Homelessness Now.
2. The City of Newberg will strive to achieve its goals through working with other government partners at all levels, community institutions, non-profit organizations, businesses, faith-based organizations, and interested individuals in Newberg and Yamhill County.
3. The City of Newberg will continue to provide a Councilor to serve on the County Ending Homelessness Steering Committee.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: October 20, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 19th day of October, 2009.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 22nd day of October, 2009.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 19, 2009

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve a proclamation recognizing
Captain/Mechanic Rodney G. Meade.

Contact Person (Preparer) for this
Motion: Newberg Fire Department

Dept.: Fire

RECOMMENDATION:

Approve a proclamation recognizing Captain/Mechanic Rod Meade.

EXECUTIVE SUMMARY:

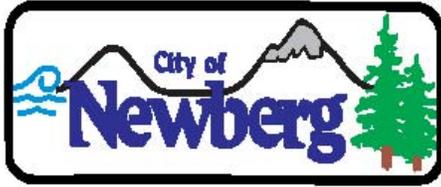
Approve a proclamation recognizing Captain/Mechanic Rodney G. Meade for his 29 years of dedicated service to the citizens of Newberg, and the fire service.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.



PROCLAMATION

THIS IS A PROCLAMATION RECOGNIZING RODNEY G. MEADE FOR HIS TWENTY-NINE (29) YEARS OF SERVICE AS A VOLUNTEER AND FULL TIME EMPLOYEE OF THE CITY OF NEWBERG

WHEREAS, Rod Meade has been a long time resident of Newberg and has called this his home. Rod attended Newberg High School. He began working in the construction industry immediately following high school, culminating that work as a General Contractor; and

WHEREAS, Rod Meade started his fire career with Newberg Volunteer Fire Department as a volunteer firefighter on November 18, 1980; and

WHEREAS, Rod Meade was hired as a career firefighter with the City of Newberg Fire Department on September 20, 1984; and

WHEREAS, Rod Meade has worked for six (6) Fire Chiefs during his tenure with the City. He has served in numerous capacities while in the department including firefighter, and Lieutenant, Mechanic, and retiring as a Captain/Mechanic; and

WHEREAS, Rod Meade along with being very active in the department, also served as President of the Oregon Fire Apparatus & Equipment Mechanics Association, and served on its Board of Directors; and

WHEREAS, Rod Meade due to his excellent carpentry skills, and knowledge of construction, served as the lead person on the addition to the downtown fire station giving it two additional apparatus bays, the large meeting room, and the remodel of the department's kitchen in 1985-1986. He was instrumental in the 1999 construction of Springbrook Fire Station 21, and the seismic remodel of Station 20; and

WHEREAS, Rod Meade due to his exceptional mechanical skills and knowledge played a key role in developing specifications, and maintaining all of the department's apparatus over his 29 year career. His largest involvements were in 1998 with the purchase of two new fire engines and one ladder truck. Again in 2008-09, Rod was the driving force behind the rebuilding of pumps on two fire engines, and coordinating major repairs to the ladder truck saving our community thousands of dollars; and

NOW, THEREFORE, IT IS PROCLAIMED by Mayor Bob Andrews of the City of Newberg, Oregon, that the citizens of Newberg express their warmest appreciation and gratitude to ***Rod Meade*** for his 29 years of dedication to the City as a Volunteer and Full Time employee of the City of Newberg.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 19th day of October, 2009.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 19, 2009

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Appoint Councilor Denise Bacon, Planning Commissioner Cathy Stuhr, Dennis Russell, Charlie Harris, Rick Rogers, Mike Gougler, Mike Willcuts, Stewart Brown, Ken Austin, and Doug Bartlett to the City of Newberg Affordable Housing Action Ad Hoc Committee.

Contact Person (Preparer) for this Motion: **Bob Andrews, Mayor**

Dept.: **Administration**

RECOMMENDATION:

To consent to the appointment, by the Mayor, of Councilor Denise Bacon, Planning Commissioner Cathy Stuhr, Dennis Russell, Charlie Harris, Rick Rogers, Mike Gougler, Mike Willcuts, Stewart Brown, Ken Austin, and Doug Bartlett for the positions on the Affordable Housing Action Ad Hoc Committee.

EXECUTIVE SUMMARY:

On July 20, 2009, the City Council approved Resolution No. 2009-2857 establishing the Affordable Housing Action Ad Hoc Committee and to move to phase two of the City's comprehensive approach to affordable housing. This motion appoints the members to this committee.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

The Affordable Housing Action Ad Hoc Committee serves a very important role in the betterment of our community.

Original applications are retained in the City
Recorder's Office.

Please call (503) 537-1283 to request a copy.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 19, 2009

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the September 21, 2009, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder

Dept.: Administration

File No.:
(if applicable)

RECOMMENDATION:

Approve the September 21, 2009, City Council minutes for preservation and permanent retention in the City's official records.

EXECUTIVE SUMMARY:

On September 21, 2009, the City of Newberg City Council held a public meeting. At that meeting, minutes were recorded in text.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
SEPTEMBER 21, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Executive Session was held during Work Session. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:01 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Larry Fain, Senior Engineer
	Howard Hamilton, Public Works Director	Norma Alley, City Recorder
	Janelle Nordyke, Finance Director	Jennifer Nelson, Recording Secretary

Others

Present: Darlyn Adams and Lynn Iaquina

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reminded the Council of the Elected Official Focus Group on September 28, 2009, to review the Chehalem Valley Strategic Plan. He thanked the public works department for their efforts to make the Animal Shelter groundbreaking ceremony successful and discussed upcoming frontage improvements. He reminded everyone of the presentation this Wednesday from the River Bend Land Fill about methane gas collection from 5:00-7:00 PM and the League of Oregon Cities (LOC) conference on Thursday, October 1st through Saturday, October 3rd.

V. PUBLIC COMMENTS

Ms. Darlyn Adams, Newberg Animal Shelter Friends, thanked all those that attended the groundbreaking ceremony on Saturday and spoke briefly on its success. She spoke of the Casino Night fundraiser on Saturday, September 26, 2009 (see official meeting packet for full report).

VI. CONSENT CALENDAR

None.

VII. PUBLIC HEARING

Consider a motion approving **Resolution No. 2009-2870** adopting the findings for exemption from Local Contract Review Board rules for the repairs and improvements to the Wastewater Treatment Plant.

TIME – 7:12 PM

Mayor Andrews asked for any conflict of interests or abstentions. None appeared.

Mr. Larry Fain, Senior Engineer, presented the staff report assisted by Ms. Lynn Iaquina, Professional Associate with HDR Engineering, Inc. (see official meeting packet for full report).

Councilor Wade Witherspoon asked if the proposals and cost factors will come to City Council. Staff indicated they would because none of them are under \$50,000.00.

Councilor Marc Shelton asked staff to talk about the alternative delivery model being used to build this project.

Staff spoke of the basic methods recognized by the state and our City codes to design, bid, and then build and the exemption alternative to give one firm both the design and construction responsibilities based on a concept. The Construction Manager/General Contractor (CM/GC) process blends these methods bringing in a team including the firm, city staff, managers, operators, and mechanics to be a part of the design process; then the work is negotiated and smaller elements subcontracted to stay within a Guaranteed Maximum Price (GMP). Because everyone is involved in the design process it serves the complexity of the project best and eliminates the need for change orders since contingencies can be established up front in anticipation of possible increased costs; this helps mitigate the risks to the owner and uses the funds efficiently.

Mayor Andrews opened public testimony; no citizens appeared to give testimony. Staff recommended approval. The public hearing was closed.

MOTION: Larson/Rierson to approve **Resolution No. 2009-2870** adopting the findings for exemption from Local Contract Review Board rules for the repairs and improvements to the Wastewater Treatment Plant. (7 Yes/0 No) Motion carried.

VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2009-2866** appropriating current year debt payments to US National Bank for the Baker Rock Property purchase.

TIME – 7:37 PM

Ms. Janelle Nordyke, Finance Director, presented the staff report (see official meeting packet for full report).

Mayor Andrews asked if pre-payment was allowed. Staff stated this was not an option.

MOTION: Larson/Shelton to approve **Resolution No. 2009-2866** appropriating current year debt payments to US National Bank for the Baker Rock Property purchase. (7 Yes/0 No) Motion carried.

2. Consider a motion approving **Resolution No. 2009-2869** approving a fee refund to St. Peter Catholic Church for property located at 2315 North Main Street.

TIME – 7:42 PM

Mr. Barton Brierley, Planning and Building Director, presented the staff report (see official meeting packet for full report).

Councilor Larson asked staff if he recalled waiving fees for any other non-profit organizations. Staff only recalled once for the school district to build a greenhouse and another time when \$50.00 was waived for an eagle scout to build a bus shelter.

Councilor Witherspoon asked what the primary reason for the request was. Staff cited the letter received arguing this was an interim step and they felt they could put the money to better use for the community.

Councilor Shelton wondered if there was avenue other than Council to review these types of requests, noting that many other non-profit entities also do excellent work and go above and beyond for the community; however, there is no mechanism to determine doing this for one and not another. He asked if staff calculated the actual time spent. Staff replied they calculate the average cost for this type of project and set that as the minimum fee and added it would not be appropriate to be reviewed by any other body, such as the Planning Commission, because it is a financial issue. Any fee waivers are granted by the City Council, but a different process can be set for future applications. Councilor Shelton stated he preferred the flat rate.

Mayor Andrews said he was not supportive of total waiver of the fee and would like to hear discussion of partial waiver not to exceed actual costs.

Councilor Larson stated he was not in favor of waiving any fees.

Councilor Stephen McKinney spoke of the difference of the fee paid and the actual costs being \$133.00 above. He does not want the City to be in the position to reconfigure the fees each time a waiver is requested. He said he was in favor of whatever the Type I percentage is because everyone needs to be good stewards for the community.

MOTION: Shelton/McKinney to approve **Resolution No. 2009-2869** approving a partial fee refund of \$133 to St. Peter Catholic Church for property located at 2315 North Main Street. (4 Yes/3 No [Andrews, Larson, Witherspoon]) Motion carried.

Councilor Bart Rierson added if it starts becoming a problem to revisit every application asking for a reduction in fees then the methodology should be reviewed.

IX. COUNCIL BUSINESS

TIME – 7:57 PM

Mr. Terrence Mahr, City Attorney, discussed the controversy over the billboard in town and the non-conforming sign code and the desire of the owners to negotiate a compromise for the billboard to stay.

Councilor McKinney expressed concerns for the desires to avoid having billboard signs all over in Newberg. He has empathy for the income received by the business owner, but also feels Newberg needs to be aggressive towards preventing this kind of signage in Newberg.

Councilor Shelton stated he had a hard time with legal threats being made and noted appropriate notice was given to the business owner in 1999, with an additional year reminder to get it changed. He also felt they should have contacted the company responsible for the sign since that was not the City's responsibility. He said they had eleven years of notice to take care of the situation and if the City feels this is not the type of sign wanted in Newberg, then it should be pursued.

Councilor Rierson stated the sign is non-conforming and is not the desired vision for the City. He felt they were properly notified and have been fortunate to be receiving income for the last eleven years; but, it is appropriate to ask them to remove it now.

Councilor Witherspoon argued he did not feel the sign needed to come down as it has not been a problem for the last twenty-five years until now. He felt it was unreasonable to ask a citizen to give up their income for conformity and added there was some value in the antiquity of the sign. There will not be any others like it because the sign code is in place.

Mayor Andrews recessed the Regular Business Session at 8:13 PM and entered into Executive Session at 8:14 PM, which was continued from the Work Session. After Executive Session was closed, he re-opened the Regular Session.

MOTION: McKinney/Larson to approve pursuing a Request for Proposal (RFP) concerning a municipal judge and a plan of action to secure a match. (7 Yes/0 No) Motion carried.

X. ADJOURNMENT

The meeting adjourned at 9:10 PM.

ADOPTED by the Newberg City Council this 19th day of October, 2009.

Norma I. Alley, City Recorder

ATTEST by the Mayor this ____ day of October, 2009.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 19, 2009

Order XX Ordinance Resolution Motion Information
No. 2009-0024 No. No.

SUBJECT:
Request to include a 1.24 acre parcel within the Urban Growth Boundary and change the Comprehensive Plan designation from Yamhill County VLDR to Newberg IND

Contact Person (Preparer) for this Order: Jessica Nunley, AICP

Dept.: Planning & Building

File No.: UGB-09-002
(if applicable)

RECOMMENDATION:

Adopt **Order No. 2009-0024** including a 1.24 acre parcel located at 2716 Wynooski Road into the Newberg Urban Growth Boundary and changing its Comprehensive Plan designation from Yamhill County VLDR (Very Low Density Residential) to Newberg IND (Industrial) with a SC (Stream Corridor) overlay.

EXECUTIVE SUMMARY:

On August 10, 2009, Elizabeth Fettig submitted an application to include a 1.24 acre parcel in the Urban Growth Boundary and amend the Comprehensive Plan designation of the parcel from Yamhill County VLDR (Very Low Density Residential) to Newberg IND (Industrial). The property is located within the current Urban Reserve Area (adopted in 1995). At their September 30, 2009 meeting, the Newberg Urban Area Management Commission (NUAMC) passed Resolution 2009-21 recommending that the City Council approve the requested Urban Growth Boundary amendment and Comprehensive Plan amendment from VLDR to IND, with a SC (Stream Corridor) overlay.

According to the buildable lands table below, the city has an identified need for an additional 114 acres of buildable industrial land in the UGB. The subject property meets many of the industrial site suitability criteria, including having adequate street access, available public utility infrastructure, and adequate size and ownership characteristics when combined with the adjacent industrial property (under the same ownership). The subject property also meets the compatibility criteria, arguably one of the most important industrial site suitability criteria. This criterion is met as the property is located adjacent to other industrially zoned and developed properties and therefore development on the site would have a lesser impact than if it were adjacent to residentially zoned properties.

Buildable Land In Newberg UGB, City Limits
 Compared to Comprehensive Plan Projected Needs, as of June 30, 2009

Plan Designation	Buildable	Buildable	Est. Years Supply in UGB	Buildable Acres in City 6/30/2009	Est. Years Supply in City
	Acres Needed 2009-2029**	Acres in UGB* 6/30/2009			
LDR	664	599	18	419	13
MDR	155	115	15	83	11
HDR	105	45	9	31	6
COM	97	92	19	60	12
IND	158	44	6	21	3
P	105	13	2	13	2
I, PQ, or other Inst.	205	84	8	54	5
Total	1,489	992	13	681	9

*The Urban Growth Boundary (UGB) includes the city

**Estimated as need from 1/1/2009 to 1/1/2029

Source: Newberg Planning and Building Department

Data subject to change

FISCAL IMPACT: The inclusion of industrial land into the Urban Growth Boundary and eventually into the city limits is a net financial benefit for the city. Industrial land helps grow the tax base of the city and provides jobs for city residents; however, it does not tax city services the same way that residential or commercial uses do (i.e. industrial land generally uses less Police & Fire services, and does not increase need for schools or libraries). In addition, by adding industrial land to our jurisdiction we will be providing more jobs for the future, decreasing the amount of residents that must out-commute to jobs elsewhere in the region. This not only helps keep residents living, working and shopping in Newberg, but it also contributes to better environmental quality and less traffic congestion on the area roads.

STRATEGIC ASSESSMENT: The City has an identified need for industrial land and the subject property meets many of the industrial site suitability criteria, including the important compatibility criterion. The subject property is located near the wastewater and water treatment plants and is in a location that is feasible and reasonable to serve with city utility infrastructure. The subject property is adjacent to the existing city limits and UGB and is therefore a viable choice to add to the UGB for maximum efficiency of land. Adding the subject property to the UGB has the future potential to add jobs to Newberg in an appropriate area that would not negatively impact surrounding residential uses.

ATTACHMENTS:

Order 2009-0024 with:

Exhibit A: Legal Map & Legal Description

Exhibit B: Findings

1. NUAMC Resolution 2009-21 with:

Exhibit A: Legal Map & Legal Description (by reference)

Exhibit B: Findings (by reference)

2. Aerial Map

3. Newberg Comprehensive Plan Map

4. Yamhill County Comprehensive Plan Map

5. Stream Corridor Map

6. ORS 197.298

7. OAR 660-021-0060

8. OAR 660-024-0060

9. Suitable Industrial Land Map

10. Industrial Site Suitability Comparison

11. Industrial Site Comparison Map

12. Newberg Urban Area Growth Management Agreement

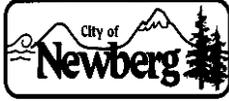
13. Wyooski Road LID Report

14. Soil Study Map

15. Application

16. Newberg Comprehensive Plan and Yamhill County Comprehensive Plan (by reference)

(Note: NUAMC hearing minutes were not available as of the date of this report – Draft minutes will be provided at the hearing)



ORDER No. 2009-0024

AN ORDER INCLUDING A 1.24 ACRE PARCEL LOCATED AT 2716 WYNOOSKI ROAD INTO THE URBAN GROWTH BOUNDARY AND CHANGING ITS COMPREHENSIVE PLAN DESIGNATION FROM YAMHILL COUNTY VLDR TO NEWBERG IND WITH A SC (STREAM CORRIDOR) OVERLAY, TAX LOT 3229-00300

RECITALS:

1. Elizabeth Fettig submitted an application for an Urban Growth Boundary amendment on August 10, 2009. The application was deemed complete on the same day. The application included two requests: 1) to include the 1.24 acre parcel in Newberg's Urban Growth Boundary, and 2) to amend the Comprehensive Plan designation of the parcel from Yamhill County VLDR (Very Low Density Residential) to Newberg IND (Industrial). The parcel is located at 2716 Wynooski Road, Tax Lot 3229-00300, and was included in the Newberg Urban Reserve Area in 1995.
2. The Newberg Urban Area Management Commission (NUAMC) held a hearing on September 30, 2009 to consider the request. NUAMC passed Resolution 2009-21 recommending that the City Council approve the requested Urban Growth Boundary amendment and Comprehensive Plan amendment.
3. After proper notice, the City Council held a hearing on October 19, 2009 to consider the request.
4. The City Council finds that the proposal meets the applicable City and County Comprehensive Plan and Development Code criteria and satisfies the applicable statewide planning rules and statutes.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The property shown and described in Exhibit A is hereby included within the Newberg Urban Growth Boundary and the Comprehensive Plan designation for said property is hereby amended from Yamhill County VLDR (Very Low Density Residential) to Newberg IND (Industrial) with a SC (Stream Corridor) Overlay.
2. The findings shown in Exhibit B are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: October 20, 2009.

ADOPTED by the City Council of the City of Newberg, Oregon, this 19th day of October, 2009.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 22nd day of October, 2009.

Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

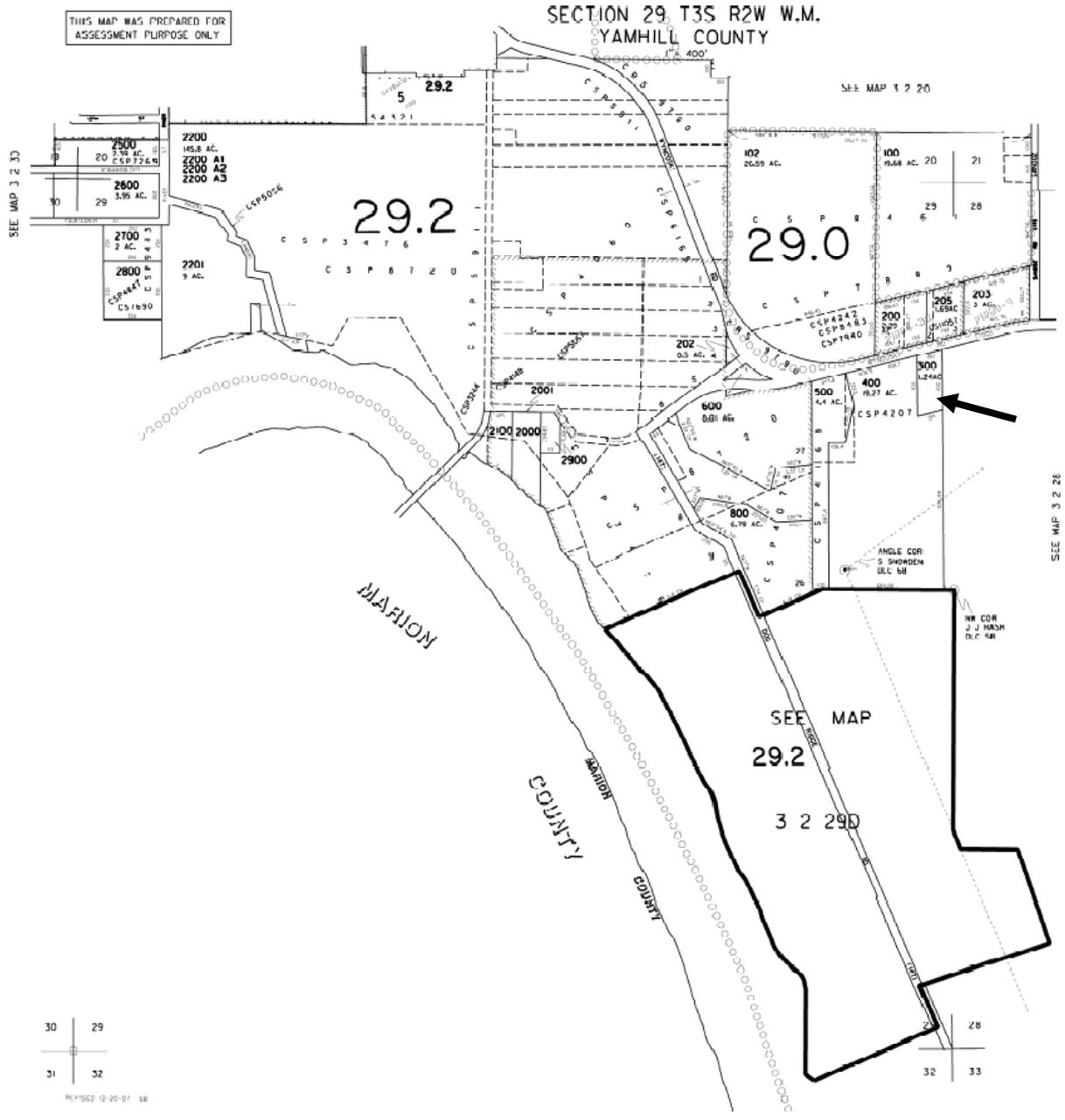
By and through NUAMC at their 09/30/2009 meeting. Or, ___ None.

(committee name)

(date)

(check if applicable)

EXHIBIT A: LEGAL MAP & LEGAL DESCRIPTION



LEGAL MAP AND LEGAL DESCRIPTION (CONTINUED)

Real property in the County of Yamhill, State of Oregon, described as follows:

Being a part of the Samuel D. Snowden Donation Land Claim, Notification No. 1476, Claim No. 68, in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; and beginning at the Northeast corner of a tract of land deeded by Etta B. Church to Emma B. Jacobsen and Gearhardt W. Jacobsen, on July 30, 1943, recorded in Book 122, Page 284 of the Deed Records of Yamhill County, Oregon, said point being 24.53 chains North and 1.03 chains West of the Quarter Section corner between Sections 29 and 28; thence South 400 feet; thence South 760 West 150 feet; thence North 400 feet to the center of County Road; thence North 760 East 150 feet along center of County Road to the place of beginning.

Tax Parcel Number: R3229-300

EXHIBIT B: URBAN GROWTH BOUNDARY AMENDMENT FINDINGS

**Request: Include a 1.24 acre parcel in the Newberg Urban Growth Boundary
File No. UGB-09-002**

I. ORS Standards:

ORS 197.298. ORS 197.298 establishes priorities for land to be included within an urban growth boundary. ORS 197.298 (1)(a) states: “In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities: (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.”

Finding: The subject property was included in Newberg’s Urban Reserve Area in 1995, through Newberg Ordinance 95-2370, and therefore is first priority for inclusion in the Urban Growth Boundary.

II. OAR Standards:

660-021-0060 Urban Growth Boundary Expansion. All lands within urban reserve areas established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve area.

Finding: The subject property was included in Newberg’s Urban Reserve Area in 1995, through Newberg Ordinance 95-2370, and therefore is first priority for inclusion in the Urban Growth Boundary.

660-024-0060 Boundary Location Alternatives Analysis. “(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

- (a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.
- (b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.
- (c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

- (d) Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).
 - (e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.
- (2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during periodic review or other legislative review of the UGB, a local government may approve an application under ORS 197.610 to 197.625 for a UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.
 - (5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.
 - (6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.”

Finding: Pursuant to subsection (2) above, this UGB amendment application was initiated by the landowner. According to the buildable lands table below, the city has a need for an additional 114 acres of buildable industrial land in the UGB. This UGB amendment application is limited to a 1.24 acre parcel and is therefore not enough land to satisfy the industrial land deficiency. However, the amendment proposal complies with all other applicable requirements and with subsection (2) above.

Buildable Land In Newberg UGB, City Limits

Compared to Comprehensive Plan Projected Needs, as of June 30, 2009

Plan Designation	Buildable Acres Needed 2009-2029**	Buildable Acres in UGB* 6/30/2009	Est. Years Supply in UGB	Buildable Acres in City 6/30/2009	Est. Years Supply in City
LDR	664	599	18	419	13
MDR	155	115	15	83	11
HDR	105	45	9	31	6
COM	97	92	19	60	12
IND	158	44	6	21	3
P	105	13	2	13	2
I, PQ, or other Inst.	205	84	8	54	5
Total	1,489	992	13	681	9

*The Urban Growth Boundary (UGB) includes the city

**Estimated as need from 1/1/2009 to 1/1/2029

Source: Newberg Planning and Building Department

Data subject to change

In accordance with subsection (5) above, the city does have specified characteristics necessary for suitable industrial land. The industrial site suitability characteristics are specified in the *Ad Hoc Committee on Newberg's Future Report to Newberg City Council* (Accepted by Newberg City Council in July 2005) and are as follows:

1. **Site Size:** Larger (20+ acre) sites serve two purposes: 1) they can meet the siting needs of larger employers; or 2) they can provide land for industrial and business parks that provide shovel ready lots for smaller firms.
2. **Topography:** Industrial sites need to be relatively flat, generally less than 5% slope, and not more than 10% slope.
3. **Land Ownership:** Generally, large industrial sites should have no more than 2 separately owned parcels that combine to meet buildable site needs.
4. **Level of Development:** Although undeveloped sites are preferred, developed sites may be more attractive to developers in a limited supply situation.
5. **Natural Features:** Unbuildable land is removed from the calculation. Land with protected natural features is not included in the buildable land calculations. Streams or wetlands that are located in the middle of a site could have the effect of dividing a large site, and reducing the area available for development.
6. **Street Access:** Industries are heavily dependent on surface transportation for efficient movement of goods, commodities, and workers. Poor access to I-5 is a key constraint for Newberg. Direct access to Highway 99 or the future bypass is an important factor for most industries.
7. **Shape:** Industrial users are attracted to sites that offer adequate flexibility in site circulation and building layout.
8. **Services:** Sanitary sewer and water service must be available or feasible.
9. **Compatibility:** Industrial areas have operational characteristics that do not blend well with residential land uses. Generally, as industrial use intensifies, so too does the importance of buffering to mitigate impacts of noise, outdoor lighting, odors, traffic, and 24-hour 7-day week operations. Therefore, industrial sites should not be located next to low- or medium-density residential areas.

Subsection (5) permits limiting the location analysis to these 9 industrial site suitability characteristics. To also satisfy subsection (1) above, we will review the locational analysis by beginning with the highest priority of land available and applying the 9 suitability criteria. The highest priority of lands would be those already included within the Urban Reserve Area. These areas include: Klimek Lane URA area, South Springbrook Road URA area, North Hills URA area, and Wyooski Road URA area (which the subject property is part of).

According to the site suitability comparison (see Attachment 9), each of the areas includes larger parcels than the subject property. However, in many cases the other study areas have considerable constraints as well, including future impacts from the bypass and/or slopes that would hamper industrial development. The subject property does have considerable slopes on the southern and southwestern portions of the property; however, when taken into consideration with the adjacent parcel (as they share ownership), together they have approximately 440 feet of street frontage and comprise approximately 10.8 acres in size. The subject property also has direct access onto Wyooski Road and is very close to Highway 219 for easy truck access. Many of the other study areas have constrained access or would have to use local roads for quite

a distance to get to one of the major highways. The subject property is located near the wastewater and water treatment plants and could feasibly be served with city utility infrastructure.

One of the most important site suitability criteria is the compatibility measure. The subject property is located adjacent to other industrially zoned and developed properties and therefore development on the site would have a lesser impact than if it were adjacent to residentially developed properties. All of the other study areas are located either adjacent to residentially zoned and developed properties or adjacent to resource lands. Industrial development in these areas would have a negative impact on the surrounding uses.

Overall, the subject property is the best choice for future industrial development due to its location, access, limited impact on surrounding uses, and size (when combined with the adjacent parcel).

III. Statewide Planning Goals and Newberg Comprehensive Plan:

As required by State Senate Bill 100, the Newberg Comprehensive Plan addresses and is consistent with the established statewide planning goals and guidelines. Each of the goals within the Comprehensive Plan corresponds with an applicable statewide planning goal and implements the goal through the guise of local needs and desires. Because an Urban Growth Boundary amendment is also a Comprehensive Plan amendment, it must be found that “the proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code (Development Code)” (NDC § 151.122). Statewide planning goals 3, 4, 15, 16, 17, 18, and 19 do not apply to this application. The remaining goals are addressed through the applicable Comprehensive Plan goals and policies below:

- A. Citizen Involvement (Statewide Goal 1).** NCP Goal: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: Ordinance 91-2297 amended Ordinance 1967 with a new citizen involvement strategy. Part of the evaluation of the current program notes that, in addition to other avenues of citizen participation, “involvement is also encouraged through citizen involvement at public meetings”. The analysis section of the report also noted that “the City of Newberg has a sound and comprehensive citizen involvement program” (ORD 91-2297). We are currently using the same citizen involvement program as described and analyzed by Ordinance 91-2297.

The proposed UGB amendment offers several opportunities for citizens to be involved in the planning process. Yamhill County Department of Planning and Development sent mailed notices of the project and NUAMC hearing date to surrounding property owners, inviting them to either send in written comments about the proposal or to testify at the meeting. In addition, a similar public notice will be sent to surrounding property owners prior to the Newberg City Council meeting, which is the next step for this proposal.

B. Land Use Planning (Statewide Goal 2). NCP Goal: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: This goal provides for creating and maintaining a Comprehensive Plan for the city. The statewide goal further states that “city...plans and actions related to land use shall be consistent with the comprehensive plans...adopted under ORS Chapter 268”. This staff report serves to determine the compliance of the proposal with the City’s adopted Comprehensive Plan and statewide goals.

C. Agricultural Lands (Statewide Goal 3 – Goal 3 does not apply to UGB amendments). NCP Goal: To provide for the orderly and efficient transition from rural to urban land uses.

Applicable Comprehensive Plan Policies: 1) The conversion of urbanizable land from agricultural to urban land uses shall be orderly and efficient; 2) Agriculture is a part of our heritage, uniqueness, culture and future. Inclusion of lands in agricultural use within the Urban Growth Boundary is recognition of a commitment to future urbanization, as such lands are necessary to meet long-range population and economic needs, based on criteria outlined in the statewide Urbanization Goal. Urbanization of agricultural land shall be carefully considered and balanced with the needs of the community as a whole.

Finding: The subject parcel is currently located in the Urban Reserve Area and is therefore considered to be a future area for urbanization. There are several reasons why this parcel is an appropriate choice to bring into the Urban Growth Boundary: 1) the parcel is located adjacent to the current city limits and is classified as exception land so the conversion of this parcel to future urban land uses would be orderly and efficient with no “leapfrog” development pattern; 2) city utility services are not currently located near this parcel but could be brought down Wynooski Road to serve the parcel in the future; and 3) the city’s long range population, economic, and buildable land needs forecasts show that we have a shortage of industrially designated and zoned properties to serve our population. This property is an exception area, currently zoned VLDR 2.5 (Very Low Density Residential 2.5 acre minimum), and is not classified or zoned for agricultural use.

D. Wooded Areas (Statewide Goal 4 – Goal 4 does not apply to UGB amendments).

NCP Goal: To retain and protect wooded areas.

Applicable Comprehensive Plan Policies: 2) Development in drainageways shall be limited in order to prevent erosion and protect water quality. Trees provide needed protection from erosion and should be maintained.

Finding: The southern and southwestern portions of the property slope off to a natural drainageway stream corridor. The City has regulations governing development within mapped stream corridors. Because the subject property is located outside of the current Urban Growth Boundary, the City does not yet have the stream corridor mapped on the parcel. A wetland delineation to map the stream corridor and any onsite wetlands would have to be done prior to any development on the site, and development would have to comply with the stream corridor regulations in the Newberg Development Code.

E. Air, Water, and Land Resource Quality (Statewide Goal 6). NCP Goal: To maintain, and where feasible, enhance the air, water and land resource qualities within the community.

Applicable Comprehensive Plan Policies: 1) Development shall not exceed the carrying capacity of the air, water or land resource base; 3) As public sanitary sewer systems become available, all development shall connect to the public system; 5) New industry should be located in areas which minimize impacts upon the air, water, and land resource base, as well as upon surrounding land uses.

Finding: The subject parcel would be designated industrial if it were included within the Urban Growth Boundary. The parcel is an appropriate place for industrial development as it is located adjacent to other industrially zoned and developed parcels, is adjacent to a road and near the highway, and can be adequately served with sewer and water. As noted above, any site development would have to comply with the city's stream corridor regulations to protect the natural vegetation and the quality of water in the stream corridor.

F. Areas Subject to Natural Disasters and Hazards (Statewide Goal 7). NCP Goal: To protect life and property from natural disasters and hazards.

Applicable Statewide Goal 7 Standards: A.2. (Natural Hazard Planning) Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards; B.4. (Implementation) When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard prepared by a licensed professional.

Finding: The Division of State Lands has identified hydric soils on the site and potential wetland areas. In addition, the area of the property sloping to the stream corridor has a relatively steep slope. Development in these areas would be limited, and a wetland delineation would be required prior to any development.

G. Open Space, Scenic, Natural, Historic and Recreational Resources (Statewide Goals 5 & 8). NCP Goals: 1) To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected; 2) To provide adequate recreational resources and opportunities for the citizens of the community and visitors; 3) To protect, conserve, enhance and maintain the Willamette River Greenway.

Applicable Comprehensive Plan Policies: 1.e) The floodplains and natural drainageway areas in Newberg should be preserved with a largely open character to provide a basic open space framework for the community. The capacities of these areas shall be maintained to provide a natural stormwater and natural drainage system, as well as to continue to provide a natural habitat for local fish and wildlife. Natural drainageways should be kept in open space uses. Bicycle and pedestrian pathways might be included in these areas. Care should be taken to minimize disturbances in these often erosive and steep areas. All uses should be compatible with the specific sites.

Applicable Statewide Goal 5 Standards: Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations.

Applicable Statewide Goal 8 Standards: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: In accordance with Goal 5, Newberg has adopted stream corridor regulations to protect and conserve the area within the stream corridor as open space for the city. According to the stream corridor map (Attachment 4), the south and southwest portion of the property appear to be located within a stream corridor and would be an appropriate place for the stream corridor zoning overlay. Any development on the site would have to comply with the stream corridor regulations. The stream corridor regulations restrict any development or mechanized removal of vegetation and seek to minimize any disturbance in the corridor area.

The subject parcel is within the study area for the South Industrial Area Master Plan. The draft plan shows a parks and trails system through the area, including through the stream corridor on the subject property, that takes advantage of the natural open spaces. Bicycle and pedestrian paths might be included in those areas in the future for the enjoyment of the public.

H. The Economy (Statewide Goal 9). NCP Goal: To develop a diverse and stable economic base.

Applicable Comprehensive Plan Policies: 2.a) Industrial expansion shall be located and designed to minimize impacts on surrounding land uses; 2.f) Concerted community efforts should be made to see that industrial development expands outward from existing areas rather than occurring in haphazard patterns.

Finding: The subject property would be designated industrial if it were included within the Urban Growth Boundary. It is located in an appropriate place for industrial development as it is adjacent to other industrially zoned and developed properties, as well as an access road. Including this parcel in the Urban Growth Boundary would promote a sensible extension of industrial development and would not result in haphazard “leapfrog” development patterns.

I. Housing (Statewide Goal 10). NCP Goal: To provide for a diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.

Finding: Inclusion of the subject property in the Newberg Urban Growth Boundary will not help provide housing as prescribed by this goal. However, it will provide additional industrial land which in turn will provide jobs, helping City residents afford housing. In addition, industrial land provides a stable tax base for the city that generally doesn’t use many City resources (Police, Fire). The City is currently exploring options to use tax revenue to assist in funding affordable housing programs. Therefore, inclusion of industrial land in the Urban Growth Boundary, and eventually annexing it into the city, may be beneficial to the housing goals and policies of the City.

J. Urban Design. NCP Goals: 1) To maintain and improve the natural beauty and visual character of the City; 2) To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Applicable Comprehensive Plan Policies: 1.e) Developments should respect the natural ground cover of their sites to the extent possible and plans should be made to preserve existing mature, non-hazardous trees in healthy condition; 2.a) Industrial development should be encouraged to be located in industrial parks offering good access, buffering and landscaping.

Finding: The subject property is located near other industrially zoned and developed properties, making it a good choice to add to the Urban Growth Boundary. The property has good access to Wyooski Road and Highway 219, and would have to comply with applicable City landscaping and buffering regulations upon site development. In addition, any development on the site would have to comply with the City's stream corridor regulations to preserve and protect trees and other vegetation within the stream corridor.

K. Transportation (Statewide Goal 12). NCP Goals: 1) Establish cooperative agreements to address transportation based planning, development, operation and maintenance; 2) Establish consistent policies which require concurrent consideration of transportation/land use system impacts; 3) Promote reliance on multiple modes of transportation and reduce reliance on the automobile; 4) Minimize the impact of regional traffic on the local transportation system; 5) Maximize pedestrian, bicycle, and other non-motorized travel throughout the City; 6) Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.); 7) Minimize the capital improvement and community costs to implement the transportation plan; 8) Maintain and enhance the City's image, character and quality of life; 9) Create effective circulation and access for the local transportation system; 10) Maintain the viability of existing rail, water and air transportation systems; 11) Establish fair and equitable distribution of transportation improvement costs; 12) Minimize the negative impact of a Highway 99 bypass on the Newberg community.

Finding: The 2005 update of the Transportation System Plan (TSP) assumed that this property would eventually be zoned industrial upon annexation into the city. Therefore, all the transportation models were done with that assumption, and any perceived traffic impacts from future development are already built into the TSP. Any future development of this property would require improvements along the Wyooski Road frontage to meet the needs of bicycles and pedestrians and bring the street frontage up to city standards.

L. Public Facilities and Services (Statewide Goal 11). NCP Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Applicable Comprehensive Plan Policies: 1.e) Owners of properties which are located on unimproved streets should be encouraged to develop their streets to City standards; 2.d) Sewer and water service shall not be provided outside the City limits except for cases of health hazards, where no other alternative exists, and where property owners agree to annex upon request of the City.

Applicable Statewide Goal 11 Standards: A.5) A public facility or service should not be provided in an urbanizable area unless there is provision for the coordinated development of all the other urban facilities and services appropriate to that area.

Finding: The subject property is located along Wyooski Road, a major collector with direct access to Highway 219. Wyooski Road is currently improved to county standards along the property's frontage. If included within the Urban Growth Boundary, any development on the site should have to complete a half street improvement on Wyooski Road to improve it up to city standards with curb, gutter, sidewalk and street trees.

The property is not currently served with city sewer and water lines. If included within the Urban Growth Boundary, development on the site should be limited to temporary type uses (parking, storage) until such time that annexation into the city occurs and city utility lines are extended to serve the site. The City has completed work on a Wyooski Road local improvement district study that determined the costs per property to extend sewer service along Wyooski Road. This document can be used as a guideline for the property owners to help determine the size, cost, and location of extending necessary sewer lines to their property. The property must be served with city sewer and water prior to any permanent development on the site.

M. Energy (Statewide Goal 13). NCP Goal: To conserve energy through efficient land use patterns and energy related policies and ordinances.

Applicable Comprehensive Plan Policies: 1.a) The city will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

Applicable Statewide Goal 13 Standards: B.1) Land use plans should be based on utilization of the following techniques and implementation devices which can have material impact on energy efficiency: a. lot size, dimension, and siting controls; b. building height, bulk and surface area; c. density of uses, particularly those which relate to housing densities; d. availability of light, wind and air; e. compatibility of and competition between competing land use activities; and f. systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.

Finding: The subject property is located adjacent to a major transportation facility (Wyooski Road to Highway 219), and is adjacent to other industrially zoned and developed properties. By including this property in the Urban Growth Boundary with an Industrial designation, the City would be encouraging energy-efficient development patterns. Any industrial development on this property could have a symbiotic relationship with surrounding industrial uses, and would not require supply and delivery trucks to travel far off the main transportation facility. In addition, any industrial development on the property would have to comply with the Newberg Development Code standards (once annexed) for lot dimensions, density, bulk, and other similar standards in accordance with statewide Goal 13.

N. Urbanization (Statewide Goal 14). NCP Goals: 1) To provide for the orderly and efficient transition from rural to urban land uses; 2) To maintain Newberg's identity as a

community which is separate from the Portland Metropolitan Area; 3) To create a quality living environment through a balanced growth of urban and cultural activities.

Applicable Comprehensive Plan Policies: 1.a) The conversion of lands from rural to urban uses within the Urban Growth Boundary will be based on a specific plan for the extension of urban services; 1.b) The City shall oppose urban development outside the city limits but within the Newberg Area of Influence; 1.c) The City shall encourage urban development within the city limits; 1.d) The Urban Growth Boundary shall designate urbanizable land; 1.e) The City will support development within the areas outside the city limits but within the Newberg Urban Growth Boundary or Urban Reserve Area based on the following standards or restrictions:New commercial or industrial uses will generally be discouraged within the UGB and Urban Reserve Area; 3.b) The City shall coordinate planning activities with the County in order that lands suitable for industrial use but not needed within the planning period are zoned in a manner which retains these lands for future industrial use.

Applicable Statewide Goal 14 Standards:

Land Need – Establishment and change of urban growth boundaries shall be based on the following: 1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and 2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, street and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location – The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors: 1) Efficient accommodation of identified land needs; 2) Orderly and economic provision of public facilities and services; 3) Comparative environmental, energy, economic and social consequences; and 4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Land Need Finding:

The Comprehensive Plan contains recent population forecasts that were prepared in 2004 by Barry Edmonson, Director of the Population Research Center at Portland State University. Two different methods were used to complete the population projections: a ratio method based on Yamhill County forecasts, and a cohort component method. While the two methods produced similar results, City staff and the Ad Hoc Committee on Newberg's Future felt that the cohort component method was based on sounder methodology and data. The Committee selected the medium growth projections as the most likely and used those for the future land needs analysis. Based on the medium growth projection, Newberg's population will be 38,352 in 2025 and 54,097 in 2040. This population project was adopted into the Comprehensive Plan and coordinated with Yamhill County.

Based on the population forecasts and long range employment forecasts, the industrial land need for the 2005-2025 period was set at 150 acres (comprised of a need for 50 acres of

small/medium sites and 100 acres of large, 20+ acre sites) and 157 acres for the 2026-2040 period (37 acres of small/medium sites and 120 acres of large sites). City staff recently updated the buildable lands inventory by interpolating the adopted land need to the 2009-2029 planning period.

Buildable Land In Newberg UGB, City Limits

Compared to Comprehensive Plan Projected Needs, as of June 30, 2009

Plan Designation	Buildable Acres Needed 2009-2029**	Buildable Acres in UGB* 6/30/2009	Est. Years Supply in UGB	Buildable Acres in City 6/30/2009	Est. Years Supply in City
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IND	158	44	6	21	3
P I, PQ, or other Inst.	105 205	13 84	2 8	13 54	2 5
Total	1,489	992	13	681	9

*The Urban Growth Boundary (UGB) includes the city

**Estimated as need from 1/1/2009 to 1/1/2029

Source: Newberg Planning and Building Department

Data subject to change

There is very little suitable industrial land located within the current UGB. Of the available suitable industrial land, much of it is compromised by the future bypass or by steep slopes associated with the stream corridor. Due to the limited amount of available suitable industrial land and our demonstrated land need, we must look outside the current UGB for industrial land.

Boundary Location Finding:

ORS 197.298 specifies the priority of land to be included within the UGB and states, “(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities: (a) First priority is land that is designated urban reserve land under ORS 195.145 (Urban Reserves), rule or metropolitan service district action plan”. The subject property meets the requirement of ORS 197.298 as it is located within an acknowledged Urban Reserve Area. Analysis of the four boundary location factors is as follows:

- 1) Efficient accommodation of identified land needs: Including the subject property in the UGB is an efficient accommodation of identified land needs as it is located adjacent to other industrially zoned and developed properties so it will not have significant negative impacts on surrounding uses. It is also located adjacent to the current city limits and UGB, making it an efficient choice because it is on the urban fringe. In addition, it is located adjacent to Wyooski Road and near Highway 219 for easy truck access.

- 2) Orderly and economic provision of public facilities and services: The subject property is located near the wastewater and water treatment plants. City sewer and water services can feasibly be extended along Wynooski Road to serve this and other properties in the vicinity. Any development on the site would require the street frontage to be improved to City standards, providing pedestrian and bicycle infrastructure as well as street trees and landscaping.
- 3) Comparative environmental, energy, economic and social consequences: The site appears to have a significant stream corridor located in the southern and southwestern portions of the site. One condition of including this property in the UGB would require that a stream corridor overlay be placed on the property along with the IND Comprehensive Plan designation. In addition, any development on the site would first require a wetland determination so that any wetland areas may be protected. Including this property as a location for future industrial development is appropriate due to its location near a major highway – less travel time for trucks in town on congested roadways reduces the energy impacts generated by the site. Because the site is located near the wastewater treatment plant, any industrial development may be able to take advantage of the city’s “purple pipe” system of using recycled water for irrigation or other non-potable purposes. Including this property within the UGB has the potential to provide future jobs in local industry. Finally, the subject property is in an appropriate place for industrial development. In comparison to other potential areas for future industrial use, this area is the only one that is adjacent to other exception lands that are zoned and developed industrially. The other study areas are located either adjacent to residential or resource lands where industrial development would have a negative social impact on the surrounding uses.
- 4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB: None of the areas adjacent to the subject property are being used in active agricultural or forest activities. The adjacent areas to the west, south and east are all exception lands that are zoned for industrial use and the properties to the north are within the city limits and are actively used for industrial development.

IV. Newberg Urban Area Management Agreement -Urban Growth Boundary Amendment

Criteria: Amendment of the Urban Growth Boundary 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:

- (a) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- (b) Need for housing, employment opportunities, and livability;
- (c) Orderly and economic provision for public facilities and services;
- (d) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (e) Environmental, energy, economic and social consequences;
- (f) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
- (g) Compatibility of the proposed urban uses with other adjacent uses.

Finding: See section II above for a discussion of the industrial/employment land needs to accommodate our long-range population forecast. The subject property is located near the wastewater and water treatment plants and is in a location that is feasible and reasonable to serve with city utility infrastructure. The subject property is adjacent to the existing city limits and UGB boundaries and is therefore a viable choice to add to the UGB for maximum efficiency of land without extending beyond the fringe of the urban area. Adding the subject property to the UGB has the future potential to add jobs to Newberg in an appropriate area that would not negatively impact surrounding residential uses. Any development on the site would have to comply with the City's Stream Corridor overlay, protecting the natural stream corridor environment on the site. The subject property is in an exception area and not in agricultural use.

V. Newberg Development Code, Section § 151.122 – Newberg Comprehensive Plan

Amendment: The applicant must demonstrate compliance with the following criteria:

- (a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;

Finding: See section III above for a full discussion of how the proposed change meets the Comprehensive Plan goals and policies.

- (b) Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.

Finding: Public facilities and services may be made available to serve the site prior to urban development.

- (c) Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

Finding: The proposal is in compliance with the State Transportation Planning Rule as the updated Transportation System Plan (2005) assumed that this property would be designated as industrial and developed with industrial type uses. Therefore, all traffic modeling was done with this assumption. Any future industrial development of the property would fit the existing models and assumptions from the TSP.

VI. Yamhill Comprehensive Plan Policies

Yamhill County comprehensive plan policies are addressed in the Yamhill County staff report and in the application.

VII. CONCLUSION:

Based on all of the above mentioned findings, and with the conditions noted, the application meets the criteria for an Urban Growth Boundary amendment.

NUAMC RESOLUTION NO. 2009-21

A RESOLUTION OF THE NEWBERG URBAN AREA MANAGEMENT COMMISSION RECOMMENDING APPROVAL OF AN URBAN GROWTH BOUNDARY AMENDMENT FOR PROPERTY LOCATED AT 2716 WYNOOSKI ROAD, YAMHILL COUNTY TAX LOT 3229-00300, WITH A COMPREHENSIVE PLAN AMENDMENT FROM COUNTY VLDR TO CITY IND (INDUSTRIAL) WITH A SC (STREAM CORRIDOR) OVERLAY, FILE #UGB-09-002.

RECITALS

1. Elizabeth Fettig submitted an application for an Urban Growth Boundary amendment on August 10, 2009. The application was deemed complete on the same day. The application included two requests: 1) to include a 1.24 acre parcel in Newberg's Urban Growth Boundary, and 2) to change the Comprehensive Plan designation of the same parcel from Yamhill County VLDR (Very Low Density Residential) to Newberg IND (Industrial). The parcel is located at 2716 Wynooski Road and is identified as Yamhill County tax lot 3229-00300.
2. The Yamhill County Department of Planning and Development mailed notice to surrounding property owners on September 8, 2009.
3. The Newberg Graphic newspaper published notice of the application request and upcoming hearing on September 16, 2009.
4. On September 30, 2009, the Newberg Urban Area Management Commission (NUAMC) held a hearing to consider the requests.
5. NUAMC finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

NOW THEREFORE, BE IT RESOLVED by the Newberg Urban Area Management Commission that it recommends that the City Council and Yamhill County Board of Commissioners:

1. Include the property shown and described in Exhibit A and Exhibit B in the Newberg Urban Growth Boundary.
2. Amend the Comprehensive Plan to change the designation of the parcel from Yamhill County VLDR (Very Low Density Residential) to Newberg IND (Industrial), with a SC (Stream Corridor) overlay.
3. Require a wetland determination prior to any development on the site.

This recommendation is based on the staff report, findings and testimony.

DATED this 30th day of September, 2009.

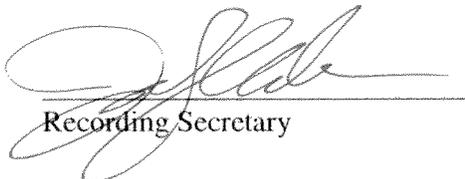
AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:


Recording Secretary

NUAMC Chair

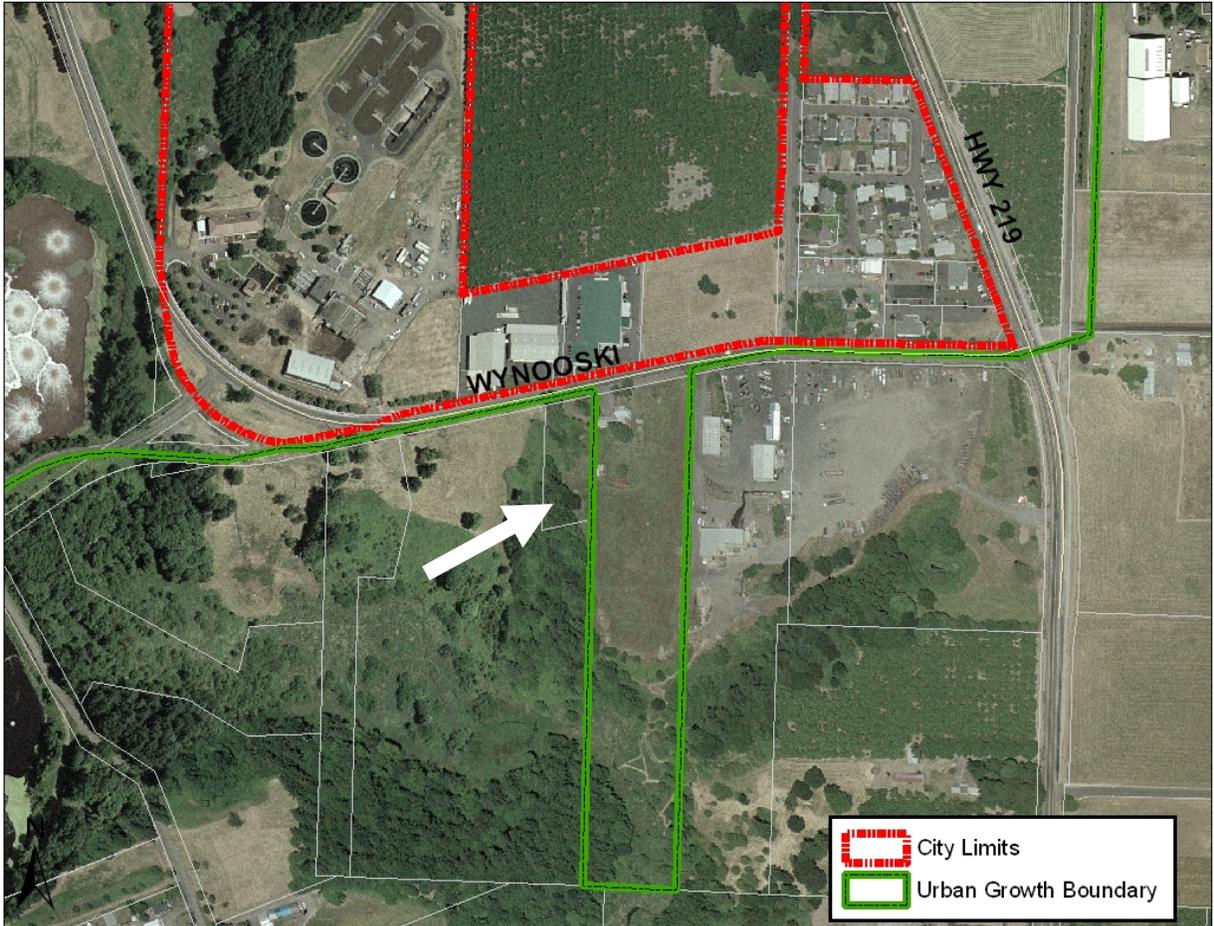
Exhibits:

Exhibit A: Legal Map and Legal Description

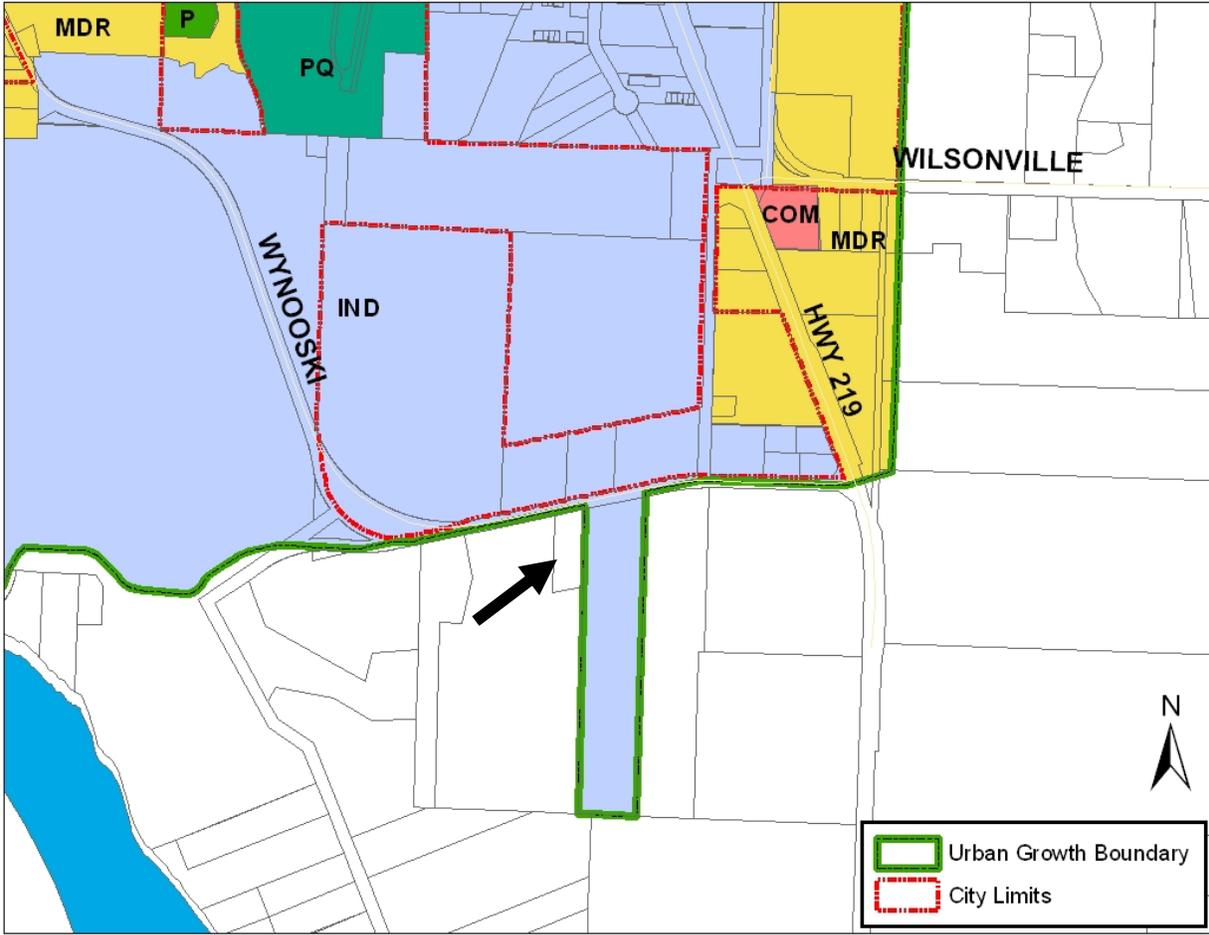
Exhibit B: Findings

NOTE: This resolution was adopted by NUAMC at their 9/30/09 meeting. A copy of the resolution with Chair Haug's signature was not available at the time of this report, but will be available prior to the City Council hearing.

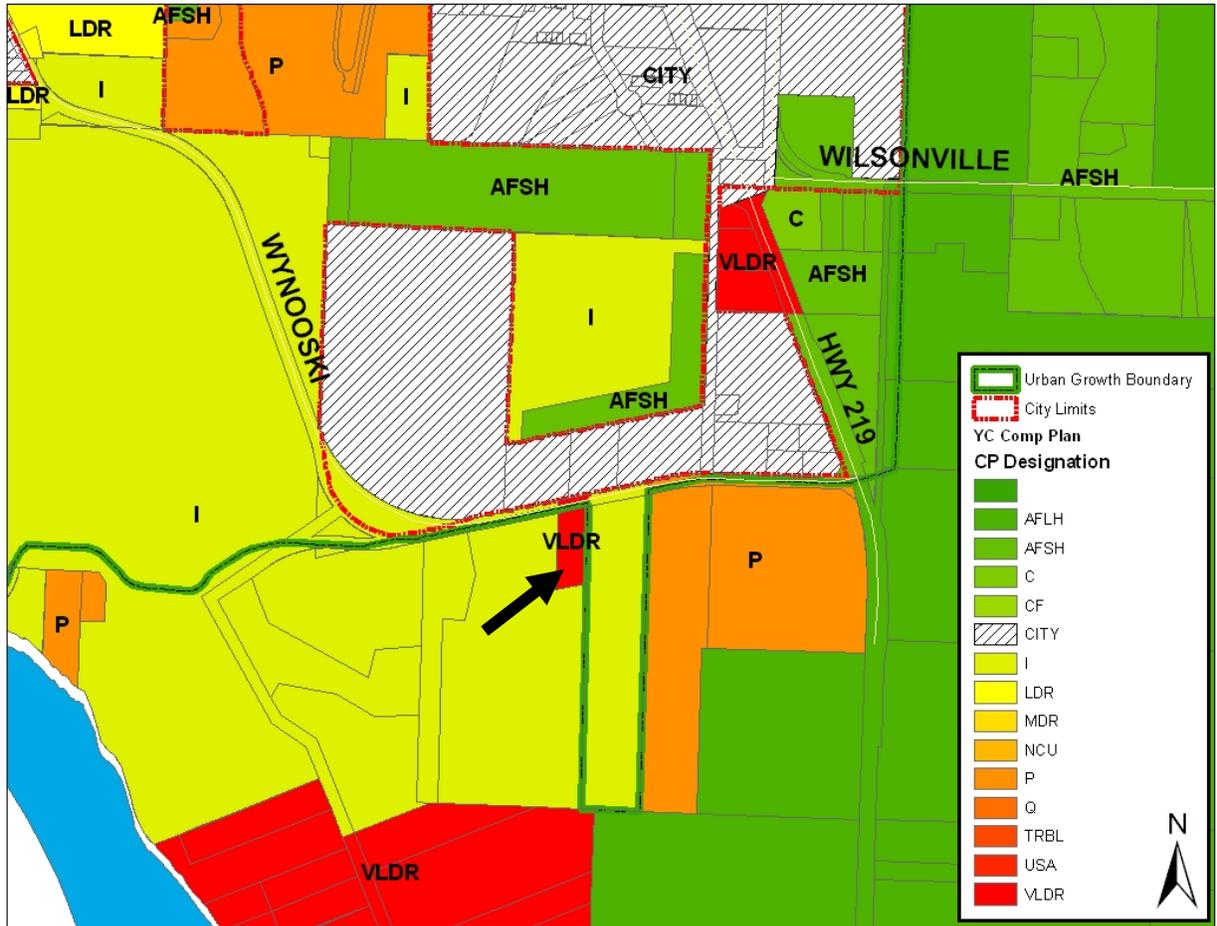
Attachment 2: Aerial Map



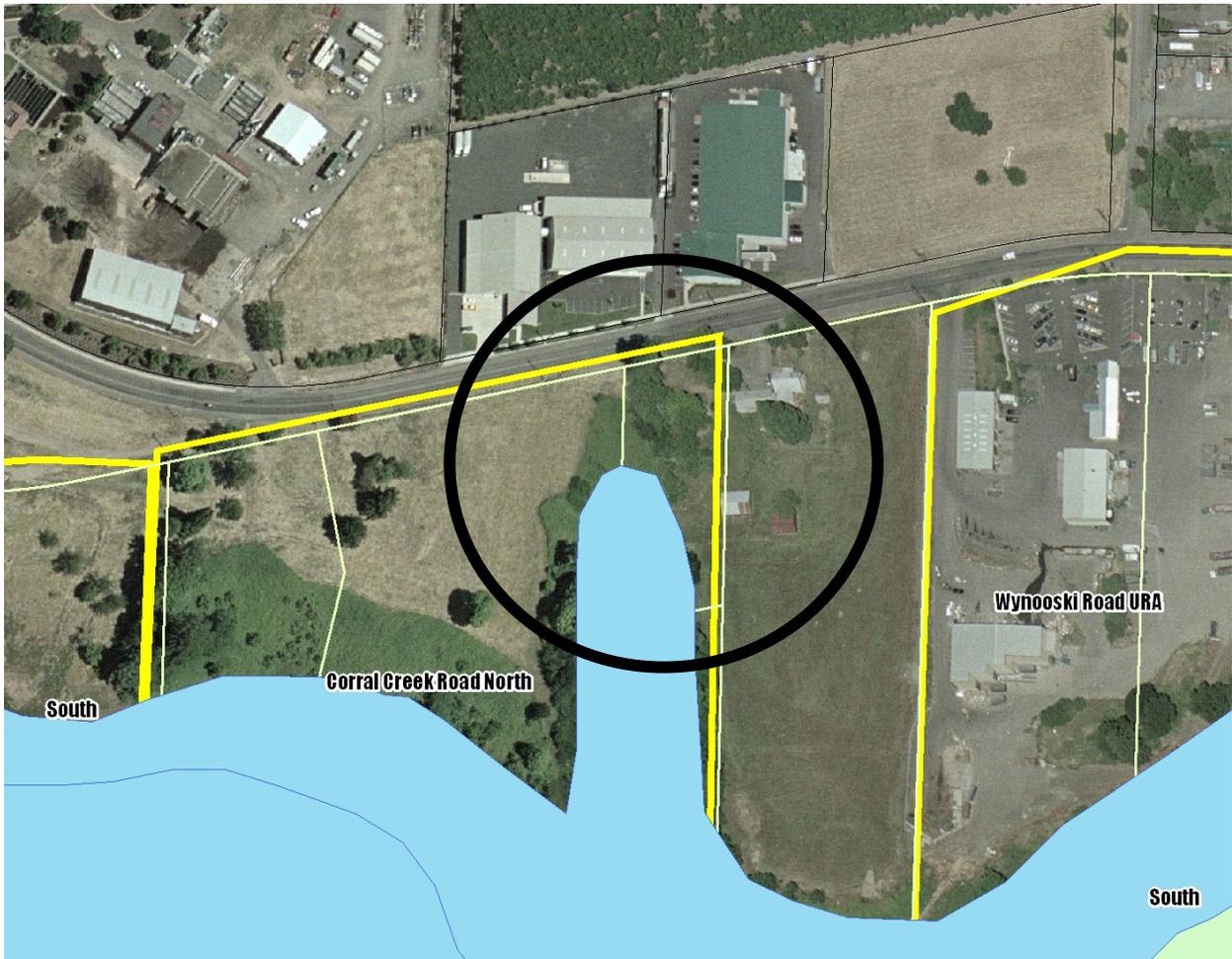
Attachment 3: Newberg Comprehensive Plan Map



Attachment 4: Yamhill County Comprehensive Plan Map



Attachment 5: Stream Corridor Map



2007 ORS § 197.298¹

Priority of land to be included within urban growth boundary

- (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:
 - (a) First priority is land that is designated urban reserve land under ORS 195.145 (Urban reserves), rule or metropolitan service district action plan.
 - (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710 (High-value farmland description for ORS 215.705).
 - (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
 - (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.
- (2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.
- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:
 - (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;
 - (b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or
 - (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands. [1995 c.547 §5; 1999 c.59 §56]

...

See also²

§ 197.299 Metropolitan service district analysis of buildable land supply

§ 197.314 Required siting of manufactured homes

Annotations³

Notes of Decisions

Consideration of statutory factors for urbanization priority does not meet requirement of land use goal to consider agricultural land retention priority. 1000 Friends of Oregon v. Metro, 174 Or App 406, 26 P3d 151 (2001)

Whether higher priority land is "inadequate" to accommodate amount of land needed within proposed urban growth boundary is determined by suitability of land in addition to quantity of land. City of West Linn v. Land Conservation and Development Commission, 201 Or App 419, 119 P3d 285 (2005)

§§ 197.295 (Definitions for ORS 197.295 to 197.314 and 197.475 to 197.490) to 197.307 (Effect of need for certain housing in urban growth areas)

Law Review Citations

18 WLR 75 (1982); 61 OLR 351 (1982)

§§ 197.005 (Legislative findings) to 197.430 (Enforcement powers)

Law Review Citations

10 WLJ 414-421, 474, 475 (1974); 56 OLR 270 (1977)

Chapter 197

Notes of Decisions

A comprehensive plan, although denominated a "resolution," is the controlling land use planning instrument for a city; upon its passage, the city assumes responsibility to effectuate the plan and conform zoning ordinances, including prior existing zoning ordinances, to it. Baker v. City of Milwaukie, 271 Or 500, 533 P2d 772 (1975)

Procedural requirements of the state-wide planning goals adopted by the Land Conservation and Development Commission are not applicable to ordinances adopted before the effective date of the goals. Schmidt v. Land Conservation and Development Comm., 29 Or App 665, 564 P2d 1090 (1977)

This chapter, establishing LCDC and granting it authority to establish state-wide land use planning goals, does not unconstitutionally delegate legislative power where both standards (ORS Chapter 215) and safeguards (ORS 197.310) exist. *Meyer v. Lord*, 37 Or App 59, 586 P2d 367 (1978)

Where county's comprehensive plan and land use regulations had not been acknowledged by LCDC, it was proper for county to apply state-wide planning standards directly to individual request for partition. *Alexanderson v. Polk County Commissioners*, 289 Or 427, 616 P2d 459 (1980)

Issuance of a building permit was a "land conservation and development action" where county had no acknowledged comprehensive plan, land was not zoned and no previous land use decision had been made regarding the land. *Columbia Hills v. LCDC*, 50 Or App 483, 624 P2d 157 (1981), Sup Ct review denied

Nothing in this chapter grants the Land Conservation and Development Department authority to challenge local land use decisions made after comprehensive plan acknowledgment. *Ochoco Const. v. LCDC*, 295 Or 422, 667 P2d 499 (1983)

LCDC has authority in periodic review process to require local government to add specific language or provisions to its land use legislation to assure compliance with statewide goals and LCDC rules. *Oregonians in Action v. LCDC*, 121 Or App 497, 854 P2d 1010 (1993), Sup Ct review denied

Atty. Gen. Opinions

Authority of a land conservation and development commission to bind the state in an interstate compact or agreement, (1973) Vol 36, p 361; application of *Fasano v. Bd. of County Commrs.*, (1974) Vol 36, p 960; state-wide planning goal in conjunction with interim Willamette River Greenway boundaries, (1975) Vol 37, p 894; binding effect on governmental agencies of the adoption of interim Willamette River Greenway boundaries, (1975) Vol 37, p 894; application to state agencies, (1976) Vol 37, p 1129; preexisting ordinances during the interim implementing stage, (1976) Vol 37, p 1329; constitutionality of delegation to LCDC of authority to prescribe and enforce statewide planning goals, (1977) Vol 38, p 1130; effect of situation where similar petition is filed before both commission and a court, (1977) Vol 38, p 1268; consideration of availability of public school facilities in determination of whether to approve subdivision, (1978) Vol 38, p 1956

Law Review Citations

10 WLJ 99 (1973); 53 OLR 129 (1974); 5 EL 673 (1975); 54 OLR 203-223 (1975); 56 OLR 444 (1977); 18 WLR 49 (1982); 61 OLR 351 (1982); 20 WLR 764 (1984); 14 EL 661, 693, 713, 779, 843 (1984); 25 WLR 259 (1989); 31 WLR 147, 449, 817 (1995); 36 EL 25 (2006)

¹ Legislative Counsel Committee, *CHAPTER 197—Comprehensive Land Use Planning Coordination*, <http://www.leg.state.or.us/ors/197.html> (2007) (last accessed Feb. 12, 2009).

² OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to

the current Section in its own text. The result reveals relationships in the code that may not have otherwise been obvious.

³ Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2007, Chapter 197*, <http://www.leg.state.or.us/ors/annos/197ano.htm> (2007) (last accessed Mar. 31, 2009).

• • •

OregonLaws.org contains the contents of Volume 21 of the ORS, inserted alongside the pertinent statutes. See the preface to the ORS Annotations for more information.

www.oregonlaws.org

Attachment 7:

OAR 660-021-0060

Urban Growth Boundary Expansion

All lands within urban reserves established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 1-2008, f. & cert. ef. 2-13-08

Attachment 8:

OAR 660-024-0060

OAR 660-024-0060

Boundary Location Alternatives Analysis

(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

(d) Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).

(e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during periodic review or other legislative Dept. of Land Conservation and Development_660_024 review of the UGB, a local government may approve an application under ORS 197.610 to 197.625 for a UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

(6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

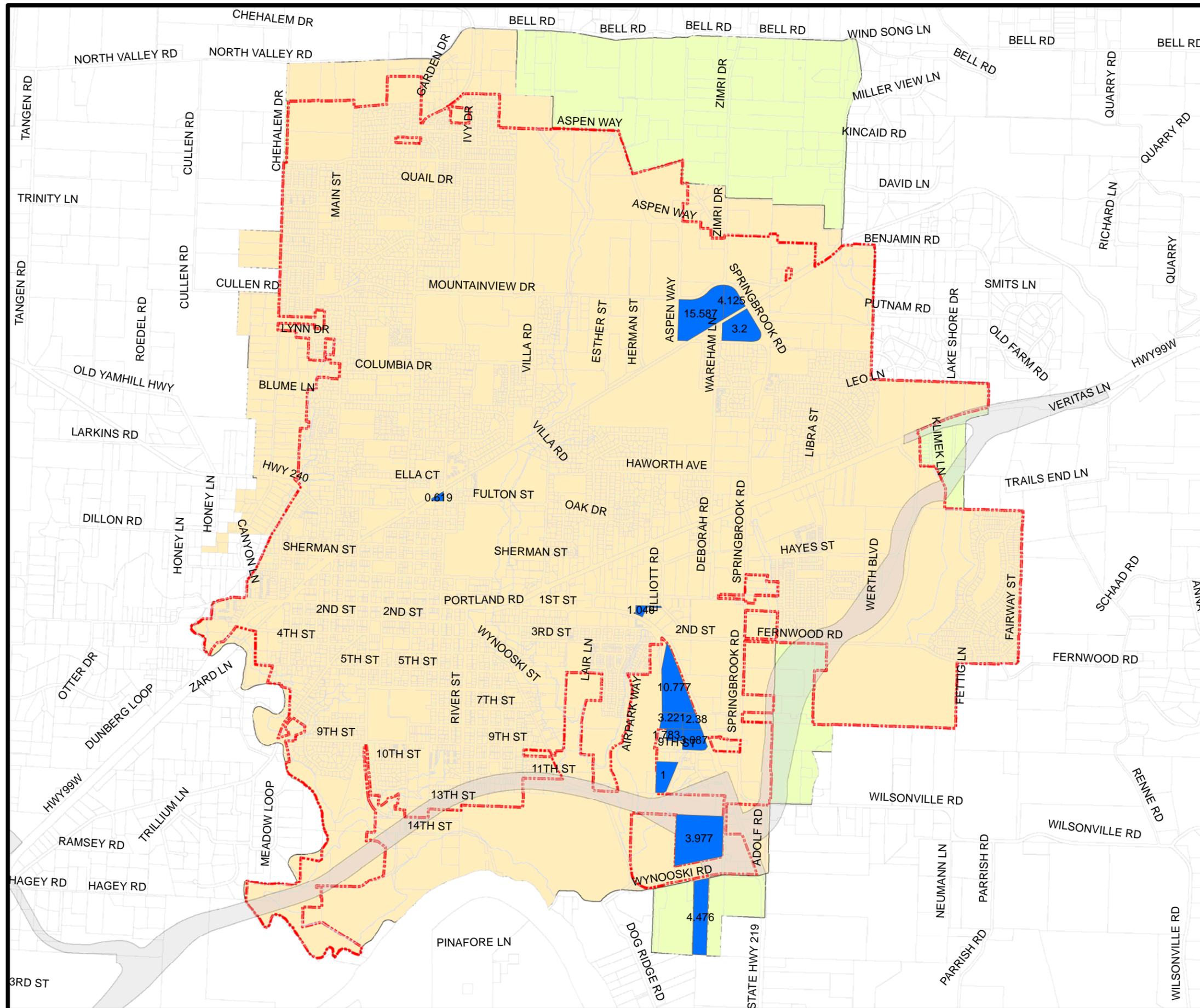
(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Stat. Auth.: ORS 197.040, Statewide Planning Goal 14

Stats. Implemented: ORS 195.015, 195.036, 197.295 - 197.314, 197.610 - 197.650, 197.764

Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07; LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

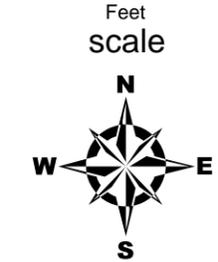
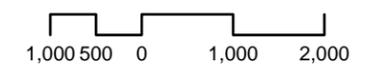
Vacant Industrial Land Newberg Urban Area September 2009



Legend

- Vacant Industrial Land
- Bypass Study Corridor
- Stream Corridor
- City Limits
- Urban Growth Boundary
- Urban Reserve Area

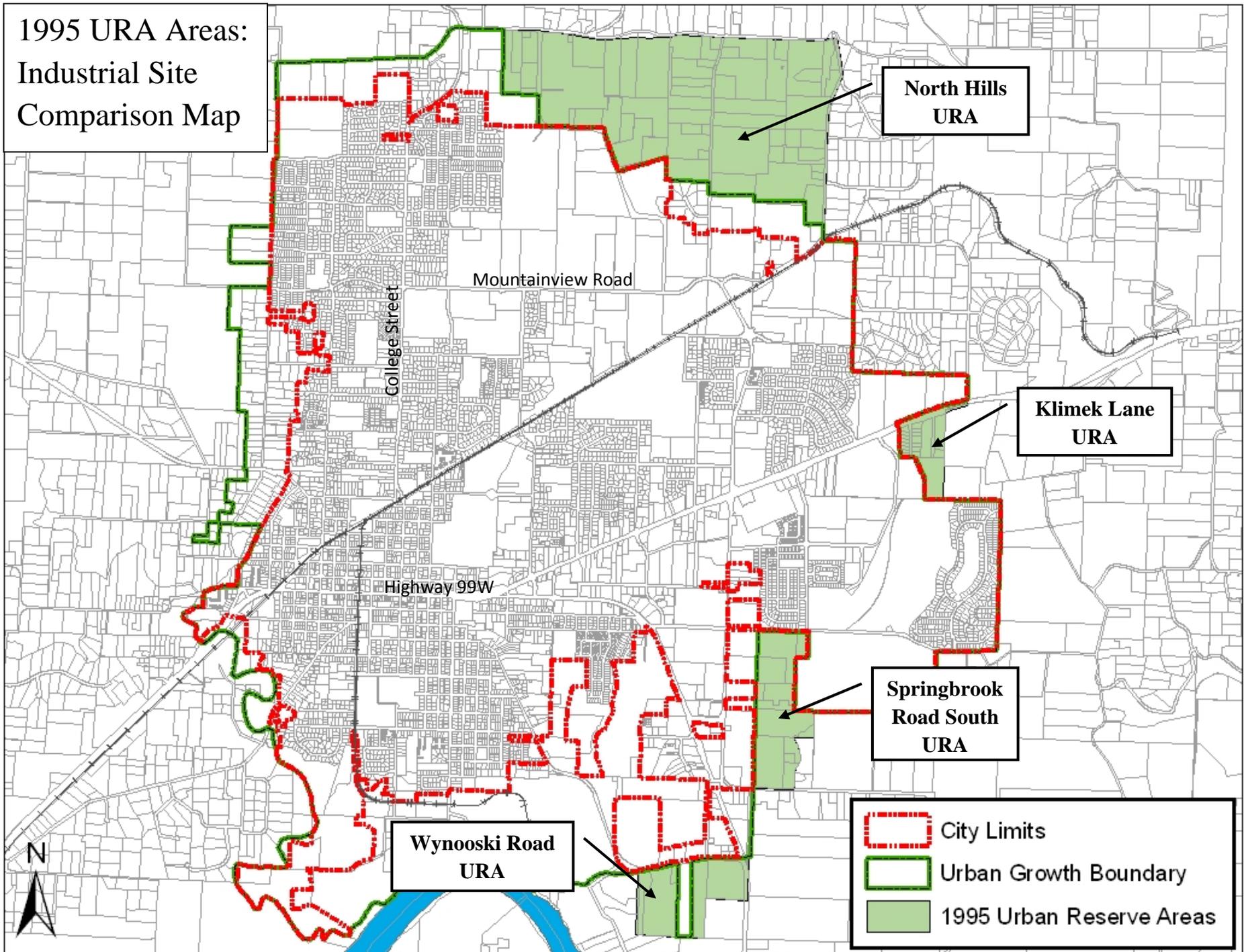
Note: Parcels shown in blue contain some suitable industrial land. The acres of suitable land are shown on each parcel.



Industrial Site Suitability Comparison of Current URA Areas

Area	Size	Topography	Ownership	Development	Natural Features	Access	Shape	Services	Compatibility
Subject Parcel (in Wynooski Road URA)	1.24 acres. Adjacent parcel has same owner; together they sum ~10.8 acres	1/3 to 1/2 of site slopes to stream corridor. Remainder is flat, particularly when combined with adjacent parcel.	One owner	Vacant	1/3 to 1/2 of site has a natural stream corridor with significant slopes.	Accessed directly from Wynooski Road and near Highway 219.	Rectangular	Feasible to provide	Very compatible for industrial use - adjacent to other industrially zoned and developed properties.
Klimek Lane URA	One larger parcel, likely to be impacted by the bypass; several smaller parcels	Relatively flat	Many owners	Residential	Some wetland areas	Adjacent to Highway 99W	Rectangular parcels	Feasible to provide	Not compatible for industrial use - adjacent to residential uses.
Springbrook Road South URA	Several larger parcels, likely to be impacted by the bypass	Relatively flat, has stream corridor running down along eastern 1/3	Many owners	Mostly vacant, some residential use	Stream corridor running along eastern 1/3 of URA area	No easy access onto Springbrook Rd; southern parcels access Wilsonville Rd	Rectangular parcels	Feasible to provide; may be somewhat difficult due to landlocked position	Not compatible for industrial use - majority is adjacent to medium density residential and a golf course
North Hills URA	Several larger parcels, many are sloped	Many parcels have slopes over 5%, some have slopes in excess of 10%	Many owners	Residential	Some stream corridor areas; some wooded areas	Access comes from local roads down to Highway 99W	Rectangular parcels	Difficult to provide services due to slopes and elevation	Not compatible for industrial use - adjacent to residential uses and slopes are incompatible with industrial users

1995 URA Areas:
Industrial Site
Comparison Map



Newberg Urban Area Growth Management Agreement

Adopted by Newberg City Council on July 2, 1979 and Yamhill County Board of Commissioners on June 20, 1979; As Amended by Newberg City Council on November 2, 1998 and Yamhill County Board of Commissioners on December 3, 1998; As Further Amended by Newberg City Council on June 5, 2000 and Yamhill County Board of Commissioners on December 14, 2000.

Preface

Seen from above, the modern city edges imperceptibly out of its setting. There are no clear boundaries. Just now the white trace of the super highway passed through cultivated fields; now it is an asphalt image of streets and buildings. As one drives in from the airport or looks out from the train window, clumps of suburban houses, industrial complexes, and occasional green space flash by; it is hard to tell where city begins or county ends." (Oscar Handlin, "The Modern City as a Field of Historical Study" in The Historian and the City (Cambridge, Mass. 1963, p.1).

I. Introduction

The City of Newberg and Yamhill County recognize the need for coordination and cooperation in the management of growth in and around the Newberg Urban Area. This agreement is formulated in accordance with this principle.

This agreement establishes a process for maintaining ongoing planning efforts, designed to keep pace with growth and change. It is essential that intergovernmental coordination be maintained to assure the citizens of the City of Newberg and Yamhill County that growth occurs in an orderly and efficient manner.

To that end, this agreement sets forth the means by which a plan for management of the unincorporated area within the Urban Growth Boundary will be implemented and by which the Urban Growth Boundary may be modified.

II. Definitions

Area of Influence - An area of land designated by the City of Newberg and Yamhill County that extends one mile outside Newberg's Urban Growth Boundary wherein the County will give the City an opportunity to participate in land use actions to be taken by the County.

Urban Growth Boundary - A line jointly adopted by the City of Newberg and Yamhill County that encircles the City and separates rural and urbanizable land. Newberg's Urban Growth Boundary is shown on the attached map.

III. General

1. Plan Map Conflicts. The 1979 Comprehensive plan Land Use Map adopted by the City of Newberg on July 2, 1979 shall be the plan map for the area within the Urban Growth Boundary, and shall replace conflicting portions of the Yamhill County Comprehensive Plan Map (1974) pertinent to this area. Where said maps conflict, Yamhill County shall initiate the process necessary for consideration of a map amendment.
2. Urban Growth Boundary. In accordance with the comprehensive Plan of the City of Newberg, the jointly adopted Urban Growth Boundary shall define the geographical limits of urbanization. The City of Newberg shall prepare for the orderly extension of public facilities and services within the boundary. Lands outside the boundary shall be maintained in accordance with the Yamhill County Comprehensive
3. Urbanization. The City of Newberg and Yamhill County shall encourage urbanization within the boundary to occur in an orderly and efficient manner, resulting in a compact, balanced urban center meeting long-term economic and social needs of the residents of the area regardless of political boundaries.
4. Implementation and Coordination. The very nature of planning requires continual refinement of various elements of the Comprehensive Plan. This includes the preparation of implementing ordinances, refinement plans and functional plans. As the Newberg Comprehensive Plan is implemented, the City and County will work together in a coordinated effort to achieve the goals of the Yamhill County and Newberg Comprehensive Plans.
5. Concurrence and Recommendation. The legitimate interests of the City and County overlap within the City's Urban Growth Boundary and Area of Influence. This agreement attempts to resolve these overlapping interests by providing for concurrence of City and County governing bodies for certain decisions and by providing for recommendations of one governing body to the other for other decisions.
 - a. Concurrence. Where concurrence is required, the City and County shall agree upon a decision. If agreement cannot be reached, procedures outlined in ORS 197.300 may be invoked.
 - b. Recommendation. Where a recommendation is required, the City and County need not agree upon a decision. The procedures are these: The right to object to any item referred to a jurisdiction for a recommendation shall be deemed to have been waived unless the referring jurisdiction is notified otherwise within thirty days; the time limit for consideration of items referred for recommendation shall begin to run from the time the item is received by the jurisdiction whose recommendation is being solicited; each jurisdiction shall have standing to appeal the decision of the other governing body.

IV. Term of this Agreement; Amendment

1. The term of this agreement runs from July 2, 1979, to July 2, 1980, and may be extended thereafter by increments of one year. During the term of the agreement or extension, the agreement may be changed by mutual consent of the parties hereto. This agreement is automatically renewed at the end of such term or extension unless either party hereto requests revision of the agreement by so notifying the other party at least ninety days before the end of the current term or extension.

V. Urban Services

1. The City of Newberg is recognized as the ultimate provider of urban services within the Urban Growth Boundary. To this end:
 - a. Special Districts. Before Yamhill County shall create any special district for the provision of utilities, transportation, or other public facilities or services, the matter shall be referred to the City of Newberg for a recommendation. The County shall not act contrary to such recommendation.
 - b. Service Capacity. Development within the Urban Growth Boundary shall not exceed the capacity of existing services.
 - c. Annexation. Annexation shall occur in accordance with the Newberg Comprehensive Plan. Before final action by the City Council on an annexation proposal, the proposal shall be forwarded to the Board of County Commissioners for its recommendation. In order to provide the board with advance notice of reasoning for a proposed annexation, the findings adopted by the City Planning Commission shall be referred to the board following the Commission action.
 - d. Service Expansion Plans. As the ultimate provider of urban services, the City shall prepare and from time to time update utility expansion plans. These plans shall provide a basis for the extension of services within the Urban Growth Boundary and as such shall be referred to Yamhill County for information and comment.
 - e. Roads. The County and City shall cooperatively develop an implementation policy regarding streets and roads within the Urban Growth Boundary which is consistent with the City Comprehensive Plan. Such policy shall include, but not be limited to, the following:
 - (1) The circumstances under which the City will assume ownership of and maintenance responsibility for County roads within the corporate limits.
 - (2) The conditions under which new public streets and roads will be developed within the urban Growth Boundary.

- (3) The conditions under which existing roads designated as future arterial in the City Comprehensive Plan will be improved.
 - (4) The conditions under which County and other roads should meet City standards within the Urban Growth Boundary. Roads should be compatible with City street alignments and extensions. Upon annexation of property, roads adjacent to (and which serve) such property should also be annexed.
- f. The County and the City through its departments shall coordinate their planning efforts and actions that affect land use with those of special districts.

VI. Establishment of the Newberg Urban Area Management Commission

The City of Newberg and Yamhill County do hereby establish the Newberg Urban Area Management Commission (NUAMC) as a hearings officer in accordance with ORS 215.406. The NUAMC shall be composed of the following members:

- Commissioner of the Yamhill County Board of Commissioners designated by the board.
- Mayor or council person of the City of Newberg designated by the Council.
- Member of Newberg Planning Commission designated by the City Council.
- Member of the Yamhill County Planning Commission Designated by the Board of County Commissioners.
- Member of the Newberg-Dundee P.A.C. designated by the Board of County Commissioners.
- Member of the Newberg Citizen Involvement Advisory Committee designated by the City Council.
- Member-at-large chosen by the above NUAMC members and ratified by the City Council and County Board.

Duties and Responsibilities. The NUAMC shall function in accordance with by-laws to be adopted by the Newberg City Council and the Yamhill County Board of Commissioners.

It shall be the responsibility of the Newberg Urban Area Management Commission to hold hearings, make findings, and present its decision to City and County governing bodies as outlined in this agreement and the by-laws.

VII. Establishment of Land Use Review Procedures

1. Urban Growth Boundary Amendment

Amendment of the Urban Growth Boundary may be initiated by the Yamhill County Board of Commissioners, the Newberg City Council, or by an individual owner(s) of property who request(s) inclusion in or exclusion from the Urban Growth Boundary.

Amendment of the Urban Growth Boundary shall be treated as a map amendment to both the City and County Comprehensive Plan maps.

The joint fee for individual amendment shall be the sum of fees established from time to time by each governing body.

Each application shall include a map and sufficient information to make a decision based on the following factors:

- a. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- b. Need for housing, employment opportunities, and livability;
- c. Orderly and economic provision for public facilities and services;
- d. Maximum efficiency of land uses within and on the fringe of the existing urban area;
- e. Environmental, energy, economic and social consequences;
- f. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
- g. Compatibility of the proposed urban uses with nearby agricultural activities.

Applications shall be filed with the Newberg Planning Department which shall collect the joint fee and forward the Yamhill County fee along with notice to the Yamhill County Department of Planning and Development. Applications must be complete prior to consideration by the Newberg Urban Area Management Commission.

Applications shall be accumulated and referred quarterly to the Newberg Urban Area Management Commission for a Public Hearing for which at least ten days advance public notice shall be given by publication in a newspaper of general circulation in the County (or published in the territory so concerned--ORS 215.060).

Following the Public Hearing, the NUAMC shall make and forward its findings and decision directly to the governing body of each jurisdiction which shall then make a determination based

upon the facts and record presented at the NUAMC hearing and shall not be required to hold a public hearing thereon.

Nothing included in this process requires or prohibits the City or County from referring the application to its respective Planning Commissions for information.

If the governing bodies do not concur in their final decision within sixty days of referral of the matter to them by the NUAMC, a joint meeting shall be held to resolve differences. If agreement cannot be reached, procedures for resolutions of conflict provided within ORS 197.300 may be invoked.

2. Comprehensive Plan Amendment

- a. Inside U.G.B., but outside city limits. This amendment shall be filed with Yamhill County, and shall otherwise be treated as an amendment to the Urban Growth Boundary.
- b. Inside city limits. The application shall be processed by the City of Newberg and shall be referred to Yamhill County for a recommendation.
- c. Outside the Urban Growth Boundary, but within the "Area of Influence". This amendment shall be processed by Yamhill County and shall be referred to the City of Newberg for a recommendation.

3. Zone Changes

The City of Newberg and Yamhill County recognize that each jurisdiction has authority to zone within its legal boundaries. However, the Urban Growth Boundary recognizes the eventual assumption of authority by the City of Newberg. Therefore, the following procedures are established:

- a. Zone change outside city limits but within the Urban Growth Boundary. Prior to filing an application with Yamhill County, the applicant shall apply for and receive a recommendation from the City of Newberg concerning the requested land use action. Requests shall be processed following the procedures outlined in the Addendum to this agreement, Section 2, item 5 (b). No fee shall be charged for processing a recommendation from the City of Newberg. Applications submitted without this recommendation will be deemed incomplete. The application then shall be processed in accordance with Yamhill County ordinances, except that the application will be referred to the NUAMC for a hearing in lieu of the Yamhill County Planning Commission. Appeals of the NUAMC decision shall be heard by the Yamhill County Board of Commissioners.
- b. Inside city limits. The application shall be processed by the City of Newberg and shall be referred to Yamhill County for information and/or comment.

- c. Outside the Urban Growth Boundary but within the "Area of Influence". The application shall be processed by Yamhill County and shall be referred to the City of Newberg for information and/or comment.

4. Other Items Affecting Land Use

- a. Items having a substantial impact upon land use under the jurisdiction of Yamhill County within Newberg's Area of Influence shall be referred to the City of Newberg for information and comment. Items having a substantial impact upon land use under the jurisdiction of Yamhill County within Newberg's U.G.B. shall be reviewed by the City of Newberg. Prior to filing an application with Yamhill County, the applicant shall apply for and receive a recommendation from the City of Newberg concerning the requested land use action. Requests shall be processed following the procedures outlined in the Addendum to this agreement, Section 2, item 5 (b). No fee shall be charged for processing a recommendation from the City of Newberg. Applications submitted without this recommendation will be deemed incomplete. Items not having a substantial impact may be so referred. Items having a substantial impact upon land use shall include but are not limited to:

- (1) Conditional Use Permits, (Excluding Temporary Hardship Dwellings)
- (2) Planned Unit Developments
- (3) Subdivisions and Partitions
- (4) Public Improvement Projects
- (5) Health Hazards
- (6) Special Exceptions
- (7) Capital Improvement Programs
- (8) Major Transportation Improvements

- b. Within the U.G.B., when Yamhill County ordinances require a Planning Commission public hearing on any of the above items, either as a recommendation or as a final action, the application shall be referred to NUAMC who shall hear the matter in lieu of the Yamhill County Planning Commission. Appeals of the NUAMC decision shall be heard by the Yamhill County Board of Commissioners.

- c. Items having substantial impact upon land use under the jurisdiction of the City of Newberg shall be referred to Yamhill County for information and/or comment. Items not having a substantial impact may be so referred. Items having a substantial impact upon land use shall include but are not limited to:

- (1) Conditional Use Permits
 - (2) Planned Unit Developments
 - (3) Subdivisions and Partitions
 - (4) Public Improvement Projects
 - (5) Extension of the Public Sewer, Water or Storm Drainage systems
 - (6) Capital Improvement Programs
 - (7) Major Transportation Improvements
5. Any of the above applications which may affect an agency identified in the City of Newberg or Yamhill County agency coordination list shall be referred to said agency for information and/or comment.

ADDENDUM TO NEWBERG URBAN AREA GROWTH MANAGEMENT AGREEMENT

This Addendum to Newberg Urban Area Growth Management Agreement pursuant to Newberg City Ordinance #1967 dated July 2, 1979 (hereinafter "Addendum") is made by agreement between Yamhill County ("County") and the City of Newberg ("City").

RECITALS

- A. The City and the County have previously entered into an intergovernmental agreement known as the Newberg Urban Area Growth Management Agreement ("NUAGMA") pursuant to Newberg City Ordinance #1967 dated July 2, 1979 and Yamhill County Ordinance 214 dated June 20, 1979, setting forth their respective rights and responsibilities with respect to the Urban Growth Boundary (UGB) and Area of Influence.
- B. The County and the City have previously adopted an Urban Reserve Area for the City of Newberg as required by OAR Chapter 660, Division 21, as shown on their comprehensive plan and zoning maps, plan policies and land use regulations, to guide the management of these areas in accordance with the requirements of OAR Chapter 660 Division 21. Newberg City Ordinance 95-2397, Yamhill County Ordinance 596 (copies attached).
- C. The Urban Reserve Area is intended over time to be incorporated into an urban growth boundary. Because full urban services are not yet available in the area, urban level development is not permitted. Very limited rural development of property can occur in the area, but only when such usage is consistent with and does not impede the future urbanization of property.
- D. The purpose of this Addendum is to clarify planning and zoning intents and add provisions to the existing intergovernmental agreement for the purpose of satisfying the requirements of OAR Chapter 660, Division 21 relating to Urban Reserve Areas.

AGREEMENT

NOW, THEREFORE, the City and County agree as follows:

Section 1 **Definitions:**

- (1) "Urban Reserve Area" has the same meaning as set forth in OAR 660-021-0010 (1), and means lands outside of an urban growth boundary identified as highest priority for inclusion in the urban growth boundary when additional urbanizable land is needed in accordance with the requirements of Goal 14.

Section 2. **Compliance with OAR Chapter 660, Division 21.** In accordance with the applicable requirements of Chapter 660, Division 21, City and County agree as follows:

- (1) As required by OAR 660-021-0040(3):

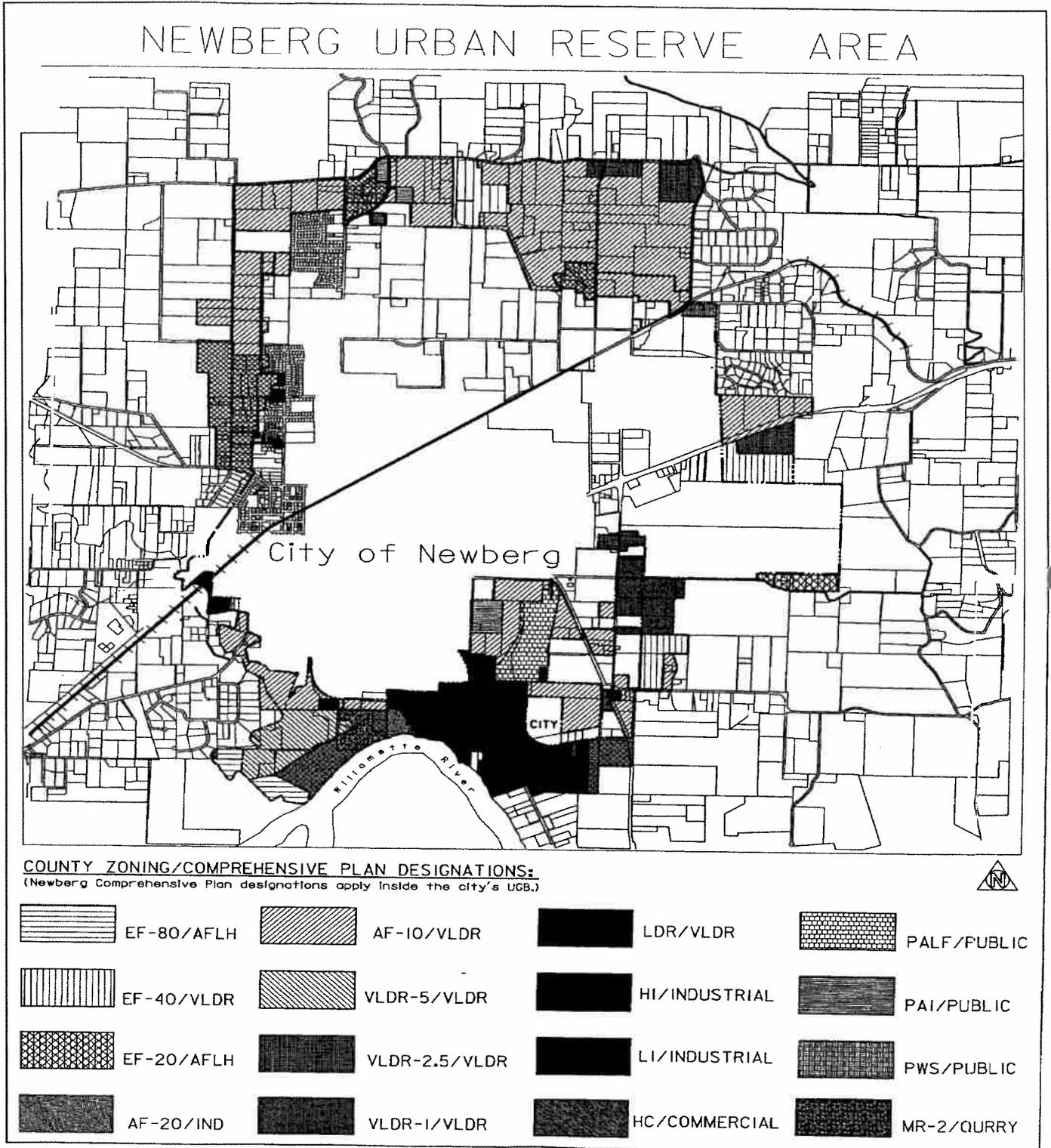
- (a) The County shall prohibit zone amendments allowing more intensive uses, including higher residential density, than permitted at the date of this agreement.
- (2) As required by OAR 660-021-0050(1), unless otherwise agreed to, designation of the local government responsible for building code administration and land use regulation in the URA shall be:
 - (a) Prior to inclusion within the UGB: County
 - (b) After inclusion within the UGB : County
 - (c) After annexation into the city: City
- (3) Designation of service responsibility, as required by OAR 660-021-0050(2):
 - (a) The local government or special district responsible for services (including sewer, water, fire protection, parks, transportation, storm water) for areas within the URA are designated and shown on map(s) attached hereto and incorporated herein as Exhibit "1A."
 - (b) The areas projected for future urban service responsibility after inclusion in the urban growth boundary are shown on map(s) attached hereto and incorporated herein as Exhibit "1A."
- (4) As required by OAR 660-021-0050(3), the terms and conditions under which service responsibility will be transferred or expanded, for areas where the provider of service is expected to change over time, is described in Exhibit "1B," attached hereto and incorporated herein.
- (5) As required by OAR 660-021-0050(4), procedures for notification and review of land use actions to ensure involvement by all affected local governments and special districts:
 - (a) Within the Urban Reserve Area, Comprehensive Plan Amendments, zone changes, and other applications affecting land use, including conditional use, PUDs, subdivisions and partitions, public improvement projects, health hazards, capital improvement programs and major transportation improvements, shall be processed by Yamhill County. Prior to filing an application with Yamhill County, the applicant shall apply for and receive a recommendation from the City of Newberg concerning the requested land use decision. Applications submitted without this recommendation will be deemed incomplete.
 - (b) Upon request or application for a recommendation on a requested land use decision in the URA, the City shall use the following procedures in developing a recommendation (see Exhibit 1C for criteria to be used by the City in the recommendation process):

- (1) Applicant shall file with the City a substantially complete Yamhill County application and include a future development plan as provided in this agreement.
- (2) The City staff or City Council may refer the application to the City Planning Commission for a recommendation to the City Council.
- (3) The recommendation to Yamhill County shall be from the City Council.
- (4) Notice of any hearings shall be to the general public and any hearings shall be legislative in nature. Additional notice may be provided as the City deems necessary. This shall not be a quasi-judicial hearing since the City of Newberg is making a recommendation.
- (5) The City of Newberg shall furnish to the applicant its recommendation to Yamhill County within 60 days of the date that the request for recommendation is filed with the City of Newberg. City staff may request additional information from the applicant concerning the application prior to making a recommendation. Unless otherwise agreed between City and applicant, failure to furnish the recommendation within 60 days will waive the requirement to have a recommendation accompany the application.
- (6) The City reserves the right to make additional recommendations and comments concerning the application to Yamhill County during the Yamhill County process.
- (7) Nothing in this agreement limits the rights of either party in participating in the land use process before either jurisdiction.
- (8) Nothing in this agreement shall be construed as mandatory county approval criteria.

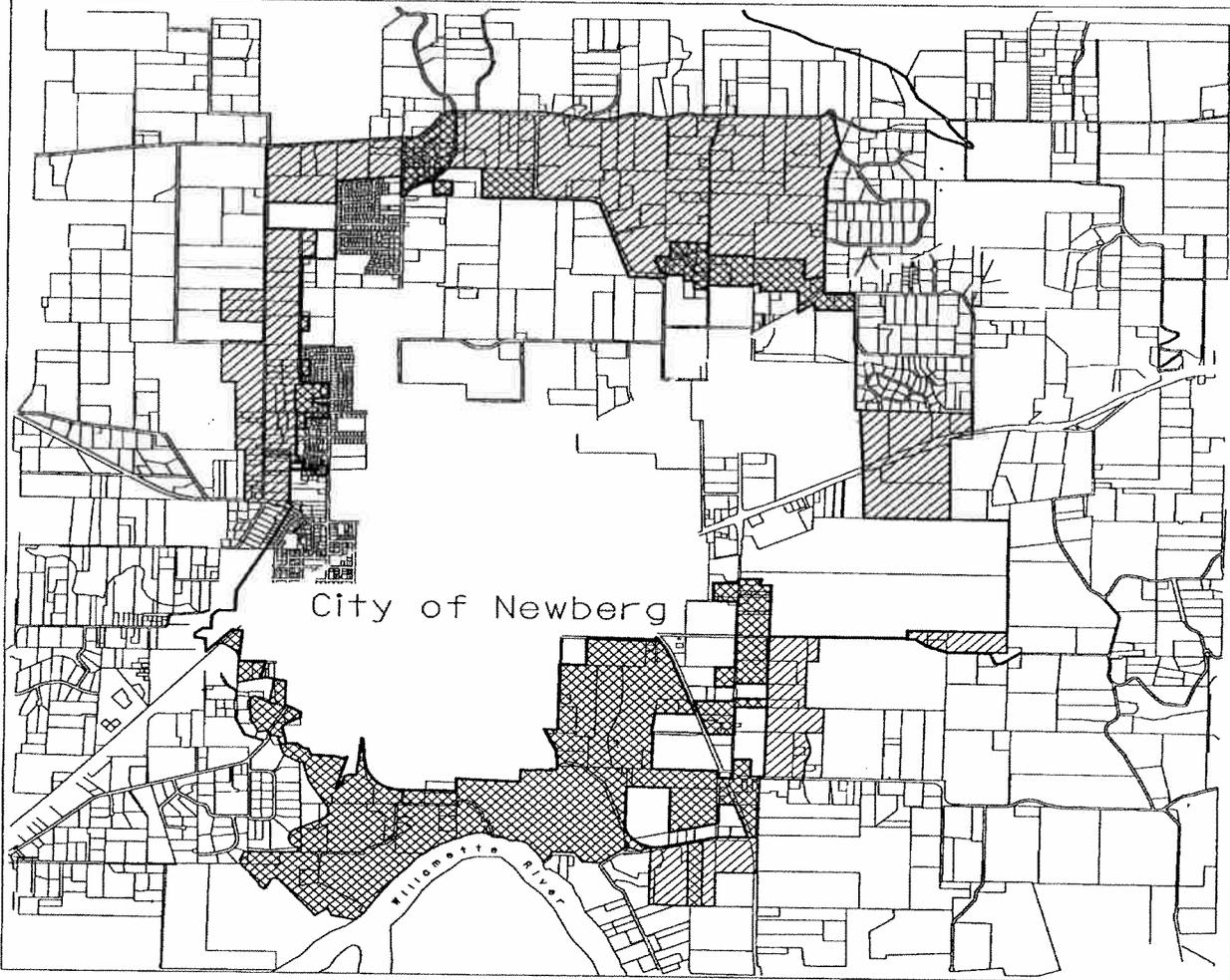
Section 3. In all other respects, the Newberg Urban Area Growth Management Agreement shall remain in full force and effect.

Section 4. Effective Date. This Addendum becomes effective on November 2, 1998.

EXHIBIT 1A URBAN RESERVE AREA MAPS



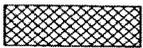
NEWBERG URBAN RESERVE AREA



LEGEND:



Urban Reserve Area



Urban Growth Boundary

————— City Boundary Line

————— Urban Reserve Area

————— Urban Growth Boundary



Special Districts: Yamhill County Extension Service
 Yamhill County Soil and Water Conservation Service
 School District 29J, Newberg
 Yamhill Educational Service District
 Newberg Fire Protection District
 Chehalem Park and Recreation District
 Portland Community College

EXHIBIT 1B
URBAN SERVICE TRANSITION POLICIES

Service Responsibility in General The following “Existing Service Provider” shall be responsible for providing public services within the Urban Reserve Areas. The “Future Urban Service Provider” is the provider projected to have responsibility after inclusion in the UGB or in the City depending on the terms and conditions identified below. The timing for changing the responsible service provider will be flexible, depending on citizen needs and location of properties.

<u>Service</u>	<u>Existing Service Provider</u>	<u>Future Urban Service Provider</u>
Sanitary Disposal	No Public Provider	City of Newberg
Water	Service Districts	City of Newberg
Fire Protection	Newberg Rural Fire District	City of Newberg
Parks & Recreation	Chehalem Park and Recreation District/Yamhill County	Chehalem Park and Recreation District/Yamhill County
Transportation	Yamhill County/ODOT	City of Newberg/ODOT
Storm Water	Yamhill County	City of Newberg

Terms and Conditions under which Service Responsibility will be transferred or expanded.

- D. Special Districts. The City shall agree to the formation of any special district within the Urban Reserve Area prior to the approval of the formation of the district by Yamhill County. This provision shall not apply to County-wide service districts formed under ORS Chapter 451.
- B. Annexation. Annexation of property from the URA may be permitted if contiguous to City limits and shall occur in accordance with the Newberg Comprehensive Plan. Before final action by the City Council on an annexation proposal, the proposal shall be forwarded to the Board of County Commissioners for a recommendation. In order to provide the Board with advance notice of a proposed annexation, the findings adopted by the City Planning Commission shall be referred to the Board following the Planning Commission action.
- C. Service Expansion Plans. Service expansion plans shall be consistent with the Newberg Urban Area Growth Management Agreement. As the future provider of sanitary disposal, storm water and water services, the City shall prepare and from time to time update utility expansion plans. These plans shall provide a basis for the extension of services within the Urban Growth Boundary, and as such shall be referred to Yamhill County for information and comment.
- D. Transition Policies Relating to Service Responsibility
 - 1. Sanitary Sewer Service There will be no public provider of these services until City services are available, except in the case of a state mandate due to a health hazard. At the time of annexation, the City will require hook-up to City sanitary sewer services. Nothing in this provision shall limit the ability of individuals to provide services on their own private property within the Urban Reserve Area.

2. Potable Water Service The City of Newberg shall be the sole and only public provider of water in this area, except for existing water districts, unless new districts are expanded or created through mutual agreement by the City and the County. Nothing in this provision shall limit the ability of individuals to provide services on their own private property within the Urban Reserve Area.
3. Fire Protection The Newberg Rural Fire District provides fire protection services to property within the Urban Reserve Area and the Urban Growth Boundary. The City will provide fire protection services to property within the city limits.
4. Parks and Recreation Chehalem Park and Recreation District and Yamhill County provide park and recreation services within the Urban Reserve Area and the Urban Growth Boundary. Chehalem Park and Recreation District and Yamhill County will remain providers of these services within the city limits unless agreed otherwise.
5. Transportation and Street Improvements Yamhill County provides Transportation services on county roads within the Urban Reserve Area. Yamhill County policies for transfer of jurisdiction are outlined in the Yamhill County Transportation System Plan Section 5.1, Policy 1.5, and Section 5.2.2, Goals and Policies 4, 5, 6 (See attachment Exhibit 1. B.). In summary, the policy is to transfer jurisdiction and maintenance responsibilities to the city upon annexation and improvement to City standards.

Roads in the Urban Reserve Area ultimately are to be developed to City standards. Development in the Urban Reserve Area shall provide adequate transportation facilities to serve the development as provided in Yamhill County ordinances.

The Oregon Department of Transportation provides transportation services on state highways within the Urban Reserve area. The department retains jurisdiction and maintenance responsibilities on all state highways after incorporation into the UGB and annexation except in special cases where jurisdiction is transferred to the City or County by a specific agreement.

6. Storm Water Management Yamhill County provides public storm water management services to property where required within the Urban Reserve Area. The City will provide storm water management services to property within the city limits. Transition of public storm water management services will follow transition of road maintenance responsibilities.

ATTACHMENT TO EXHIBIT 1B

County Transportation Plan (Page 73): The Transportation System Plan (TSP) of Yamhill County provides in Section 5.1, Policy 1.5, Section 5.2.2, Goals and Policies 4, 5, and 6 as follows:

Yamhill County TSP Policy 1.5. *The lead agency for transportation project review shall be:*

- a. Yamhill County for facilities outside the UGBs*
- b. The affected city for facilities within the UGBs*
- c. The State of Oregon. Yamhill County and affected cities on projects involving state-owned facilities.*

Yamhill County TSP Policy 4. *It is the policy of Yamhill County to coordinate the County Transportation System Plan with the transportation plans of the ten incorporated cities within Yamhill County. The County will emphasize continuity in the classification of roads and appropriate design standards for roadways which link urban areas with rural areas outside Urban Growth Boundaries. At the time of UGB amendment Yamhill County and the City involved shall agree on classification and design standards of all County Roads within the proposed UGB area prior to finalization of the amendment.*

Yamhill County TSP Policy 5 *County policy will encourage the expeditious transfer of jurisdiction of roadways to incorporated cities in conjunction with annexation. It is the policy of Yamhill County that developers of property who propose annexation and who have frontage on a road that does not meet City road standards shall have the primary responsibility for upgrading the road to City standards. Roads shall be upgraded at the time of annexation, or the developer shall sign an agreement with the City to upgrade the road, at the time of development. Transfer of jurisdiction shall require the approval of both the County and the City, in accordance with provisions in Oregon Revised Statutes 373.270.*

Yamhill County TSP Policy 6. *It is the policy of Yamhill County to require the transfer, or an agreement to transfer with specific time lines and milestones as part of the agreement, jurisdiction of County roadways within urban growth boundaries to their respective cities at the time of annexation.*

EXHIBIT 1C
CRITERIA AND SUBMITTALS FOR CITY RECOMMENDATION
REGARDING DEVELOPMENT IN THE URA

A. Criteria: Generally, the following criteria will be used by the City of Newberg in developing City recommendations regarding land use development in the Urban Reserve Area. It is the City's intent to recommend that the County only allow development in the Urban Reserve Area that is limited in scope and that is consistent with the future urban development of the property.

1. Future Development Plan: The City Council shall recommend approval, recommend approval with conditions, or recommend against the future development plan in accordance with the following criteria:
 - (a) The current development shall not cause more than 10 percent of the property to be used for site improvements including buildings, parking areas, improved recreation areas, and storage areas, unless the City agrees the development intensity will not prohibit future urban development.
 - (b) The future development plan shall allow for the efficient future urban development of the remainder of the property. It shall allow for construction of future urban streets and utilities, and shall allow for required setbacks to current and future property lines.
 - (c) The plan is consistent with adopted plans and policies for the area, such as street or utility plans and policies in this agreement.
2. The City may recommend that the application be approved with conditions, which may include, but are not limited to: an agreement to annex, a deferred improvement agreement for future public facilities; construction of necessary street improvements, storm drains, or other public facilities; dedication of right-of-way, easements for utilities; special setbacks from planned right-of-ways.

B. Submittal Requirements

1. A future development plan shall be required for any development in the Urban Reserve Area requiring a Yamhill County Type B or Type C review, excluding any development that involves a change in use to existing buildings only. The future development plan shall be used solely to evaluate the current proposal's compatibility with potential future urban development. It does not bind or commit the applicants, property owners, review bodies, or governing bodies to approve or carry out the proposed future development.
2. The future development plan shall show how the property could be fully developed when incorporated into the city. The plan shall be drawn to scale and shall include the following:
 - (a) The location of potential future streets within and surrounding the site.

- (b) The location of potential future sewer, water, and storm drainage facilities within and surrounding the site.
- (c) The location and approximate dimensions of potential future lot lines.
- (d) Setback lines for proposed structures from current and proposed property lines.

WYNOOSKI ROAD LOCAL IMPROVEMENT DISTRICT

ENGINEERING REPORT



RENEWS: 12-31-08

CRANE & MERSETH ENGINEERING/SURVEYING
JUNE, 2007

WYNOOSKI ROAD LOCAL IMPROVEMENT DISTRICT ENGINEERING REPORT

INTRODUCTION

Local Improvement Districts (LIDs) may be formed when property owners petition the City for the purpose of constructing and funding public improvements in their neighborhood, or when the City determines that improvements to a particular area are necessary. Special assessments to the properties benefiting from the improvements are implemented by the City through the formation of an LID. Typical improvements made through the LID process are streets, water lines, sewers, sidewalks, and traffic signals. City Code 36.52 provides for the formation of Local Improvement Districts and defines the process for their creation and implementation.

The City of Newberg is exploring the possibility for providing certain properties with sanitary sewer service along Wynooski Road. In this process the city council has requested preparation of an engineering report directed at identifying and describing the properties to be included in the district, determining a potential layout of the sanitary sewer, estimating the costs for these improvements and identifying possible cost allocation methods for the project.

This report presents the results of that investigation.

DESCRIPTION OF THE PROPOSED DISTRICT

Figure 1 shows an aerial photo of the project area and Figure 2 shows properties proposed for inclusion in the LID. Except for the presence of Wynooski Road and Sandoz Road, all properties are contiguous and in the vicinity of the city's wastewater treatment plant. The entire proposed LID is comprised of 15 individual parcels totaling 72.69 acres. Of the 15 properties in the proposed LID, 9 are located north of Wynooski Road and are within the Newberg city limits. The remaining 6 properties south of Wynooski Road are within the city's Urban Growth Boundary.

Zoning for these properties range from very low density residential to heavy industrial with one property zoned as agricultural/forestry.

Currently, properties where development has occurred are served through use of on-site septic systems. Two properties are an exception to this however. These are tax lots 200 and 205 located immediately east of the wastewater treatment plant along the north side of Wynooski Road. These properties receive sanitary sewer service by a small pressurized sewer system through which sewage is pumped from each property directly to the wastewater treatment plant to the west. This system is privately owned and operated.

Preliminary research by city staff indicates that the agreement allowing service to these two properties provides that they will connect to a public sewer when it is installed and that they will share in the cost of the improvements.

Tables 1 and 2 show specific information about the properties in the proposed district.

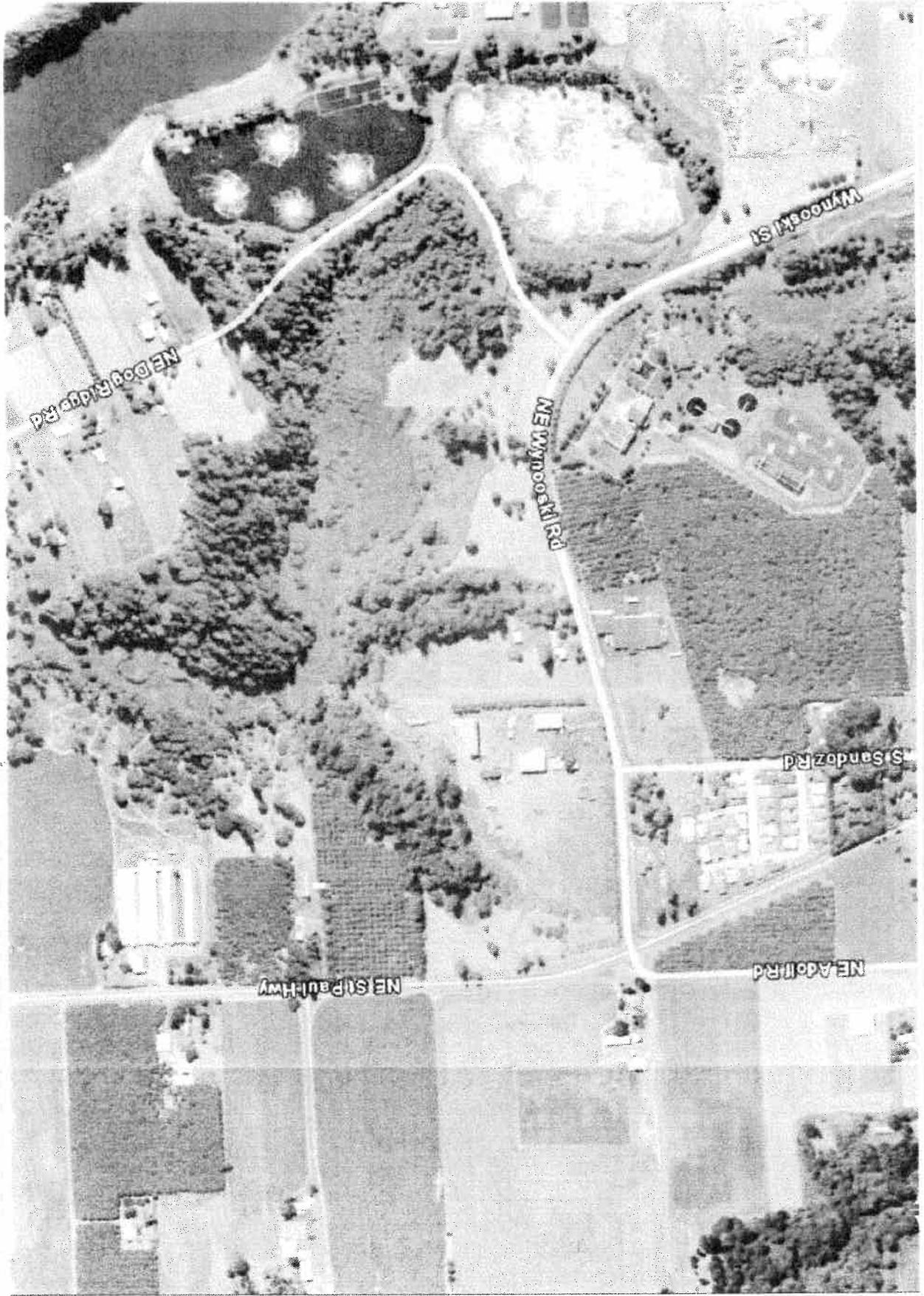
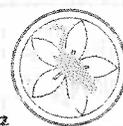


FIGURE 1
PROJECT NO.
109-008

CITY OF NEWBERG
WYNOOSKI ROAD LID
LID SITE PLAN



DATE: 02/29/09
DRAWN BY: JLM
CHECKED BY: JLM
DATE: 02/29/09
SCALE: AS SHOWN
PROJECT NO.: 109-008
CITY OF NEWBERG

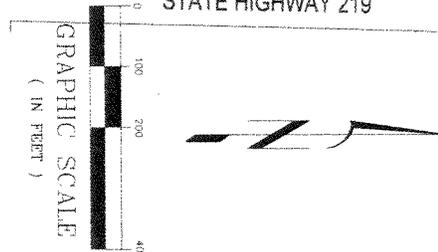
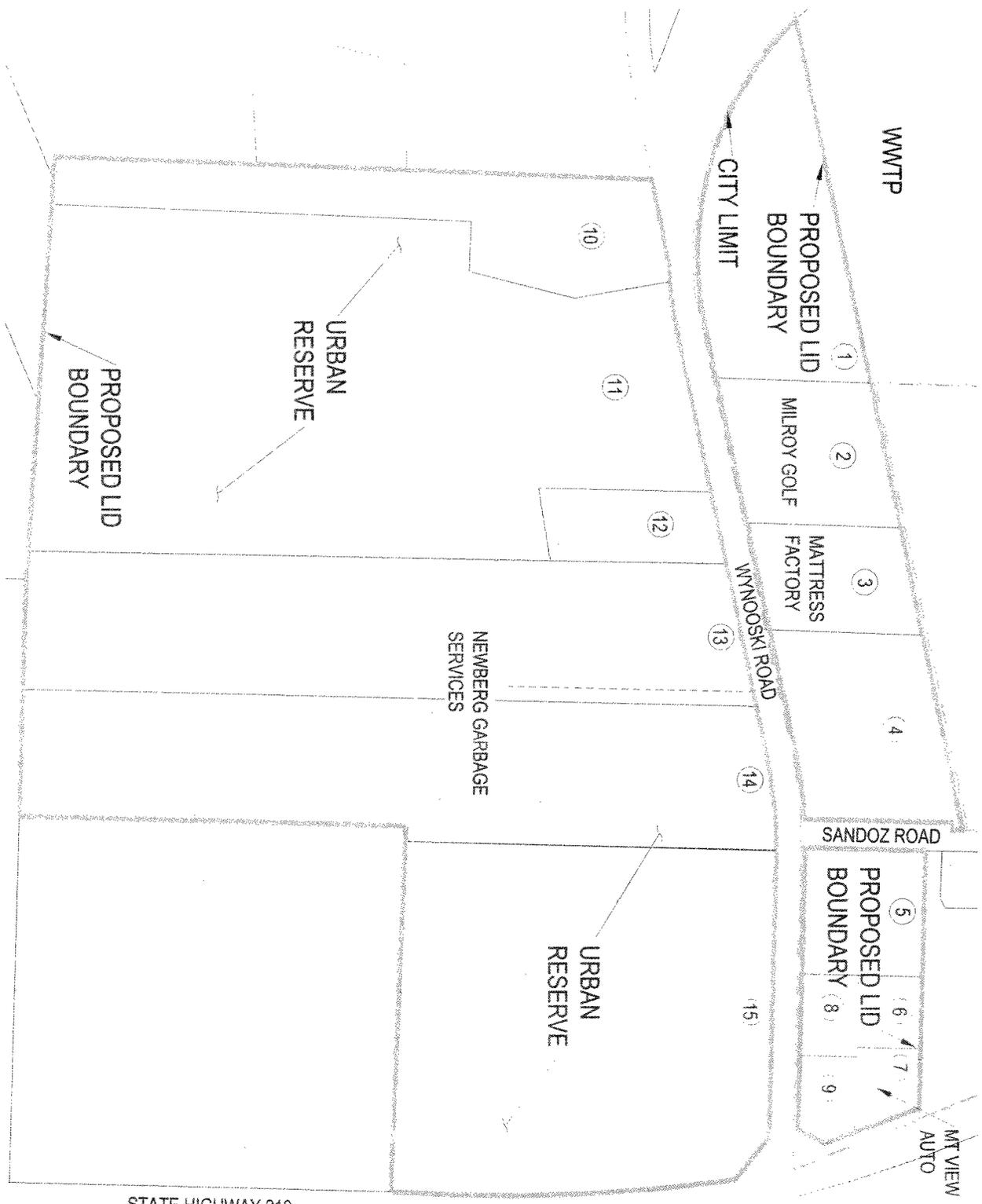


FIGURE 2
PROJECT NO.
109-008

CITY OF NEWBERG
WYNOSKI ROAD LID
LID SITE PLAN



URBAN
GROWTH
BOUNDARY

CITY OF NEWBERG
DATE: 02/20/07
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: [Date]

TABLE 1
 WYNOOSKI ROAD LID
 PARCEL OWNERSHIP

ID	Tax Lot	Owners Name	Address	City, State, Zip
1	(T#: 32 29 00201)	CITY OF NEWBERG	414 E. MAIN STREET	NEWBERG OR 97132
2	(T#: 32 29 00200)	TWO BEARS CO	PO BOX 583	CARLTON OR 97111
3	(T#: 32 29 00205)	WALKER, MELISSA	C/O OREGON MATTRESS COMPANY	NEWBERG OR 97132
4	(T#: 32 29 00203)	HALSTEAD, RONALD C & RUSSELL M	PO BOX 54	NEWBERG OR 97132
5	(T#: 32 28 BB 00400)	SALMON, EDITH	1708 S SANDOZ RD	NEWBERG OR 97132
6	(T#: 32 28 BB 00501)	NEAL, KATHLEEN A (WROS)	3215 S WYNOOSKI RD	NEWBERG OR 97132
7	(T#: 32 28 BB 00500)	NEAL, KATHLEEN A	3215 WYNOOSKI ST	NEWBERG OR 97132
8	(T#: 32 28 BB 00502)	SCHMITZ FAMILY LLC	3635 BETHEL HEIGHTS RD NW	SALEM OR 97304
9	(T#: 32 28 BB 00503)	CHISHOLM, JON B	13012 SW BROADMOOR PL	TIGARD OR 97223
10	(T#: 32 29 00500)	SOUTHEAST PAPER MANUFACTURING CO	ATTN LORI MUSCUTT	NEWBERG OR 97132
11	(T#: 32 29 00400)	SOUTHEAST PAPER MANUFACTURING CO	ATTN LORI MUSCUTT	NEWBERG OR 97132
12	(T#: 32 29 00300)	LAJOIE, MERLIN A & SANDRA K	20855 NE WILLIAMSON RD	NEWBERG OR 97132
13	(T#: 32 28 01800)	LAJOIE, MERLIN A & SANDRA K	20855 NE WILLIAMSON RD	NEWBERG OR 97132
14	(T#: 32 28 01700)	LAJOIE, MERLIN A & SANDRA K	PO BOX 1000	NEWBERG OR 97132
15	(T#: 32 28 01200)	LAJOIE, MERLIN A & SANDRA K	PO BOX 1000	NEWBERG OR 97132

TABLE 2
WYNOOSKI ROAD LID
PARCEL DESCRIPTIONS

ID	Tax Lot	Address	Area	Frontage	Zoning	Ownership	Development Status			
							Developed	Buildable	Nonbuildable	In City
1	32 29 201	2301 Wynooski	4.04 ac	804	M2	City of Newberg	0	4.04	0	Y
2	32 29 200	Wynooski	2.29 ac	318	M2	Two Bears Co.	1.34	0	0	Y
3	32 29 205	2751 Wynooski	1.69 ac	234	M2	Walker	1.32	0	0	Y
4	32 29 203	2801 Wynooski	3.0 ac	417	M2	Halstead	0	3	0	Y
5	32 28BB 400	1708 Sandoz	1.49 ac	259	M2	Salmon	0.25	1.23	0	Y
6	32 28BB 501	3209 Wynooski	20044 sf	0	M2	Neal	0	20044	0	Y
7	32 28BB 500	3215 Wynooski	20137 sf	0	M2	Neal	20137	0	0	Y
8	32 28BB 502	3201 Wynooski	20028 sf	171	M2	Schmitz	20028	0	0	Y
9	32 28BB 503	3223 Wynooski	20016 sf	155	M2	Chisholm	0	20016	0	Y
10	32 29 500	2600 Wynooski	4.4 ac	208	HI	SE Paper Mfg	0.84	1.19	2.37	N
11	32 29 400	2608 Wynooski	19.27 ac	451	HI	SE Paper Mfg	0.23	14.16	4.88	N
12	32 29 300	2716 Wynooski	1.24 ac	150	VLDR2.5	Lajoie	0.23	1.11	0	N
13	32 28 1800	2808 Wynooski	9.61 ac	289	VLDR2.5	Lajoie	0.35	5.86	3.79	N
14	32 28 1700	Wynooski	10.51 ac	343	VLDR2.5	Lajoie	0	0	0	N
15	32 28 1200	9475 St. Paul Hwy NE	13.31ac	1377	VLDR2.5	Lajoie	0.52	12.5	1.38	N

- Notes:
1. Zoning, and Development Status from City of Newberg, city maps website.
 2. Parcel addresses, areas and frontage from Yamhill County Assessors Office website.

Zoning Definitions:

- M-2 - Light Industrial (City of Newberg)
- VLDR2.5 - Very Low Density Residential District (Yamhill County)
- HI - Heavy Industrial (Yamhill County)

ESTIMATED SANITARY SEWAGE FLOWS

Estimates of the possible sanitary sewage flows that could be generated by individual properties are shown on Table 3. Several assumptions were made to determine these flows, each based on commonly accepted engineering practice. Newberg has few comparable industries on which to base typical flow estimates and since the types of commercial and industrial facilities which can be built on land zoned for such uses can vary widely, textbook estimates were used. These figures are applied to the portion of developable land as determined by city and county planners, percentages for which are shown on Table 3. Areas of each parcel which has been determined to be “nonbuildable” were omitted in calculating flows.

The following average unit flow rates were used to forecast sanitary sewage flows:

Residential – 80 gallons per capita per day for a typical household comprised of 3 people

Light Industrial – 2000 gallons per acre per day

Heavy Industrial – 5000 gallons per acre per day

Agricultural/Forestry – 2000 gallons per acre per day

These average flows are increased to peak flow levels to account for typical diurnal variations commonly experienced in every urban environment. For purposes of this analysis, a peaking factor of 3.0 was applied to the average flows determined for each parcel.

Since many of the parcels in the proposed LID are currently used for commercial or industrial uses, it has been assumed that those parcels which are currently

TABLE 3
WYNOOSKI ROAD LID
FLOW CALCULATIONS

ID	Tax Lot	Address	Area	Zoning	Development Status (acres)			Flows (gpm)			
					Developed	Buildable	Nonbuildable	Average	Peak	I/I	Total
1	32 29 201	2301 Wynooski	4.04 ac	M2	0.00	4.04	0	0.0	0.0	4.2	4.2
2	32 29 200	Wynooski	2.29 ac	M2	1.34	0.00	0	1.9	5.6	1.4	7.0
3	32 29 205	2751 Wynooski	1.69 ac	M2	1.32	0.00	0	1.8	5.5	1.4	6.9
4	32 29 203	2801 Wynooski	3.0 ac	M2	0.00	3.00	0	4.2	12.5	3.1	15.6
5	32 28BB 400	1708 Sandoz	1.49 ac	M2	0.25	1.23	0	2.1	6.2	1.5	7.7
6	32 28BB 501	3209 Wynooski	20044 sf	M2	0.00	0.46	0	0.6	1.9	0.5	2.4
7	32 28BB 500	3215 Wynooski	20137 sf	M2	0.46	0.00	0	0.6	1.9	0.5	2.4
8	32 28BB 502	3201 Wynooski	20028 sf	M2	0.46	0.00	0	0.6	1.9	0.5	2.4
9	32 28BB 503	3223 Wynooski	20016 sf	M2	0.00	0.46	0	0.6	1.9	0.5	2.4
10	32 29 500	2600 Wynooski	4.4 ac	HI	0.84	1.19	2.37	7.0	21.1	2.1	23.3
11	32 29 400	2608 Wynooski	19.27 ac	HI	0.23	14.16	4.88	50.0	149.9	15.0	164.9
12	32 29 300	2716 Wynooski	1.38	VLDR2.5	0.23	1.15	0	1.9	5.8	1.4	7.2
13	32 28 1800	2808 Wynooski	9.61 ac	VLDR2.5	0.35	5.86	3.79	8.6	25.9	6.5	32.3
14	32 28 1700	Wynooski	10.51 ac	VLDR2.5	0.00	6.41	4.10	8.9	26.7	6.7	33.4
15	32 28 1200	9475 St. Paul Hwy NE	13.31ac	VLDR2.5	0.52	12.50	1.38	18.1	54.3	13.6	67.8

- Notes:**
1. Zoning, and Development Status from City of Newberg, city maps website.
 2. Parcel addresses, areas and frontage from Yamhill County Assessors Office website.
 3. Zoning on parcels with current very low density residential zoning are assumed to be rezoned to light industrial

Zoning Definitions:	
M-2	- Light Industrial (City of Newberg)
VLDR2.5	- Very Low Density Residential District (Yamhill Co.)
HI	- Heavy Industrial (Yamhill County)

Flow Rates:	Zoning	Average Q
	M2	2000 gpad
	VLDR2.5	80 gpcd
Inflow/Infiltration	HI	5000 gpad
	na	1500 gpd

gpad = gallons per acre per day
gpcd = gallons per capita per day

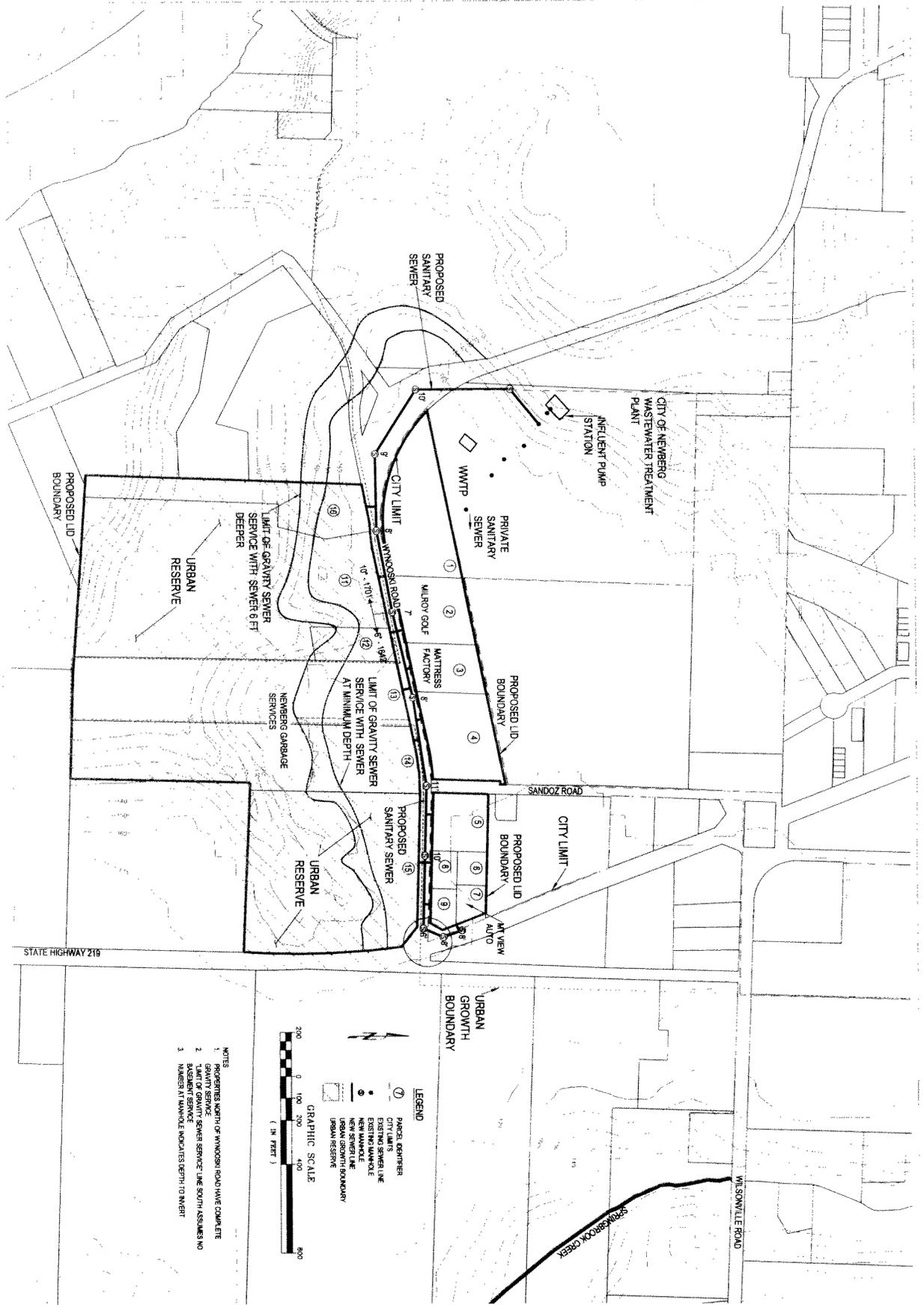
zoned as very low density residential would likely be converted to light industrial in the future so flow calculations for these parcels were based on this change.

PROPOSED SANITARY SEWER CONFIGURATION

Figure 3 shows the layout of sanitary sewer facilities which will provide service to each of the properties within the LID. This new sewer system will discharge just upstream of the wastewater treatment plant influent pump station. This discharge point was selected because the existing line is deep enough to provide service to all the properties in the LID and more properties to the east should the system be extended.

The new line is shown located along the south side of the Wynooski Road right-of-way and the west side of Hwy 219. These locations provide the most direct connection to the larger parcels in the LID with smaller service lines extended across Wynooski Road to serve the smaller parcels to the north. In addition, other utilities occupy portions of the northern half of Wynooski Road making construction of a sanitary sewer on that side more costly. Depth of the new sanitary sewer was established to provide a service connection at least 6 feet deep at the property line for each property. This allows most structures access to the sewer but will not accommodate service to a basement or to a building located very far from the public sewer. Development of a shallow system with individual pump station to serve these parcels was not considered in this report.

A detailed system layout would be completed during a preliminary design should the LID proceed. The preliminary design will resolve such things as location of existing (conflicting) utilities, availability of right-of-way, permit requirements, detailed manhole and service connections and similar issues.



STATE HIGHWAY 219

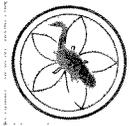
- NOTES
1. PARCELS SOUTH OF WYNOOSKI ROAD HAVE COMPLETE GRAVITY SERVICE
 2. LIMIT OF GRAVITY SERVICE LINE SOUTH ASSUMES NO ROADSIDE SERVICE
 3. NUMBERS IN CIRCLES INDICATES DEPTH TO INVERT

LEGEND

- ① PARCEL NUMBER
- ② CITY LIMITS
- ③ EXISTING SEWER LINE
- ④ NEW SEWER LINE
- ⑤ NEW SERVICE LINE
- ⑥ URBAN GROWTH BOUNDARY
- ⑦ URBAN RESERVE

GRAPHIC SCALE
(1 IN. = 100 FT.)

CITY OF NEWBERG
WYNOOSKI ROAD LID
LID SITE PLAN



DATE: 02/20/02
DRAWN: JAH
CHECKED: JAH
DESIGNED: JAH
PROJECT NO.: 1109-008

FIGURE 3
PROJECT NO.
1109-008

TABLE 4
 WYNOOSKI ROAD LID
 SANITARY SEWAGE FLOWS
 CUMULATIVE TOTALS

ID	Tax Lot	Area	Development Status (acres)			Flows (gpm)					
			Developed	Buildable	Nonbuildable	Average	Peak	I/I	Total	Cumulative Peak	
15	32 28 1200	13.31ac	0.52	12.50	1.38	18.1	54.3	13.6	67.8	67.8	
7	32 28BB 500	20137 sf	0.46	0.00	0	0.6	1.9	0.5	2.4	70.2	
9	32 28BB 503	20016 sf	0.00	0.46	0	0.6	1.9	0.5	2.4	72.6	
6	32 28BB 501	20044 sf	0.00	0.46	0	0.6	1.9	0.5	2.4	75.0	
8	32 28BB 502	20028 sf	0.46	0.00	0	0.6	1.9	0.5	2.4	77.4	
5	32 28BB 400	1.49 ac	0.25	1.23	0	2.1	6.2	1.5	7.7	85.1	
14	32 28 1700	10.51 ac	0.00	6.41	4.10	8.9	26.7	6.7	33.4	118.5	
4	32 29 203	3.0 ac	0.00	3.00	0	4.2	12.5	3.1	15.6	134.1	
13	32 28 1800	9.61 ac	0.35	5.86	3.79	8.6	25.9	6.5	32.3	166.5	
3	32 29 205	1.69 ac	1.32	0.00	0	1.8	5.5	1.4	6.9	173.3	
12	32 29 300	1.24 ac	0.23	1.11	0	1.9	5.6	1.4	7.0	180.3	
2	32 29 200	2.29 ac	1.34	0.00	0	1.9	5.6	1.4	7.0	187.3	
1	32 29 201	4.04 ac	0.00	0.00	0	0.0	0.0	4.2	4.2	191.5	
11	32 29 400	19.27 ac	0.23	14.16	4.88	50.0	149.9	15.0	164.9	356.4	
10	32 29 500	4.4 ac	0.84	1.19	2.37	7.0	21.1	2.1	23.3	379.7	

Notes: Tax lots arranged from upstream to downstream
 Tax lots 500, 501, 502 and 503 are assumed to have new zoning of Light Industrial instead of current low density residential

SERVICE TO INDIVIDUAL PROPERTIES

Service to individual properties in the proposed LID was predicated on being able to provide gravity sewer service at the property line with the service connection point a minimum of 6 feet deep. Each parcel will be provided with a 6" diameter service line terminated at the property line. This will allow extension of a service line into the property with a private sewer service line. The distance to which gravity sewer service can be extended into an individual property will vary from parcel to parcel depending on the individual topography of the parcel, the distance from any buildings to the service connection and the diameter of the private service line upstream from the connection to the public sewer.

Data shown on Table 2 indicated the "buildable" acreage remaining on individual parcels. These data are taken from website information provided by the City of Newberg. The terms "buildable" and "nonbuildable" are based on FEMA flood plane data and approximate the 100 foot contour elevation. This elevation is intended to denote the level at which the drainage would experience an annual 1 percent chance of flooding event to that elevation.

The construction costs of gravity sanitary sewer service are directly linked to the depth of the sewerlines in the project. Obviously, the more shallow the sewers, the less project cost to be distributed among the LID participants. Following review of the project data, participants may consider reducing the initial construction cost by asking that a more shallow sewer be designed and constructed in exchange for each property owner's agreement to purchase pumping facilities and pumping sewage from their property into the more shallow line. Cost trade-offs are not calculated as part of this report but could be estimated. Of course, for a shallow line to be constructed, each property owner would have to agree to the provisions of pumping sewage from their lot into the public line. The long term costs of power, maintenance and repair would be borne by the individual property owners.

PROJECT COST ESTIMATE

As proposed the Wynooski LID system is composed of the following major items:

1. 1,710 lineal feet of 10" diameter sanitary sewer line
2. 1,645 lineal feet of 8" diameter sanitary sewer line
3. 11 Manholes
4. 13 Individual service connections to the main line
5. 350 lineal feet of 6" service line
6. 2,900 lineal feet of line requiring select backfill and repaving

Calculations based on experience and information from recent, similar projects indicate a potential construction cost for the LID of \$486,200 with total project costs estimated at \$729,300. Total project costs include allowances for city staff time, permitting and legal costs, in addition to the costs of design, inspection and similar engineering costs. Until the project design is completed and offered for public bids, the true construction cost will not be known.

Specific quantities and unit costs are shown on Table 5.

PROPOSED COST DISTRIBUTION

Several methods of distributing project costs for a Local Improvement District have been used in Oregon communities. The underlying intent in assigning cost to individual properties is to cause each property owner to pay a share that reflects the proportional benefit they receive from use of a public sewer utility. Typical methods of assessing relative benefits include basing cost shares on:

1. the acreage of a parcel in proportion to the total acreage in the LID,
2. the front footage of a parcel in proportion to the total front footage

TABLE 5
WYNOOSKI ROAD LID
PROJECT COST ESTIMATE

**Wynoski Road Local Improvement District
Sanitary Sewer Estimate**

Item No.	Item Description	Quantity	Unit	Unit Price	Total
1	Mobilization.	1	LS	\$8,000.00	\$8,000.00
2	Traffic Control	1	LS	\$12,000.00	\$12,000.00
3	Sediment and Erosion Control	1	LS	\$5,000.00	\$5,000.00
4	Site Restoration and Clean-up	1	LS	\$5,000.00	\$5,000.00
5	10" 3034 PVC Gravity Sewerline, including trench excavation, ¾" – 0 bedding and pipe zone material, native backfill	450	LF	\$100.00	\$45,000.00
6	10" 3034 PVC Gravity Sewerline, including trench excavation, ¾" – 0 bedding and pipe zone material, select backfill	1260	LF	\$120.00	\$151,200.00
8	8" 3034 PVC Sewerline including trench excavation, ¾" – 0 bedding and pipe zone material, select backfill	1420	LF	\$110.00	\$156,200.00
9	Manholes	11	EA	\$4,500.00	\$49,500.00
10	Service Connections	13	EA	\$1,500.00	\$19,500.00
11	AC Trench Resurfacing – Yamhill County Standards	2900	LF	\$12.00	\$34,800.00

Construction Total

\$486,200.00

Contingencies	1	LS	30 % of Construction	\$145,860.00
Engineering, Legal, Administrative Costs	1	LS	20 % of Construction	\$97,240.00

TOTAL ESTIMATED LID COSTS

\$729,300.00

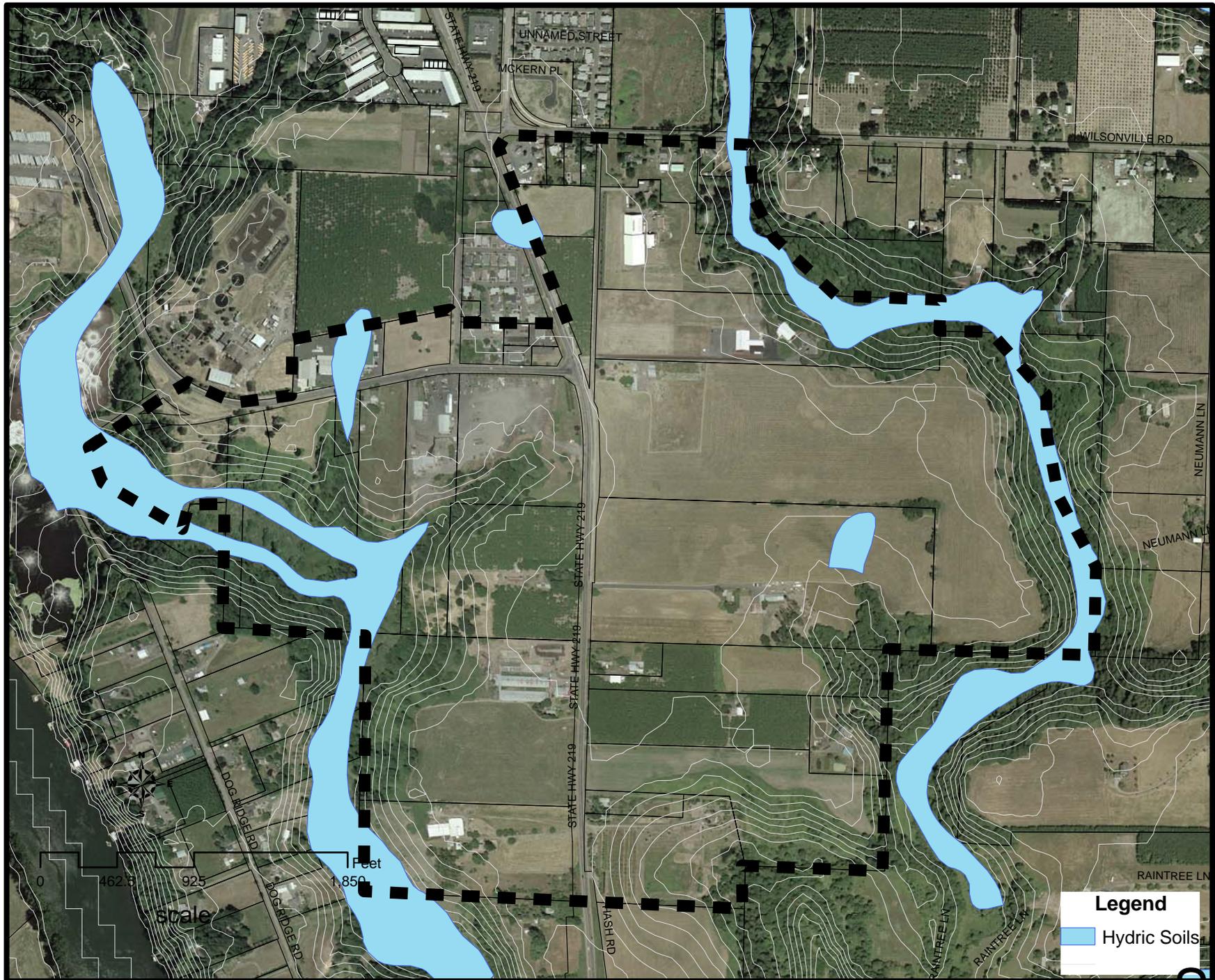
3. the area of the property within 150' – 200' of the new sewer as a percentage of the total of all participating properties
4. the percentage of peak flows contributed by each parcel as a percentage of the total peak flows,
5. a combination of any or all of these methods listed above.

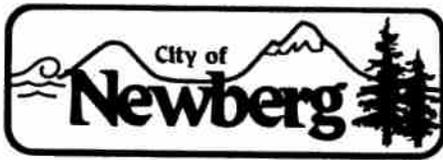
A modification should be considered for those properties which have areas termed as “nonbuildable”. When land is nonbuildable, it is evident that it will not be using any of the sewer capacity and should not be assessed for a share of the costs either. It should be noted that two of the properties (lots 500 and 501) have no frontage. If using frontage as the sole means of distributing costs is selected, an allowance for these properties should be determined to include them in sharing in the project costs. Similarly, the City of Newberg owns 4 acres of land included in the proposed LID, tax lot 201. This property will contribute no sanitary sewage to the line but because of its proximity to the sewer, has the potential for infiltration/inflow (I/I) into the line and should participate on that basis.

Table 6 shows the costs for the participating properties when calculated on each of these methods along with a percentage calculated by averaging the three methods. No recommendation for cost sharing is provided in this report. Determination of the cost allocation method is typically set through discussions between the city staff and LID property owners.

Table 6
 WYNOOSKI ROAD LID
 COST DISTRIBUTION OPTIONS

ID	Tax Lot	Area	Frontage (ft)	Peak Flow (gpm)	Frontage (%)	Allocation by Parameter						
						Cost Share (\$)	Buildable (%)	Cost Share (\$)	Flow (%)	Cost Share (\$)	Average (%)	Share (\$)
1	32 29 201	4.04 ac	804	4.2	0.16	113,284	0.00	0	0.01	8,063	0.06	40,449
2	32 29 200	2.29 ac	318	7	0.06	44,806	0.03	20,842	0.02	13,438	0.04	26,362
3	32 29 205	1.69 ac	234	6.9	0.05	32,971	0.03	20,531	0.02	13,246	0.03	22,249
4	32 29 203	3.0 ac	417	15.6	0.08	58,755	0.06	46,660	0.04	29,948	0.06	45,121
5	32 28BB 400	1.49 ac	259	7.7	0.05	36,493	0.03	23,019	0.02	14,782	0.03	24,765
6	32 28BB 501	20044 sf	0	2.4	0.00	0	0.02	14,314	0.01	4,607	0.01	6,307
7	32 28BB 500	20137 sf	0	2.4	0.00	0	0.01	7,190	0.01	4,607	0.01	3,932
8	32 28BB 502	20028 sf	171	2.4	0.03	24,094	0.01	7,173	0.01	4,607	0.02	11,958
9	32 28BB 503	20016 sf	155	2.4	0.03	21,840	0.02	14,294	0.01	4,607	0.02	13,580
10	32 29 500	4.4 ac	208	23.3	0.04	29,307	0.04	31,573	0.06	44,729	0.05	35,203
11	32 29 400	19.27 ac	451	164.9	0.09	63,546	0.31	223,814	0.43	316,561	0.28	201,307
12	32 29 300	1.24 ac	150	7.2	0.03	21,135	0.03	20,842	0.02	13,822	0.03	18,600
13	32 28 1800	9.61 ac	289	32.3	0.06	40,720	0.13	96,587	0.09	62,007	0.09	66,438
14	32 28 1700	10.51 ac	343	33.4	0.07	48,329	0.00	0	0.09	64,119	0.05	37,482
15	32 28 1200	13.31ac	1377	67.8	0.27	194,020	0.28	202,506	0.18	130,157	0.24	175,561
Totals			5176	379.9	1.00	729,300	1.00	729,343	1.00	729,300	1.00	729,314





UGB AMENDMENT APPLICATION
QUASI-JUDICIAL REVIEW
URBAN GROWTH BOUNDARY AMENDMENTS ONLY

TYPES - PLEASE CHECK ONE:

- Urban Growth Boundary Amendment
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Elizabeth Fetting
 ADDRESS: P.O. Box 546 Newberg OR 97132
 PHONE: 503-538-8017 MOBILE: 503-849-2751 FAX: 503-538-5457
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: same

ENGINEER/SURVEYOR: N/A PHONE: _____
 ADDRESS: _____

GENERAL INFORMATION:

PROJECT NAME: R 3229 00300 PROJECT LOCATION: 2716 NE Wynooski Rd
 PROJECT DESCRIPTION/USE: vacant land
 MAP/TAX LOT NO. (i.e. 3200AB-400): R 3229 00300 ZONE: VLDR 2.5 SITE SIZE: 1.24 SQ. FT. or ACRE:
 COMP PLAN DESIGNATION: VLDR TOPOGRAPHY: Flat and sloping land
 CURRENT USE vacant land

SURROUNDING USES:
 NORTH: HI m2 SOUTH: HI
 EAST: HI WEST: HI

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

- General Checklist: Fees Noticing Information Title Report Criteria Response Owner Signature/Letter of Consent
- UGB Amendment Checklist: Site Plan Map and Legal Description Dedications Easements Measure 49 Waiver

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must either sign the application giving applicant authorization, or submit letters of consent. Incomplete or missing information may delay the approval process.

Elizabeth Fetting 8/5/09
Applicant Signature Date

Elizabeth Fetting 8/5/09
Owner Signature Date

Elizabeth Fetting 8/5/09
Print Name

Elizabeth Fetting
Print Name

Attachments: General Information, Criteria, Noticing Procedures, City of Newberg Fee Schedule, Checklist, Yamhill County Application, Yamhill County Fee Schedule



First American

First American Title Insurance Company of Oregon
775 NE Evans Street
McMinnville, OR 97128
Phn - (503)472-4627
Fax - (866)800-7294

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Clayton Carter, Title Officer

Phone: (503)472-4627 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Elizabeth Fettig
PO Box 546
Newberg, OR 97132

Order No.: 1039-1453829
August 07, 2009

Attn:
Phone No.: (503)849-2751 - Fax No.:
Email:

Re: 2716 NE Wyooski

Preliminary Title Report

2006 ALTA Owners Standard Coverage	Liability \$	Premium \$	
2006 ALTA Owners Extended Coverage	Liability \$	Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$	Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$	Premium \$	
Endorsement		Premium \$	
Govt Service Charge		Cost \$	
Other Title Report		Cost \$	150.00

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of August 06, 2009 at 8:00 a.m., title vested in:

Joseph A. Fettig and Elizabeth L. Fettig, as tenants by the entirety

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

3. Easements, or claims or easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or other facts which a correct survey would disclose.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

6. Taxes for the fiscal year 2009-2010 a lien due, but not yet payable.
7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
8. Easement, including terms and conditions contained therein:

Granted to:	Portland General Electric Company
For:	Electric Line Easement
Recorded:	July 8, 1997
Recording Information:	199711075
9. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor:	Joseph A Fettig and Elizabeth L Fettig
Grantee/Beneficiary:	First Federal Savings and Loan
Trustee:	David C Haugeberg
Amount:	\$285,000.00
Recorded:	August 19, 2008
Recording Information:	200814296
10. Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness of up to \$200,000.00

Grantor:	Joseph A. Fettig and Elizabeth L. Fettig
Beneficiary:	First Federal S&L Assn. of McMinnville
Trustee:	David C. Haugeberg, Attorney
Dated:	August 18, 2008
Recorded:	August 19, 2008
Recording Information:	200814297

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: 1) Warranty Deed, Merline A. LaJoe and Sandra K. LaJoie, Grantor, to Joseph A. Fettig and Elizabeth L. Fettig, Grantee, recorded August 19, 2008 as Instrument No. 200814295.

NOTE: We find no judgments or United States Internal Revenue liens against Joseph A. Fettig or Elizabeth L. Fettig

NOTE: Taxes for the year 2008-2009 PAID IN FULL

Tax Amount: \$743.27
Map No.: R3229-300
Property ID: 66859
Tax Code No.: 29.2

Situs Address as disclosed on Yamhill County Tax Roll:

2716 NE Wynooski Rd., Newberg, OR 97132

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!**

RECORDING INFORMATION

Filing Address: **Yamhill County**
535 NE Fifth Street
McMinnville, OR 97128

Recording Fees: \$ **26.00** for the first page
\$ **5.00** for each additional page

cc: Joseph A. Fettig and Elizabeth L. Fettig



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

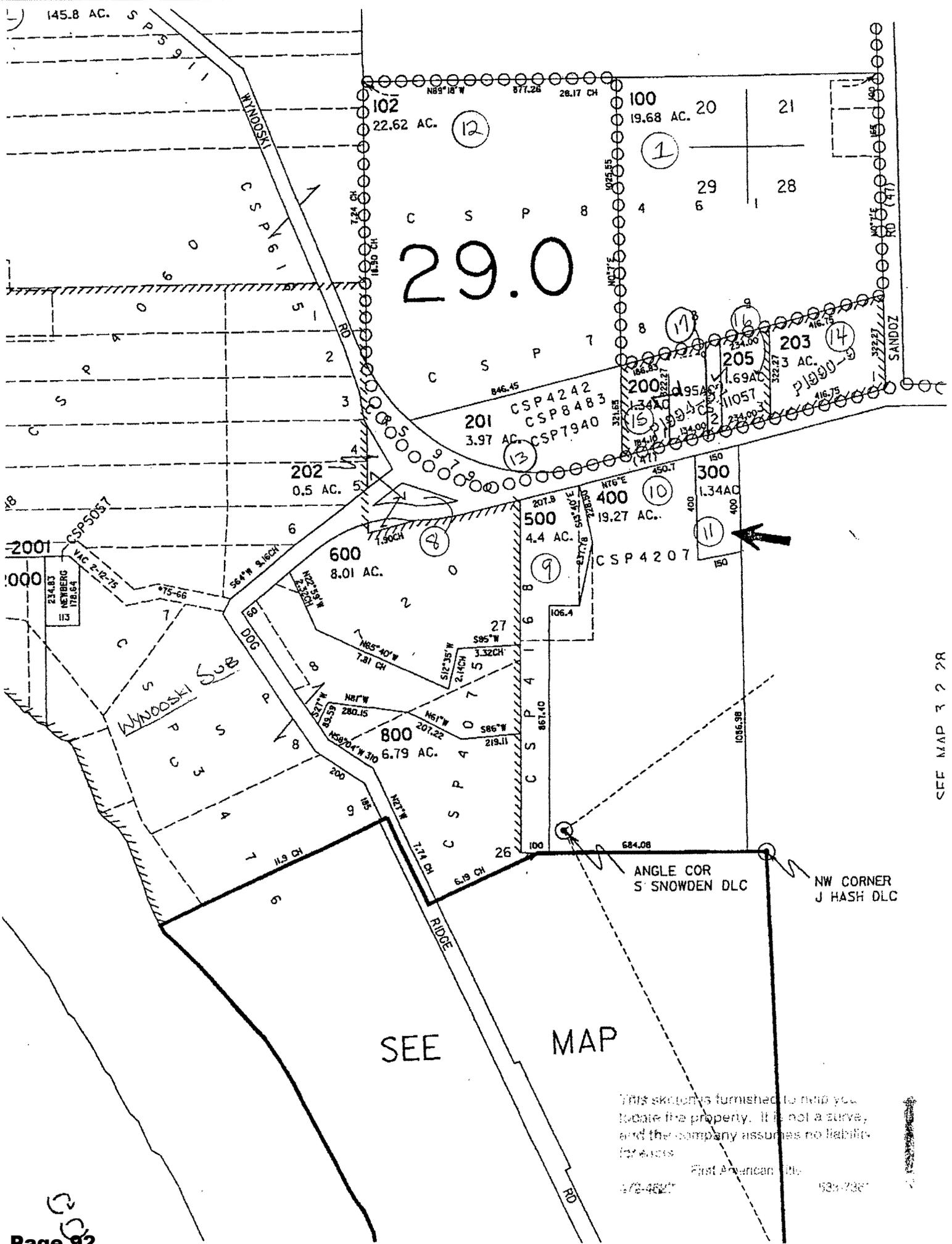
TI 149 Rev. 7-22-08

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

Being a part of the Samuel D. Snowden Donation Land Claim, Notification No. 1476, Claim No. 68, in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; and beginning at the Northeast corner of a tract of land deeded by Etta B. Church to Emma B. Jacobsen and Gearhardt W. Jacobsen, on July 30, 1943, recorded in Book 122, Page 284 of the Deed Records of Yamhill County, Oregon, said point being 24.53 chains North and 1.03 chains West of the Quarter Section corner between Sections 29 and 28; thence South 400 feet; thence South 76° West 150 feet; thence North 400 feet to the center of County Road; thence North 76° East 150 feet along center of County Road to the place of beginning.

Tax Parcel Number: R3229-300



29.0

SEE MAP

This sketch is furnished to help you locate the property. It is not a survey, and the company assumes no liability for errors.

First American Title

1/2-4627

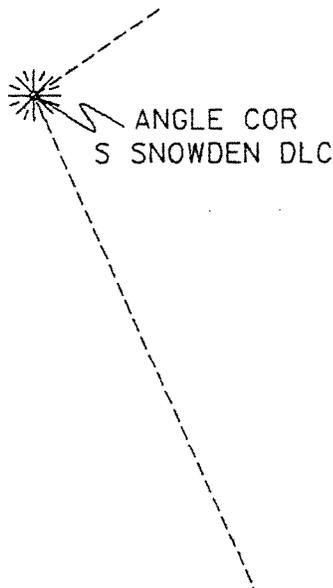
534-7387

SEE MAP 3 2 2R

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

3228

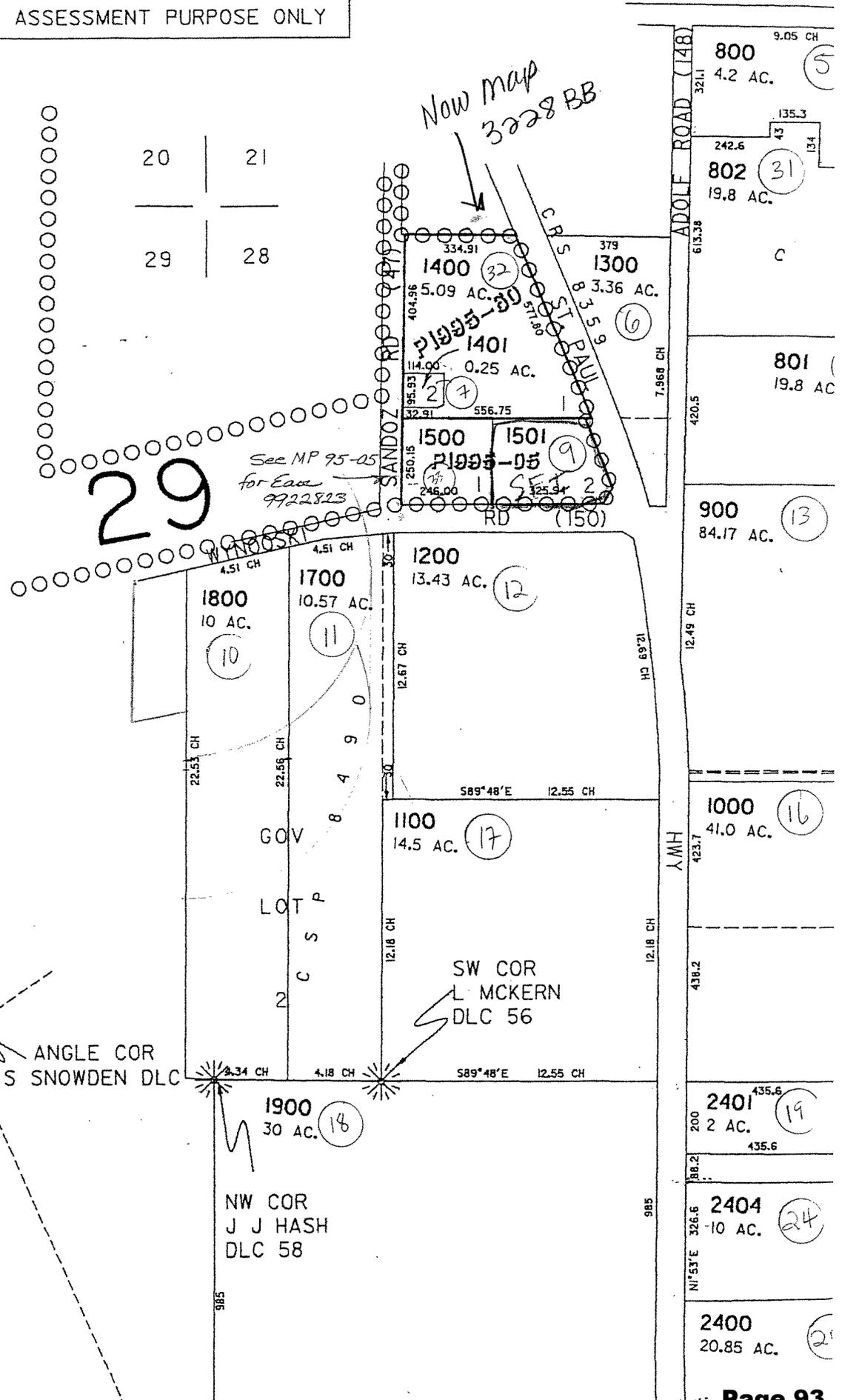
SEE MAP 3 2 29



29

See MP 95-05 for Easement 9922823

Now map 3228 BB



Criteria Response

Our application to bring tax lot R3229 00300, into the Urban Growth Boundary supports the following;

Newberg Urban Area Management Agreement:

- a) This small 1.24 acre piece of property is in an area that will accommodate the long-range population growth in respect to Industrial parcels that are needed to support small business in the Newberg area. The Statewide LCDC goals are considered with regards to Goal 2 and 9.
- b) The addition of this property will allow support employment opportunities in the near future.
- c) The area has some public services near by and the vision of bringing public services to this area in the near future.
- d) The parcel is surrounded by Industrial used property and lends itself well to the uses in the area.
- e) No harm will be done to present uses of property in this area.
- f) No agricultural land is affected by this request.
- g) The property is surrounded on all sides by Industrial used property.

Goal 14 Location Factors:

The amount of other sites within the UGB that could be used for Light Industrial business is minimal. This site is well suited for the zoning because of the current Industrial uses that surround the property. This property has no farmland use and is not bordered by any farmland zoning. The area is currently used by several other industrial companies.

The need is strong for Industrial zoned property in the UGB. Owners of businesses are finding themselves looking in surrounding towns for property to house their facilities because there is little if anything available in Newberg.

The Newberg Planning and Building Department Development Report 08-09, shows that the current access to available, buildable, industrial zoned property is very low compared to the need.

Any proposed Light Industrial use of this property would have little effect on surrounding agricultural use as it is a small parcel and has a large amount of distance between it and agricultural zoned properties.

Newberg Comprehensive Plan

- a) The property is located in the area that the City of Newberg is proposing as an Industrial area.
- b) Public facilities and services are in the vision of the current comprehensive plan. Some are close to available now.
- c) This small parcel will not have an effect on the transportation facilities to my knowledge.
- d) Sewer and water are not available to this property at this time. There is a chance that water could be accessed and sewer is proposed for the near future in this area. An existing well and septic system are on the property, but the condition of them are unknown.
- e) The exact use of this property is not determined at this point so therefore the traffic impact to the area is unknown. Because of the small size of the property, it would be unlikely that there would be much of a traffic increase to the property.

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

Being a part of the Samuel D. Snowden Donation Land Claim, Notification No. 1476, Claim No. 68, in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; and beginning at the Northeast corner of a tract of land deeded by Etta B. Church to Emma B. Jacobsen and Gearhardt W. Jacobsen, on July 30, 1943, recorded in Book 122, Page 284 of the Deed Records of Yamhill County, Oregon, said point being 24.53 chains North and 1.03 chains West of the Quarter Section corner between Sections 29 and 28; thence South 400 feet; thence South 76° West 150 feet; thence North 400 feet to the center of County Road; thence North 76° East 150 feet along center of County Road to the place of beginning.

Tax Parcel Number: R3229-300

General Land Use Plan

The 1.24 acre piece is currently vacant. When brought into the UGB we hope to change the zoning to LI. The new Light Industrial Zone would allow this piece to be used in a way that could provide additional employment opportunities. The property would be able to support much needed light industrial property for use by Newberg business. The proposed new zoning will fit into the current surroundings very well and will support the vision the City of Newberg has for an Industrial Area at this location.

ESEE Analysis

We do not have a proposed development of this property at this time so therefore it is unknown if there are any negative effects it will produce.

If we are successful in the Light Industrial zone change, any proposed use will fit within the zone and be approved by the county and city offices at that time.

Environmental- Any proposed use of this site would have to be considerate of the drainage ditch that runs on one side of the property. This ditch is man made and does not appear to be wet lands. An evaluation of the area is desired.

Social- Any proposed Light Industrial use would fit well in this area as it is surrounded by like zoning both city and county currently.

The property bordering the East side of this property is currently in the UGB.

Economic- The economic consequences of this site being brought into the UGB is in direct relationship with the vision Newberg has for the Industrial Use area. It would allow a small business or similar use to enter into the area.

Light Industrial zoning on this parcel would allow a better chance that jobs can be created than the current VLDR 2.5 could provide.

It is possible that this property could be used to produce products that are local and or regional.

Energy- The off-site impact would vary depending on the type of business the property houses. Because of the small size of the property (1.24 acres with only about 1 acre usable), it is unlikely that there would be a heavy impact.

Alternate energy sources could be considered when development of this parcel is decided on.

The utility lines to this site are currently above ground.

Public Facilities Plan

Currently, there has been some conversation about the access to a public water source directly across the street. There is concern that the line can not be connected to at this time to be used by this parcel.

Currently, there is no sewer connection available to this parcel. There have been several conversations regarding the City of Newberg's desire to provide sewer service to this area.

The cost of these services would be dependent on the amount of properties that are to be served.

R3228 01700
Merlin & Sandra Lajoie
PO Box 1000
Newberg, OR 97132

R3228 01800
Joseph & Elizabeth Fettig
PO Box 546
Newberg, OR 97132

R3229 00100
Rock Resources Baker
21880 SW Farmington Rd
Beaverton, OR 97007

R3229 00102
Newberg City of
PO Box 970
Newberg, OR 97132

R3229 00200
Two Bears Co
PO Box 583
Carlton, OR 97111

R3229 00202
Southeast Paper Manufacturing Co
PO Box 70
Newberg, OR 97132

R3229 00203
Ronald & Russell Halstead
PO Box 54
Newberg, OR 97132

R3229 00205
Melissa Walker
PO Box 72
Newberg, OR 97132

R3229 00400
Southeast Paper Manufacturing Co
PO Box 70
Newberg, OR 97132

R3229 00500
Southeast Paper Manufacturing Co
PO Box 70
Newberg, OR 97132

List of neighbors

AFTER RECORDING RETURN TO:

City of Newberg
Planning and Building Department
PO Box 970 - 414 E. First Street
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

1. The undersigned, Joseph Fetta and Elizabeth Fetta (hereinafter referred to as **Owner** or **Owners**) has/have petitioned the City of Newberg (hereinafter referred to as **City**) to commence certain proceedings, relating to 2716 NW Wynooski Rd, for the real property described in Exhibit A which is attached hereto and incorporated herein.
2. Pursuant to the enactment of Ballot Measure 49 (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
3. There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
4. City does not wish to approve the **Owner/s/Owners** requested proceedings if the result would or could arguably give rise to a later claim by the **Owner** or **Owners**, or the **Owner/s/Owners** successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
5. **Owner(s)** seek(s) to induce the City to proceed with the proceedings and therefore **Owner(s)** agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned **Owner(s)** warrant(s) that the **Owner(s)** executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: 2716 NW Wynooski Rd, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as **proceedings**), the undersigned **Owner(s)**, on behalf of **Owner(s)**, **Owner/s/Owners** heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that **Owner(s)** shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This waiver and release shall bind the undersigned heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.

4. This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

Joseph A. Fetting

OWNER

Elizabeth Fetting

STATE OF OREGON)
) ss.
 County of Yamhill)

This instrument was acknowledged before me on this 20th day of August, 2009, by Joseph Fetting and Elizabeth Fetting.

Monica Combs
 Notary Public for Oregon
 My Commission expires: 7-27-10



CITY OF NEWBERG

APPROVED AS TO FORM:

 Norma I. Alley, City Recorder

 Terrence D. Mahr, City Attorney

Dated: _____

Dated: _____

NEWBERG CITY COUNCIL MEETING INFORMATION

DATE of Meeting: October 19, 2009

Prepared by: Norma Alley

Councilors	Roll Call	MOTION Topic: Consent Calendar – Resolution No. 2864, proclamation, Appoint Affordable Housing Comm., 9/21/09 Minutes	ORDER NO. 2009-0024 Topic: UGB & Comp Plan Changes	Res/Ord/Order # _____ Topic:				
ANDREWS, Bob, Mayor	X	YES	YES					
BACON, Denise	X	YES	YES					
LARSON, Bob	X	YES	YES					
McKINNEY, Stephen	X	YES	YES					
RIERSON, Bart	X	YES	YES					
SHELTON, Marc	X	YES	YES					
WITHERSPOON, Wade	X	YES	YES					
ROLL CALL VOTES		YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: NO: Absent: Abstain:	YES: NO: Absent: Abstain:	YES: NO: Absent: Abstain:	YES: NO: Absent: Abstain:	YES: NO: Absent: Abstain:
Department:			Planning					
CHANGES: (Yes/No)								
MOTION (1st/2nd):		Larson/ Shelton	Larson/ Rierson					