CITY OF NEWBERG COUNCIL AGENDA
JULY 18, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. SPECIAL PRESENTATION

Presentation of the "If I Were Mayor…" Contest First Place Winners.

V. CITY MANAGER'S REPORT

VI. PUBLIC COMMENTS
(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2952** ratifying the Newberg-Dundee Public Safety Association Collective Bargaining Agreement to expire June 30, 2014.
(Material to be sent under separate cover)

2. Consider a motion approving **Resolution No. 2011-2960** approving the 2011/2012 Visitor Information Center Marketing and Business Plan. (Pgs. 3-9)

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.

VIII. PUBLIC HEARINGS

1. Consider a motion approving **Ordinance No. 2011-2744** amending the Newberg Development Code Civic Corridor Sign Code. (Pgs. 11-36)
   (Legislative Hearing – 1st Reading)

2. Consider a motion approving **Ordinance No. 2011-2745** amending the Newberg Development Code pertaining to annexation procedures. (Pgs. 37-57)
   (Legislative Hearing – 1st Reading)

IX. CONTINUED BUSINESS

Consider a motion approving **Ordinance No. 2011-2740** amending the Urban Growth Boundary, revising the Economic Opportunities Analysis, amending the Comprehensive Plan Map and text, and amending the Transportation System Plan. (Pgs. 59-86)
(Council Deliberation Only)

X. COUNCIL BUSINESS

XI. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder'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 the City Recorder at (503) 537-1283. For TTY services please call (503) 554-7793

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

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: July 18, 2011				
Order ___ No.	**Ordinance ___ No.**	**Resolution XX No. 2011-2960**	**Motion ___**	**Information ___**
SUBJECT: Approval of the Visitor Information Center Business Plan			**Contact Person (Preparer) for this Motion: Dan Danicic, City Manager** **Dept.: Administration** **File No.:**	

RECOMMENDATION:

Adopt **Resolution No. 2011-2960** approving the 2011-2012 Visitor Information Center Marketing and Business Plan.

EXECUTIVE SUMMARY:

A requirement in the Chamber of Commerce's Visitor Information Center contract, the Chamber is to provide the City Council with a Visitor Information Center Marketing and Business Plan for Council approval.

The City Council held a work session to discuss and review the proposed Business Plan on June 20, 2011. Per that discussion the attached resolution and exhibit is being presented for formal ratification.

FISCAL IMPACT:

Approval of this Business Plan does not have additional or reduced financial impact on the City as stipulated in the contract.

STRATEGIC ASSESSMENT:

The City Council has determined that the operation of a Visitor Information Center is in the best interests of the City's business community and promotes tourism, as well as economic development in the Newberg area.

RESOLUTION NO. 2011-2960

A RESOLUTION APPROVING THE VISITOR INFORMATION CENTER MARKETING AND BUSINESS PLAN FOR THE FISCAL YEAR OF 2011/2012 AS PRESENTED BY THE CHEHALEM VALLEY CHAMBER OF COMMERCE

RECITALS:

1. The City has previously entered into agreements with the Chehalem Valley Chamber of Commerce (Chamber) to operate a Visitor Information Center under the authority of Resolution No. 1996-1970, Resolution No. 1998-2121, and Resolution No. 2003-2483.

2. The City recently approved Resolution No. 2011-2927 approving a new contract. A requirement of this contract was for the Chehalem Valley Chamber of Commerce to provide an annual Visitor Information Center Marketing and Business Plan.

3. The City Council held a work session to discuss and review the proposed Plan on June 20, 2011. Per that discussion the Plan is being presented for formal ratification.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council hereby adopts the 2011/2012 Visitor Information Center Marketing and Business Plan attached as Exhibit " A" and by this reference incorporated, providing for a city Visitor Information Center to be operated by the Chehalem Valley Chamber of Commerce.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 19, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of July, 2011.

_____
Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of July, 2011.

_____
Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ___/___/____ meeting. Or, _X_ None.
(committee name) *(date)* *(check if applicable)*

Exhibit "A"
To Resolution No. 2011-2960

Chehalem Valley Chamber of Commerce
2011-2012 Tourism & Visitor Information Center Marketing & Business Plan

Core Newberg Tourism niches include Wine & Culinary, Arts & Culture, History, Parks, Outdoors/Nature, Sustainability. Within these niches, The Chehalem Valley Chamber of Commerce (CVCC) will focus on the following for fiscal year 2011: wineries, arts & culture, outdoor activities, cycling and history. Sustainability will be incorporated as appropriate.

I. Goal: To increase visitor volume, visitor spending and economic impact for Newberg by providing quality service in direct interactions with visitors and potential visitors.

The following tools are available to help CVCC staff and members in their leisure marketing efforts. Many of these tools also apply to media, travel trade and our emerging convention marketing.

1. Relocate CVCC and Visitors Center to more visible information on highway 99W
   - New: The CVCC has signed a five year lease for space located at 115 College St. Office improvements will be completed in May 2011 and the Chamber and Visitors Center is scheduled to relocate by Memorial Day.
   - New: A new location will allow the CVCC to develop the space using Travel Salem's successful model of a TRAVEL CAFÉ. Wineries and other attractions will be invited to serve as guest concierges either pouring wine or directing visitors to their favorite visitor destinations
2. Printed pieces created for CVCC leisure marketing are: The CVCC Community and Visitor Guide (April), Newberg Area Map (January), Service Station Directory (as-needed) and rack-size promotional brochure.
   - New in 2011 the Community and Visitor Guide will be available as an online directory
3. CVCC's website is currently the most up-to-date tool available for local visitor information but in need of content upgrades. On the website, visitors access information on activities, events, restaurants and lodging.
   - New for 2011 - The CVCC website will undergo a major upgrade with improved navigation and integrated social networking tools. Other new content includes:
     1. Web pages highlighting additional niches like history, outdoor recreation and local sustainability efforts.
     2. Web pages highlighting sample itineraries/tours. Available online or as printable pages. Themes to focus on niches.
     3. Media page with photos
4. New: "What's New" talking points created three months ahead of each season. Incorporate community and niche talking points as appropriate. Tourist based e-newsletter distributed monthly to promote local businesses, what's new, specials and events. Physical distribution to visitors to the Newberg Visitors Center.

Training

A. Objective: All CVCC staff and volunteers are fully trained in customer service and Newberg area business and services product knowledge.

   Strategies

   1. All new frontline staff and volunteers will complete an orientation and initial front desk training within their first three shifts. All other new staff are invited to complete a visitor center training within their first month.

2. New: All frontline staff are Q certified within their first three months of work. In addition the CVCC will make this training available to all local businesses and the City of Newberg
3. CVCC frontline staff and volunteers have a high level of product and customer service knowledge from training in monthly staff meetings, site visits, member spotlights and brochure/Web research.
4. CVCC frontline staff and volunteers stay current with new/closed businesses and new products/services offered by local businesses.
5. CVCC frontline staff and volunteers stay current with new web feature pages.
6. Frontline staff attend on-going web database training.
7. Frontline staff is trained to deal with general visitor, convention delegate and out of county event attendees.
8. Frontline method of referrals is continually evaluated to ensure fair and equitable referrals, promoting Newberg Area Business.
9. Frontline staff participate in research trips to visit members.
10. Staff are familiar with core niches.

Visitor Center

A. Objective: Implement Visitor Center practices that will have direct impact on overnight stays in Newberg.
   Strategies
   1. Phone/walk-in lodging information requests are met with an offer of reservation assistance.
   2. Walk-in guests are asked if they need assistance with lodging. If lodging is needed, staff offer reservation assistance.

B. Objective: Increase number of visitors to the visitor center by 5%.
   Strategies
   1. Monitor challenges related to street and building signs, restroom access, parking for cars and RV's.
   2. New: relocate visitors center to Highway 99w
   3. New: Implement surveys in the visitor center to improve our marketing efforts.
   4. Visitor Center is promoted in the Discover Yamhill Valley tourist publication, CVCC website, Travel Yamhill Valley website, Willamette Valley Visitors Center Website,
   5. New: Investigate Travel Oregon ad opportunities to promote the visit center in their new and affordable e-newsletter marketing publications.
   6. New: Develop strategy with local lodging properties to provide visitor center location information to their guests.
   7. Post a photo of the front entrance to the visitor center on the CVCC website to invite people to visit.

C. Objective: 20,000 CVCC publications (visitor guides, maps and promotional brochures) are distributed throughout the region at appropriate locations.
   Strategies
   1. Collateral distribution sites within Yamhill County such as: CVCC Visitor Center, CVCC Member businesses, McMinnville Chamber of Commerce, City of Newberg, Certified Display locations in Yamhill County.

2. Collateral distribution sites outside Newberg such as: Oregon Welcome Centers & Visitor Centers; AAA offices and Certified Display locations in key markets and Amtrak outlets throughout the region.

II. Goal: Travel Trade Sales and Marketing - To increase leisure visitor volume, visitor spending and economic impact for Newberg through the promotion and distribution of Newberg's travel products to the travel trade. (Defer goal to 2012 - 2013)

The following tools are available, or will be developed, to help CVCC staff and members in their travel trade marketing efforts:

1. All consumer tools outlined under Goal I
2. Maintain travel trade section of website to increase attention and response to the site.
3. "What's New" features for industry outreach (seasonal).
4. New: Seek out Travel Trade interactions.

Strategies

1. All Travel Trade interactions are conducted with a focus on generating leads resulting in overnight stays in Newberg.
2. Work with travel trade (tour operators, receptive operators, group leaders, travel agents) to match them together with Newberg Lodging operators.
3. Start a travel trade contact program (from identifying the client, contacting client, sending sales lead, to follow up to check for confirmed bookings).
4. Leverage efforts of Travel Oregon, and their contractors, to increase their knowledge of the Yamhill County product through personal research trips and communications. Partners include Travel Trade & Media representation in Germany, Japan and the UK and the Oregon Tour & Travel Alliance.
5. Host Travel Trade as part of County and statewide research tours.
6. Establish relationships/regular communication with members to make sure that we are accurately representing their product to travel trade and to make sure that they have the tools and opportunities available to succeed.

III. Goal: Marketing and Communications - To increase visitor volume, visitor spending and economic impact for Newberg by developing awareness and preference.

The following tools are available, or will be developed, to help CVCC staff and volunteers in their media marketing efforts:

1. All consumer tools outlined under Goal I
2. New: Create full color general Newberg press kit materials in print and on-line with elements supporting our community identities and the core niches. (Defer to 2012-2013)
3. New: Create talking points or fact sheet for use when trying to increase editorial content in guidebooks. Include basic area information, general description of Yamhill County and specific information on Newberg. (Defer to 2012-2013)

Advertising

Objective: Baseline of product-based ads is established for future comparisons.

Strategies

1. CVCC advertises, and encourages local business to advertise, in regional/niche publications such as Northwest Travel Magazine, Oregon Coast Magazine, The Oregonian, inflight magazines and niche publications.
2. Ad design supports featured niches where possible with a Yamhill County theme focused on member products to buy.
3. Maintain ad presence in Central Oregon market with themes focused on member events, niches and packages
4. Market packages in ads to take people directly to a product they can buy and to track response.
5. Ad co-ops are offered to local tourism partners through our relationship with Travel Oregon.

Public Relations

Objective: Increase number of active media clients by 10%. (Active clients include those where at least one interaction has occurred during the fiscal year.) (Defer to 2012-2013)

Strategies

1. New: Manage comprehensive media contact program (from identifying the client, contacting client, sending sales lead, to follow up to check for confirmed bookings).
2. New: Identify key media clients and keep them up-to-date with Newberg through regular contact. Identify potential media clients and establish a relationship through regular contact.
3. New: Leverage efforts of Travel Oregon, and their contractors, to increase their knowledge of the Yamhill County product through personal research trips and communications. Partners include Travel Trade & Media representation in Germany, Japan and the UK and the Oregon Tour & Travel Alliance. Host Travel Trade as part of Yamhill County and statewide research.
4. Pitch stories to editorial staff from all publications where Travel Oregon, WVVA and OCVA advertise.

Objective: Newberg area festivals and events are listed/featured in targeted publications and on targeted radio stations. Establish baseline for future growth objectives.

Strategies

1. Identify targeted newspapers and magazines with publish dates and send appropriate information to increase the number of festival and event listings.
2. Identify targeted radio stations for giveaway offers of event tickets.
3. Special seasonal press releases are sent to publications in our targeted markets.

Internet/Website

Objective: Increase number of website users by 10%.

Strategies

1. Complete site upgrade in 2011
2. Review monthly reports to check use of site and make recommendations for improvements. Key areas of measurement include user sessions, unique users, repeat visitors, and click-throughs to CVCC's website, click-throughs to business websites, average length of session, search engine referrals and search engine results' placement of

website.

3. Market CVCC website on publications/catalogues that are produced by area businesses.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 18, 2011				
Order ___ No.	Ordinance XX No. 2011-2744	Resolution ___ No.	Motion ___	Information ___

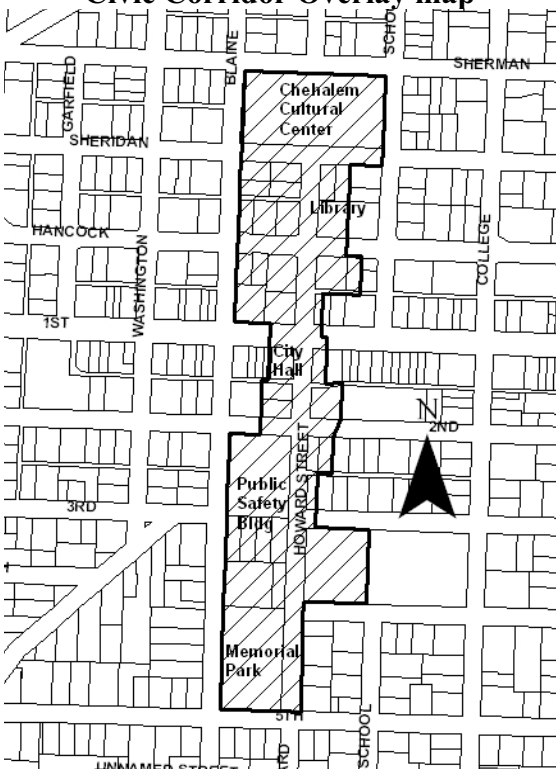
SUBJECT: An amendment to Newberg's Development Code Civic Corridor sign code.	**Contact Person (Preparer) for this Motion: Steve Olson, AICP Dept.: Planning & Building File No.: DCA-10-001**

HEARING TYPE: ☒ **LEGISLATIVE** ☐ **QUASI-JUDICIAL** ☐ **NOT APPLICABLE**

RECOMMENDATION:
Adopt **Ordinance No. 2011-2744,** which amends the Civic Corridor sign code to better match the existing design themes in the corridor and simplifies the code to only require signs to meet one design theme. This will make the Civic Corridor sign code more flexible and allow the proposed Chehalem Cultural Center sign to be approved.

EXECUTIVE SUMMARY:

Civic Corridor Overlay map



The Civic Corridor Overlay is a zone that runs north-south along Howard Street and includes most of Newberg's civic buildings. The overlay was created in 2002 to emphasize the civic heart of the community, and has specific design standards for buildings and signs. The purpose of the overlay is to ensure that new development is consistent with historic buildings, such as the Library and City Hall.

Staff feels that the Civic Corridor sign code is too inflexible, and can prevent good signs from being approved. The existing Civic Corridor sign code requires signs to meet the C-3 downtown sign standards plus 4 out of 6 additional Civic Corridor standards. The proposed Chehalem Cultural Center sign easily

meets the C-3 standards but only meets 2 out of 6 Civic Corridor standards. Staff reviewed the existing signs in the corridor and proposed changes to the Civic Corridor sign standards to better match the character of the corridor and simplify the requirements.

The City Council initiated a development code amendment to the Civic Corridor sign code through Resolution 2011-2939 on April 4, 2011. The Planning Commission held a workshop on the issue on April 14, 2011 and held a hearing on potential code changes on June 9, 2011. The Planning Commissioners agreed with the proposed code changes, with the additional condition that sign lettering should not exceed 12 inches in height. The Planning Commission approved Resolution 2011-289, recommending that the City Council adopt the proposed changes to the Civic Corridor sign code.

The proposed Civic Corridor sign code requires signs to meet the C-3 signage requirements (no change), limits the height of sign lettering to 12 inches maximum, and requires signs to include at least one of the following elements:

(1) The sign includes a frame, background or lettering in copper, bronze or brass in natural finishes, comprising at least 5 percent of the sign face.
(2) The sign is a freestanding brick monument sign.
(3) The sign lettering is in a raised relief, and is constructed of either naturally-finished metal or white-painted wood (or material that appears to be wood).
(4) The sign lettering is engraved in either metal or masonry.
(5) The sign is attached to a mounting bracket and allowed to swing freely.

FISCAL IMPACT: No direct impact.

STRATEGIC ASSESSMENT: The proposed changes simplify the sign code in the Civic Corridor and better align the code with the existing design themes that help tie the corridor together. The proposed change will also assist the Chehalem Cultural Center to complete their sign in a way that they feel will improve the appearance and help establish the identity of the center.

Attachments:

Ordinance No. 2011-2744 with
- Exhibit "A": Development Code Amendment
- Exhibit "B": Findings

1. Planning Commission Resolution No. 2011-289 (exhibits by reference)
2. Planning Commission Staff Report of June 9, 2011
3. Minutes of June 9, 2011, Planning Commission
4. City Council Resolution No. 2011-2939
5. Photos of Civic Corridor signs
6. Public comments (none as of 6/28/11)

ORDINANCE NO. 2011-2744

AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE CIVIC CORRIDOR SIGN CODE

RECITALS:

1. On April 4, 2011, the City Council adopted Resolution No. 2011-2939 asking the Planning Commission to consider changes to the Civic Corridor sign code.

2. The Civic Corridor overlay zone was created in 2002 to ensure that new buildings and signs in the corridor were consistent with historic civic buildings, such as the Library and City Hall. There was concern that the Civic Corridor sign code might be too restrictive, as some signs that appeared to be consistent with the historic civic corridor did not meet enough design standards to gain approval.

3. The Planning Commission discussed this issue at an April 14, 2011, public workshop.

4. After proper notice, the Planning Commission held a hearing on June 9, 2011. They found that the existing Civic Corridor sign code is overly restrictive, and that the code could be made simpler and more flexible while still meeting the intent of the Civic Corridor overlay. The Planning Commission approved Resolution No. 2011-289, which recommended adoption of the attached ordinance.

5. After proper notice, the Newberg City Council held a hearing on July 18, 2011, to consider the attached ordinance. The Code of Newberg is as shown in Exhibit "A", which is hereby attached and by this reference incorporated.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The City of Newberg Municipal Code is amended as shown in Exhibit "A", which is hereby adopted and by this reference incorporated.

2. The findings shown in Exhibit "B", which is hereby adopted and by this reference incorporated.

- **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 17, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of July, 2011, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

_____
Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of July, 2011.

_____
Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through the Planning Commission at the 6/9/11 meeting.

Exhibit "A" to Ordinance 2011-2744
Proposed Amendment to Newberg Development Code

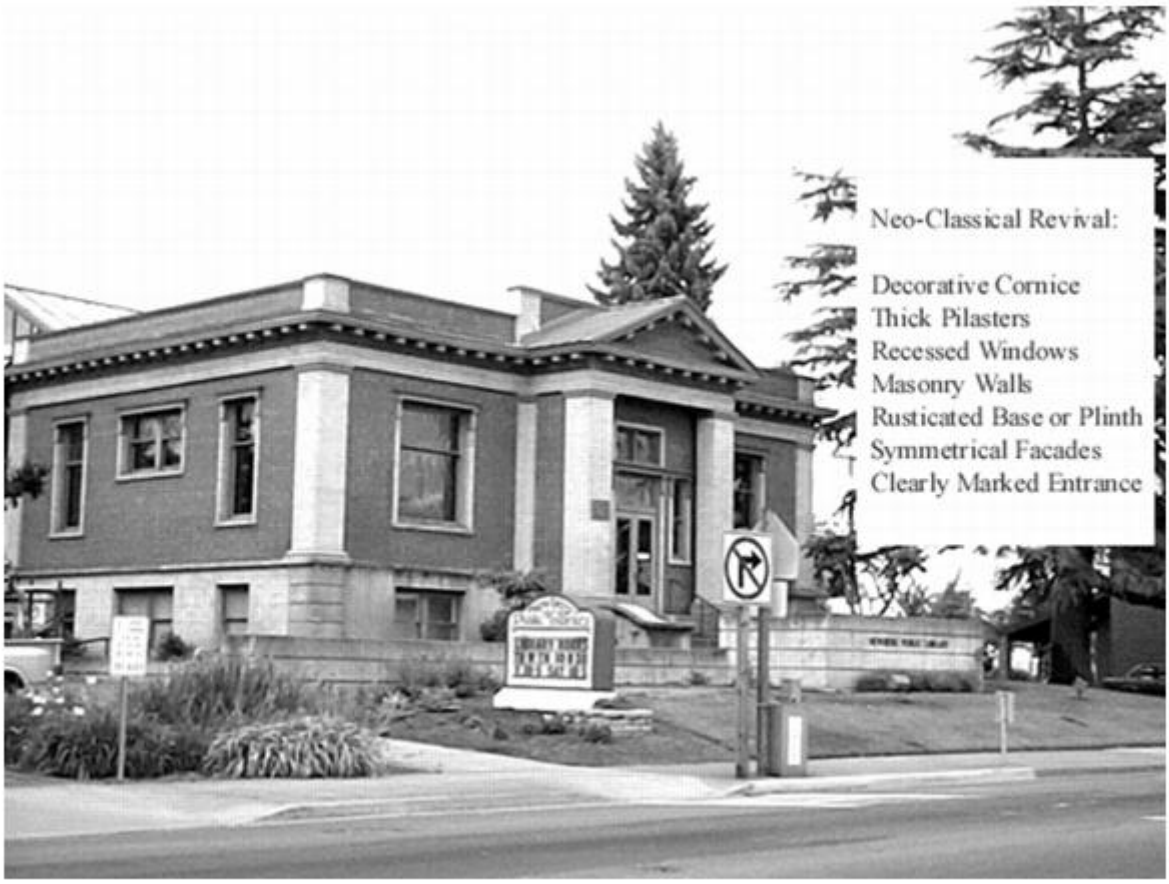
Newberg Development Code shall be amended as follows:

(Note: Additions to the code are underlined, deletions are ~~struckthrough~~.)

Chapter 15.350
CIVIC CORRIDOR OVERLAY (CC) SUBDISTRICT

15.350.010 PURPOSE.

(A) The Civic Corridor Overlay Sub-district is designed to emphasize the civic heart of the community and to capitalize on the significant amenity that Newberg's historic downtown buildings represent. Two buildings which characterize the historic style of Newberg are City Hall, built in 1913 and the library, built in 1912. The important architectural features of this style are illustrated in the figure
below.



(B) Specific design standards will ensure that new development is consistent with the regional and local historical traditions that these buildings represent. While incorporating historic ornament and detail into new buildings is encouraged, it is recognized that the current cost of such detail may not be feasible. Instead, historical compatibility is better achieved by relating to the vertical proportions of historic facades, the depth and quality of windows and doors, and emulating the simple vertical massing of historical buildings.

(C) The CC Sub-district is intended to emphasize the civic and historic character of that portion of downtown Newberg generally bounded by Sherman Street on the north, Blaine Street on the west, 5th Street on the south, and Howard and School Streets on the east and as depicted on the zoning map. The sub-district overlay may be applied within any zoning district within these boundaries. The sub-district shall be designated by the suffix "CC" added to the symbol of the parent district. Permitted uses include those permitted by the underlying zoning district and other uses specifically allowed within the CC Sub-district that are compatible with the uses in the underlying zoning.
(Ord. 2002-2561, passed 4-1-02)

15.350.020 GENERAL PROVISIONS.

The uses, procedures, and standards contained within § 15.350.030 through § 15.350.060 apply in addition to the development standards of the underlying zone. Where there is a conflict between the uses and standards of this section and those of the base zone, the uses and standards of this section shall prevail.
(Ord. 2002-2561, passed 4-1-02)

15.350.060 DEVELOPMENT STANDARDS.

In addition to the standards of § 15.220.080, the following development standards shall apply to new development or redevelopment within the Civic Corridor Overlay Sub-district.

(E) *Signage standards.* In addition to the C-3 signage requirements of § 15.435.010 through §15.435.120, to encourage the historic character of the Civic Corridor as described in § 15.350.010, sign~~s~~ lettering within the Civic Corridor shall not exceed 12 inches in height, and signs shall include at least one ~~four~~ of the following ~~six~~ elements:

~~(1) The most prominent element on a sign, such as the business' name, uses a serif font and does not exceed eight inches in height.~~
~~(2) The sign includes a frame, background or lettering in natural wood materials.~~
(1~~3~~) The sign includes a frame, background or lettering in copper, bronze or brass in natural finishes, comprising at least 5 percent of the sign face.
(2) The sign is a freestanding brick monument sign.
~~(4) The sign incorporates decorative wrought iron.~~
(3~~5~~) The sign lettering is in a raised relief, and is constructed of either naturally-finished metal or white-painted wood (or material that appears to be wood).
(4) The sign lettering is engraved in either metal or masonry.
(5~~6~~) The sign is attached to a mounting bracket and allowed to swing freely.

End of proposed amendment.

Exhibit "B" to Ordinance 2011-2744
Findings

Newberg Development Code *§ 15.350.010 PURPOSE – CIVIC CORRIDOR OVERLAY.*

(A) The Civic Corridor Overlay Sub-district is designed to emphasize the civic heart of the community and to capitalize on the significant amenity that Newberg's historic downtown buildings represent. Two buildings which characterize the historic style of Newberg are City Hall, built in 1913 and the library, built in 1912. The important architectural features of this style are illustrated in the figure below.

(B) Specific design standards will ensure that new development is consistent with the regional and local historical traditions that these buildings represent. While incorporating historic ornament and detail into new buildings is encouraged, it is recognized that the current cost of such detail may not be feasible. Instead, historical compatibility is better achieved by relating to the vertical proportions of historic facades, the depth and quality of windows and doors, and emulating the simple vertical massing of historical buildings.

Newberg Comprehensive Plan

J. URBAN DESIGN

GOAL 1: *To maintain and improve the natural beauty and visual character of the City.*

POLICIES:

1. General Policies

g. Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort.

Findings: As stated in the above purpose statement and policies, maintaining and improving the visual character of the city is important to the community. The historic character of the Civic Corridor, as characterized by City Hall and the Library, is an area of special focus. The existing Civic Corridor sign code is inflexible, and can prevent signs that have historic character and meet the purpose of the Civic Corridor regulations from being approved. The proposed amendments will change the design elements to better match the observed historic character of the Civic Corridor, and only require signs to incorporate one design element. These amendments will make the Civic Corridor sign code more flexible for institutions and businesses within the corridor, while protecting the historic character of the corridor. The proposed development code amendment therefore conforms to the Newberg Comprehensive Plan by maintaining and improving the visual character of Newberg.

PLANNING COMMISSION RESOLUTION NO. 2011-289

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL MODIFY THE DEVELOPMENT CODE RELATING TO CIVIC CORRIDOR SIGNS

RECITALS:

1. The Newberg Development Code currently requires signs in the Civic Corridor to meet four out of six design elements. This is very restrictive, and can prevent the approval of signs that appear to meet the intent of the Civic Corridor overlay zone.

2. The code could allow some additional flexibility by modifying the sign design elements to better match the character of the Civic Corridor, and only requiring signs to meet one design element. The proposed code changes would still meet the intent of the Civic Corridor sign regulations, which is to ensure that new signs fit the historic character of the corridor.

3. On April 4, 2011, the Newberg City Council adopted Resolution 2011-2939, initiating potential amendments to the Development Code.

4. On April 14, 2011, the Planning Commission held a public workshop to discuss Newberg's existing Civic Corridor sign code and potential code changes.

5. On April 21, 2011, notice of the proposed changes and public hearing was mailed to all property owners within the Civic Corridor overlay zone.

6. On April 22, 2011, notice of the public hearing was posted in four public locations (City Hall, Library, Fire Station, and Public Safety Building)

7. On April 27, 2011, notice of the public hearing on the proposed changes was published in the *Newberg Graphic*.

8. On May 12, 2011, the Newberg Planning Commission moved the public hearing on the proposed amendments to the following meeting on June 9, 2011.

9. On June 9, 2011, the Newberg Planning Commission held a public hearing on the proposed amendments.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendment to the Newberg Development Code as shown in Exhibit A.

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

Adopted by the Newberg Planning Commission on this 9th day of June, 2011.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 (Stuhr)

ATTEST:

Dawn Karen Bevill
Planning Commission Secretary

Philip D. Smith
Planning Commission Chair

Exhibit A: Development Code Text Amendments
Exhibit B: Findings

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City of Newberg
414 E. First Street
P.O. Box 970
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City Manager
(503) 538-9421
(503) 538-5013 FAX

Planning and Building Department

P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132 • (503) 537-1240 • Fax (503) 537-1272

STAFF REPORT – CIVIC CORRIDOR SIGN CODE AMENDMENTS

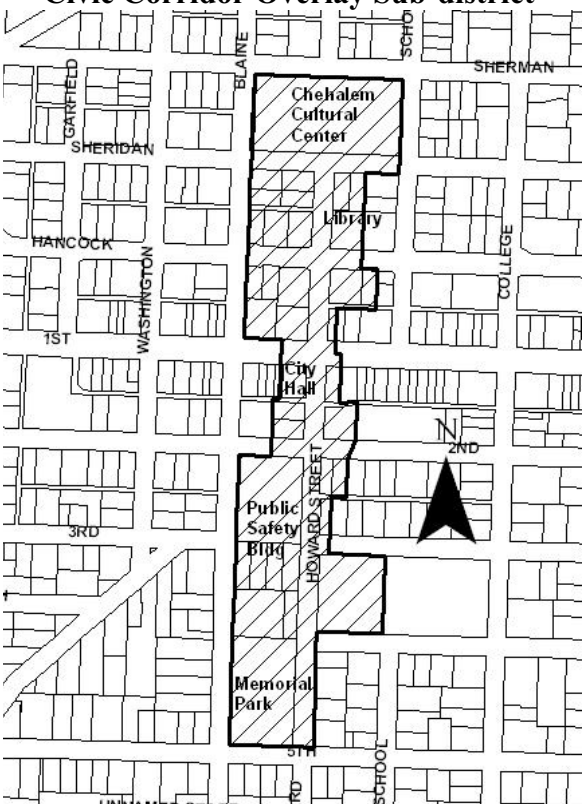
FILE NO: DCA-10-001
REQUEST: Amend Newberg's Development Code to make the Civic Corridor sign code more flexible.
APPLICANT: City of Newberg
PREPARED BY: City of Newberg Planning Staff
HEARING DATE: June 9, 2011 Planning Commission (moved from May 12, 2011)

ATTACHMENTS:

Resolution No. 2011-289
- Exhibit A: Proposed Amendments
- Exhibit B: Findings

1. City Council Resolution 2011-2939
2. Photos of Civic Corridor signs
3. Public comments received to date (none)

Civic Corridor Overlay Sub-district



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I. SUMMARY

The current Civic Corridor sign code is quite restrictive, and requires signs to meet at least four out of six Civic Corridor design elements. In practice, it is very difficult to meet the Civic Corridor standards; a proposed sign for the Chehalem Cultural Center, for example, consists of raised bronze letters and appears to be a good fit for the Civic Corridor but cannot be approved as it only meets two out of six Civic Corridor design elements. The proposed code amendment would change the Civic Corridor design elements to better match the design themes of signs and buildings in the corridor, and only require signs to meet one design theme. This will simplify the sign standards and add flexibility while preserving the intent of the Civic Corridor overlay.

II. BACKGROUND

The Civic Corridor Overlay is a zone that runs north-south along Howard Street and includes most of Newberg's civic buildings. The overlay was created in 2002 to emphasize the civic heart of the community, and has specific design standards for buildings and signs. The purpose of the overlay is to ensure that new development is consistent with historic buildings, such as the Library and City Hall. Staff feels that the Civic Corridor sign code is too inflexible, and can prevent good signs from being approved. Staff developed potential code changes that would allow the Cultural Center sign to be approved, would simplify the sign standards, and better align the standards with design themes within the corridor. The code language in the attached resolution exhibit is intended as a starting point for the discussion.

The City Council initiated a development code amendment to the Civic Corridor sign code through Resolution 2011-2939 on April 4, 2011. The Planning Commission held a workshop on April 14, 2011 to discuss Newberg's existing Civic Corridor sign code and potential code changes.

III. DISCUSSION

The current Civic Corridor sign regulations are not flexible. Proposed signs must meet the C-3 downtown sign standards plus meet four out of six Civic Corridor design elements. In practice, good signs that appear to fit the historic designs within the Civic Corridor sometimes cannot be approved. The proposed Chehalem Cultural Center sign, for example, consists of raised bronze letters over the front entrance and is very similar to the raised letters on City Hall, the Post Office, the Fire Department and the Public Safety Building. This sign easily meets the C-3 sign standards but only meets two out of four Civic Corridor standards and cannot be approved. Another example is the *Newberg Graphic* brick monument sign, which is located just outside the Civic Corridor; this sign easily meets the C-3 downtown sign standards but could not have been approved if it was within the Civic Corridor.

Current requirements = 4 of 6 Civic Corridor standards + 10 points on C-3 standards

Civic Corridor sign design elements

1. The most prominent element on a sign, such as the business' name, uses a serif font and does not exceed eight inches in height.
2. The sign includes a frame, background or lettering in natural wood materials.
3. The sign includes a frame, background or lettering in copper or brass in natural finishes.
4. The sign incorporates decorative wrought iron.
5. The lettering is in a raised relief.
6. The sign is attached to a mounting bracket and allowed to swing freely.

C-3 sign point system

Points Possible	Element
	Sign Type
4	The sign is attached to a mounting bracket and allowed to swing freely.
4	The sign is on an awning and meets the standards in NMC 15.435.080.
3	The sign is a fin sign extending at least two feet from the building surface.
3	The sign primarily includes raised or engraved individual letters or graphics on a background wall.
2	The sign is freestanding and less than six feet high.
	Sign Material
4	The sign is sandblasted or carved wood.
4	The sign includes natural finished wood in the frame, background or lettering (plywood excluded).
4	The sign includes a frame, background or lettering in aluminum, copper or brass in natural finishes.
2	The sign is on an opaque fabric awning made of cotton-based canvas or woven acrylic and includes free-hanging trim or vertical front.
2	The sign incorporates decorative wrought iron.
	Sign Face
4	The outline of the sign frame (or the letters and graphics if no frame) is predominantly curved or nonrectangular.
3	All colors on the sign are low intensity, such as muted earth tones. Bright, fluorescent, or neon colors are excluded.
2	The most prominent lettering on the sign, such as the business' name, uses a serif or cursive font.
2	At least 15 percent of the sign area is a landscape, nature, or similar art scene.
	Lighting
2	The sign uses neon tube lighting for letters or graphics.
minus 2	The sign uses internal illumination with greater than 30 percent transparent or light-colored face.
minus 2	The sign is on a backlit, translucent awning.
minus 4	The sign uses blinking, flashing, or chasing lights.
	Sign Size
1 point per 20 percent reduction	For major attached signage, one point for each full 20 percent reduction in the total sign area allowed on that building frontage. For major freestanding signage, one point for each full 20 percent reduction in the total area allowed for that sign.

Staff reviewed the existing signs in the Civic Corridor and determined that there are several design themes that tie the corridor signs together: (1) raised metal or wood letters on a background wall (letters up to 12 inches tall); (2) copper/brass/bronze frames or highlights; and (3) brick backgrounds or structures. The existing Civic Corridor sign code encourages freely-swinging signs on mounting brackets; this design element fits the downtown historic character well and could be kept as a design element. Engraved letters in metal or masonry also fit the historic character of the Civic Corridor. The code could be simplified to require signs to meet at least one of the design themes noted above for signs in the Civic Corridor, while still meeting the C-3 downtown standards. This would simplify the code, allow the Chehalem Cultural Center sign to be approved, and would set clear standards for signs within the Civic Corridor. This would also provide more flexibility for future signage at the Library and within the Cultural District area.

Staff sent a copy of the proposed code change to all property owners and public agencies within the Civic Corridor overlay, and received one comment. Leah Griffith, Library Director, wanted to know how the code change would affect the Library when they wanted to change their existing readerboard sign. Would they be able to have a readerboard sign similar to the *Newberg Graphic* sign or the Library's old monument sign? Leah did like the proposed Cultural Center sign, and was in favor of code changes to allow it. She asked how the proposed changes would fit with any ideas that come out of the Cultural District project.

The proposed changes will make the Civic Corridor sign code more flexible and give the Library and the Cultural District more design options in the future. Under the current code the Library could not build a readerboard sign like the *Graphic's* (the sign is a freestanding brick monument sign with a curved top, raised metal letters, and a readerboard). That sign would easily meet the C-3 standards but only meets two out of six Civic Corridor standards and could not be approved. The proposed changes would allow the Library to have a readerboard sign like the *Graphic*, and allow additional flexibility for the Cultural District project.

IV. STAFF RECOMMENDATION

The staff recommendation is made in the absence of public testimony and may be modified prior to the close of the hearing. At this time, staff recommends:

Adopt Resolution 2011-289, recommending that the City Council adopt the proposed Development Code amendments to the Civic Corridor sign regulations.

PLANNING COMMISSION MINUTES
June 9, 2011
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE JULY 14, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Philip Smith, Chair	Thomas Barnes, Vice Chair
	Lon Wall	Allyn Edwards
	Art Smith	Gary Bliss
	Kale Rogers, Student PC	
Absent:	Cathy Stuhr (excused)	
Staff Present:	Barton Brierley, Building & Planning Director	
	Steve Olson, Associate Planner	
	DawnKaren Bevill, Minutes Recorder	

II. OPEN MEETING:

Chair Smith opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Vice Chair Smith entertained a motion to accept the minutes of the May 12, 2011 meeting.

MOTION #1: Art Smith/Gary Bliss approve the minutes from the Planning Commission Meeting of May 12, 2011. (6Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

Barton Brierley introduced Elizabeth Fouch who is a student from George Fox University and also doing an internship with the City of Newberg Planning Division.

V. LEGISLATIVE PUBLIC HEARINGS:

APPLICANT:	**City of Newberg**	
REQUEST:	**Amend the Newberg Development Code requirements for signs in the Civic Corridor zoning overlay.**	
LOCATION:	**Civic Corridor overlay zone**	
FILE NO.	**DCA-10-001**	**RESOLUTION NO.: 2011-289**
CRITERIA:	**15.302.030(C)**	

Opening of the Hearing:
Chair Smith opened the hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction to either of the two Legislative Public Hearings to be heard at this meeting. None were brought forward.

Steve Olson gave the staff report and PowerPoint presentation.

Summary:
The existing Civic Corridor sign code is too restrictive.
Some good signs that meet the intent of the Civic Corridor overlay can't be approved.
City Council Resolution 2011-2939 initiated a development code amendment process.
The Planning Commission held a workshop on this issue 4/14/11.
Tonight: Public hearing on proposed changes & PC recommendation
Next step: City Council public hearing (tent. 7/18/11)

Purpose of Civic Corridor overlay:
It was created in 2002 to emphasize the civic heart of the community, characterized by the Library and City Hall. The overlay has specific design standards for buildings and signs to ensure that new developments are consistent with local historic traditions

Mr. Olson explained the existing sign code and reviewed the existing signs in the Civic Corridor. He then explained the proposed changes to the design themes.

Proposed Changes:
Current: Signs must include at least 4 out of 6 possible design elements + meet C-3 standards.
Proposal: Simplify - require signs to meet at least one of the design themes + meet C-3 standards. The proposal simplifies the code, and allows the CCC sign to be approved. It sets clear standards for signs within the Civic Corridor, and keeps the requirement to meet C-3 standards.

Development Code Changes:
(E) *Signage standards.* In addition to the C-3 signage requirements of § 15.435.010 through §15.435.120, to encourage the historic character of the Civic Corridor as described in § 15.350.010, sign lettering within the Civic Corridor shall not exceed 12 inches in height, and signs shall include at least **one** of the following elements:
(1) The sign includes a frame, background or lettering in copper, bronze or brass in natural finishes, comprising at least 5 percent of the sign face.
(2) The sign is a freestanding brick monument sign.
(3) The sign lettering is in a raised relief, and is constructed of either naturally-finished metal or white-painted wood (or material that appears to be wood).
(4) The sign lettering is engraved in either metal or masonry.
(5) The sign is attached to a mounting bracket and allowed to swing freely.

Staff Recommendation:
Staff recommends adoption of Resolution 2011-289 recommending that the City Council adopt the proposed Development Code amendments to the Civic Corridor sign regulations.

The commissioners generally agreed with the proposed changes. They discussed the impact the code changes would have, and did not propose any specific changes to the code language.

MOTION #2: Wall/Barnes moved to approve Planning Commission Resolution No. 2011-289. (6 Yes/ 0 No/1 Absent [Stuhr]) Motion carried.

APPLICANT: **City of Newberg**
REQUEST: **Amend the Newberg Development Code pertaining to batch annexation procedures.**
LOCATION: **Citywide**
FILE NO: **DCA-11-002** **RESOLUTION NO.: 2011-291**
CRITERIA: **15.302.030(C)**

Staff Report: Barton Brierley gave the staff report and Powerpoint presentation.

Proposed Amendments:
Create a "batch" annexation process, where annexation of a group of small properties could be considered together.
Clarify procedures for legislative annexations.
Modify procedures for annexation of properties surrounded by the city ("island" annexations) to conform to recent changes in state law.
Allow legal non-conforming residential use of property to remain after annexation.

Purpose of Amendments:
Reduce costs for housing (and other uses).
Clarify annexation process when City is applicant.
Conform to state laws.

Batch Annexations:
Allows small annexations (< 3 buildable acres) to be grouped.
Annexation considered directly by City Council when in compliance with comprehensive plan.
Annexations go to vote under one ballot title.

Legislative Annexations:
For City Council initiated annexations
For example – health hazards, islands, street right-of-ways
Could include R-4, LIDs
"Application" requirements not imposed

Island Annexations:
State law requires 4esidents in island get to vote
Annexation of residential property "delayed" for 3-10 years.

Annexation of Non-conforming residential uses:
Law currently requires removal of non-conforming uses with 1-10 years of annexation
Applies to residences also
Proposal would allow non-conforming residential uses to remain indefinite

Staff Recommendation:
Staff recommends adoption of Resolution 2011-291, recommending the City Council adopt the proposed amendments

Questions:

Commissioner Barnes asked for clarification regarding the annexation process deadlines on the bottom of page 34(B) and on page 40 B (1). Barton Brierley explained the first one is for the regular annexation process and the second one would be for the batch annexation which is a shorter process.

Commissioner Wall asked for clarification regarding the proposed amendments on page 30 and Action 4.2E on page 31. Barton Brierley explained the action in 4.2E is from the Affordable Action Plan recommendation but this amendment does not propose any changes to the voter annexation requirements.

Commissioner Wall referred to the Legislative annexations on page 38 and stated the Planning Commission will lose some oversight on some annexations in the future. He referred to page 40, item B (4) and asked why, if the City Council can initiate the batch annexation at any time, set specific deadlines for applications? Barton Brierley explained the code will have specific times when annexations can be initiated, giving property owner's specific times they can apply and have their proposal considered. This City Council could also allow a batch annexation at other times, such as on a special election.

Chair Smith asked if an acreage limit can be placed on it, either taking it to the Planning Commission or to the City Council. Barton Brierley does not see an issue in doing that.

Commissioner Wall agreed with a limit on total acreage as Chair Smith suggested and believes the non-residential should be left out of batch annexations.

MOTION #3: Barnes/Art Smith moved to approve Planning Commission Resolution No. 2011-291.

MOTION #4: Wall/Barnes to amend the motion as follows: Batch annexations apply to only residential; adding A (4) on page 39; residential properties only. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

MOTION #5: Bliss/Smith moved to amend with the addition of B (5), page 40; if the total acreage of the batch annexations exceeds 15 acres, it shall be referred to the Planning Commission for a hearing and recommendation. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

MOTION # 6: Barnes/ Wall moved to amend re-number the paragraphs section B on page 40 as follows: B (1) remains the same; B (3) will become B (2); B (4) will become B (3); and B(2) will become B (4). (5 Yes/ 1 No [Philip Smith])/ 1 Absent [Stuhr]) Motion carried.

Vote on Motion #3: (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

VI. NEW BUSINESS:

REQUEST: **Consider initiating a Development Code Amendment to increase the maximum lot coverage allowed in the R-1 zone from 30% to 40%.**

FILE NO.: **DCA-11-005** **RESOLUTION NO.: 2011-292**

Chair Smith stated he has had second thoughts regarding the procedure of this request at the last Planning Commission meeting. After talking to Mr. Brierley and Mayor Bob Andrews he believes he erred. As Planning Commission Chair, he cannot commit City resources just on his say-so alone, but instead should have stated it would be taken under advisement and then it could be voted upon during the Items from Commissioners or New Business section of the meeting as to whether or not the Planning Commission instructs City Staff to develop a resolution.

Barton Brierley gave the following background on the request:

Doug Lanz- Managing Partner for the Terrace Heights Subdivision and Northwest Classic Custom Homes, spoke.

Doug's concerns were about Newberg's lot coverage requirements. Due to 30% lot coverage regulations, the size of a ranch home is limited to around 1800sq ft (Including garage)

The biggest complaint he hears from potential buyers is the inability to build a big enough home. They want a 2200-2400sq ft home on one level.

He is asking for lot coverage to be increased to 40%.

The Planning Commission can initiate the amendment. If they so chose, staff will schedule a hearing at a later date (most likely around July 14th).

Definitions:
Lot Coverage- portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where 50% or more of the perimeter of such structure is open from grade

Parking Coverage- portion of a lot covered by parking lots, aisles, and access, and parking structures, where 50% or more of the perimeter of such structure is open on it sides

Mr. Brierley reviewed the current standards

Purpose for Lot Coverage Standards:
Control Storm Drainage
Provide for Outdoor Living Area on a Lot
Limit Development Density to that Appropriate for the Zone

Mr. Brierley reviewed the City's recent changes made to development standards.

Request:
Amend the development code to increase the maximum lot coverage in R-1from 30% to 40%

Issues:
Lot sizes have gone down, yet house sizes have increased
Preferences for single story homes and multiple car garages
Preferences more for indoor living and less for outdoor living

Options:
Adopt the resolution as attached or with amendments
Adopt the resolution, contingent on the requestor filing an application and filing fee ($2,035)
Take no action

Deliberation:
Commissioner Bliss has difficulty with the confusing language about maximum coverage on page 51 (B) and asked for clarification from staff. Mr. Brierley explained it applies to lot and parking coverage and the language needs to be changed. Commissioner Bliss asked why a carport is different from a garage. Barton Brierley explained the code does not really define the purpose of that; his reading of it is a carport ends up being more like an outdoor area and less dense then an enclosed garage. Chair Smith said this does lack a purpose statement for the lot coverage limits because the language is not clear. Commissioner Bliss stated we will need to deal with the proximity of the houses to each other and there is nothing preventing a 2 – 3 story home.

Commissioner Art Smith stated this is an issue due to the element of population who want to move to Newberg and if this can be fixed rather easily, if 40% is a good percentage according to staff, then he agrees. It will be an asset to the community.

Commissioner Barnes stated due to the lot sizes being smaller; the 30% does not work anymore.

Kale Rogers stated if the resolution is adopted, it should be limited to single story houses.

MOTION#7: Edwards/Barnes moved to ask staff to prepare a resolution for a public hearing having to deal with 40% lot coverage in R-1; having it apply to residential uses only; for a single-story residential in the R-1 zone and not to apply to small accessory additions. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

VII. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated at their last meeting the City Council heard the Economic Opportunities Analysis changes and the South Industrial Urban Growth Boundary amendment proposal. They will deliberate at the July 20, 2011 meeting. Also, the Habitat for Humanity partition has been appealed to the City Council and they will hear that June 20, 2011. The hearing will be a Record Hearing meaning there will be no oral testimony, just the minutes from the Planning Commission meeting. They will also discuss the uses and rules regarding public spaces on June 20, 2011.

Correspondence: Barton passed out information to the Commissioners from Mr. Anderson regarding the May 14, 2011 minutes.

The next Planning Commission Meeting is scheduled on Thursday, July 14, 2011.

VIII. ITEMS FROM COMMISSIONERS:

Gary Bliss will be away on vacation and will not be in attendance for the July 14, 2011 Planning Commission meeting.

IX. ADJOURN:

Chair Smith adjourned the meeting at 9:10 p.m.

Approved by the Planning Commission on this 14th day of July, 2011.

AYES: **NO:** **ABSENT:** **ABSTAIN:**

Planning Recording Secretary *Planning Commission Chair*

RESOLUTION NO. 2011-2939

A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG DEVELOPMENT CODE REGARDING SIGNS IN THE CIVIC CORRIDOR

RECITALS:

1. The proposed Chehalem Cultural Center sign does not meet the Civic Corridor sign standards. Staff believes the sign is a good fit for the Civic Corridor, and that therefore the Civic Corridor sign standards should be reviewed.

2. The Civic Corridor sign standards currently require signs to include four out of six possible design elements. Staff reviewed the existing signs in the Civic Corridor and determined that there are three design themes that tie the corridor signs together: (1) raised metal or wood letters on a background wall; (2) copper/brass/bronze frames or highlights; and (3) brick backgrounds or structures. The code could be simplified to require signs to meet at least one of the three design themes noted above for signs in the Civic Corridor.

3. This potential amendment would simplify the code, allow the Chehalem Cultural Center sign to be approved, and would set clear standards for signs within the Civic Corridor.

4. The City Council would like to consider a potential amendment to change the Civic Corridor sign standards to focus on the three identified design themes.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City initiates an amendment to the Newberg Development Code that could potentially change the Civic Corridor design standards. The code language in Exhibit "A" is a starting point.

2. By initiating this amendment, the Council does not commit to taking any particular action on the amendment. It only wishes to consider potential amendments through a public hearing process.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 5, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of April, 2011.

Norma I. Alley

Norma I. Alley, City Recorder

ATTEST by the Mayor this 7th day of April, 2011.

Bob Andrews

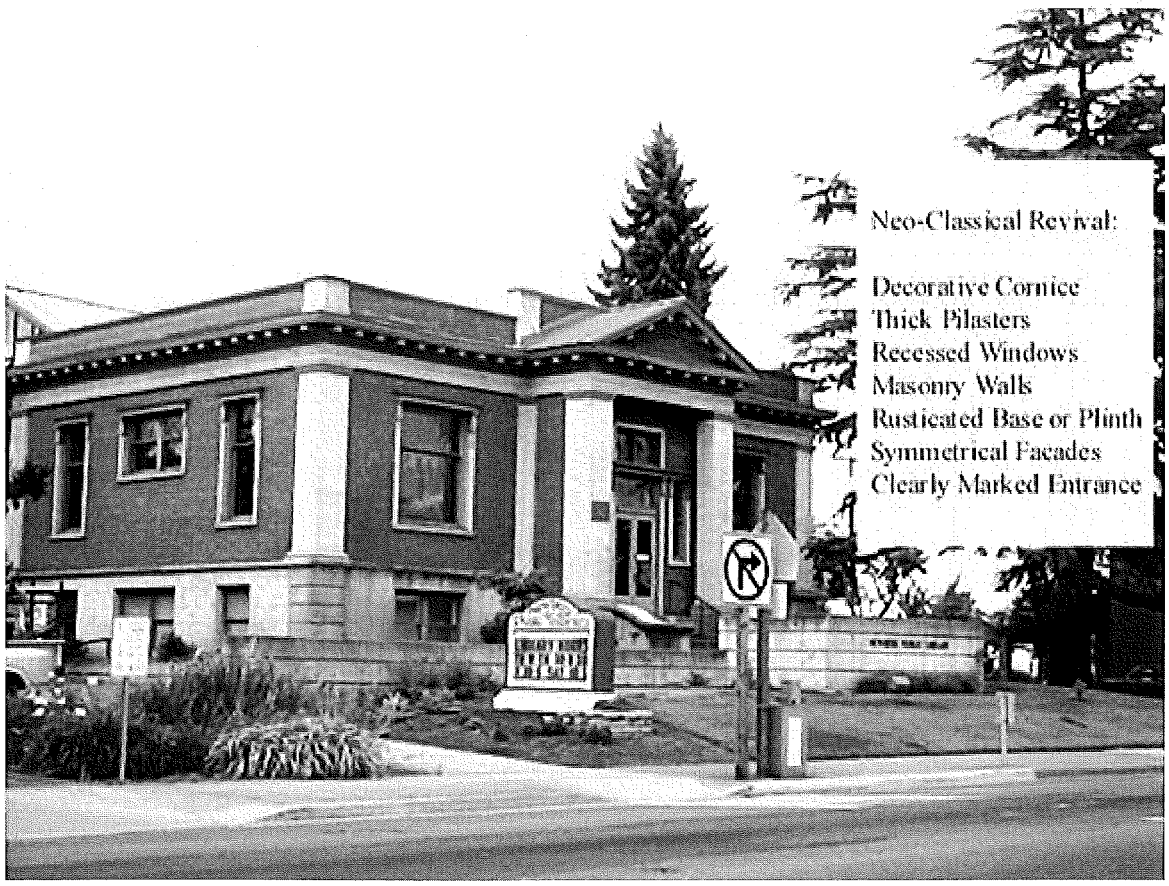
Bob Andrews, Mayor

Potential Development Code Amendment
(Note: Additions to the code are underlined, deletions are ~~struckthrough~~.)

Part 18.1. CIVIC CORRIDOR OVERLAY (CC) SUB-DISTRICT

151.526.1 PURPOSE.

(A) The Civic Corridor Overlay Sub-district is designed to emphasize the civic heart of the community and to capitalize on the significant amenity that Newberg's historic downtown buildings represent. Two buildings which characterize the historic style of Newberg are City Hall, built in 1913 and the library, built in 1912. The important architectural features of this style are illustrated in the figure below.



(B) Specific design standards will ensure that new development is consistent with the regional and local historical traditions that these buildings represent. While incorporating historic ornament and detail into new buildings is encouraged, it is recognized that the current cost of such detail may not be feasible. Instead, historical compatibility is better achieved by relating to the vertical proportions of historic facades, the depth and quality of windows and doors, and emulating the simple vertical massing of historical buildings.

(C) The CC Sub-district is intended to emphasize the civic and historic character of that portion of downtown Newberg generally bounded by Sherman Street on the north, Blaine Street on the west, 5th Street on the south, and Howard and School Streets on the east and as depicted on the zoning map. The sub-district overlay may be applied within any zoning district within these boundaries. The sub-district shall be designated by the suffix "CC" added to the symbol of the parent district. Permitted uses include those permitted by the underlying zoning district and other uses specifically allowed within the CC Sub-district that are compatible with the uses in the underlying zoning.
(Ord. 2002-2561, passed 4-1-02)

151.526.2 GENERAL PROVISIONS.

The uses, procedures, and standards contained within § 151.526.3 through § 151.526.6 apply in addition to the development standards of the underlying zone. Where there is a conflict between the uses and standards of this section and those of the base zone, the uses and standards of this section shall prevail.
(Ord. 2002-2561, passed 4-1-02)

151.526.6 DEVELOPMENT STANDARDS.

In addition to the standards of § 151.197, the following development standards shall apply to new development or redevelopment within the Civic Corridor Overlay Sub-district.

(E) *Signage standards.* In addition to the C-3 signage requirements of § 151.590 through § 151.601, to encourage the historic character of the Civic Corridor as described in § 151.526.1, signs within the Civic Corridor shall include at least one ~~four~~ of the following ~~six~~ elements:

~~(1) The most prominent element on a sign, such as the business' name, uses a serif font and does not exceed eight inches in height.~~
~~(2) The sign includes a frame, background or lettering in natural wood materials.~~
(1~~3~~) The sign includes a frame, background or lettering in copper, bronze or brass in natural finishes, comprising at least 5 percent of the sign face.
(2) The sign is a freestanding brick monument sign.
~~(4) The sign incorporates decorative wrought iron.~~
(3~~5~~) The sign lettering is in a raised relief, does not exceed 12 inches in height, and is constructed of either naturally-finished metal or white-painted wood (or material that appears to be wood).
(4~~6~~) The sign is attached to a mounting bracket and allowed to swing freely.
(Ord. 2002-2561, passed 4-1-02)

End of proposed amendment.

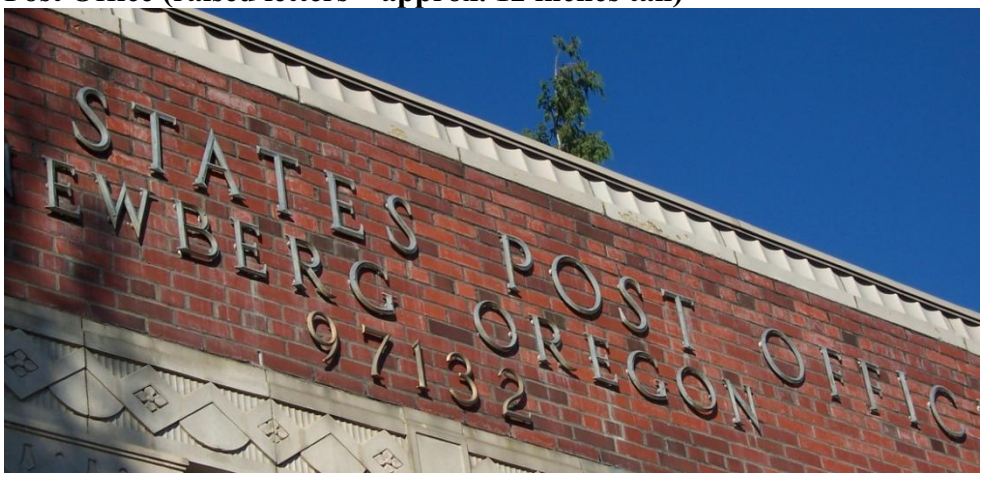
Test cases:

Note that the Civic Corridor standards apply to new development or redevelopment only. They do not make any existing signs non-conforming. It is instructive to test the proposed changes on existing signs, however, to verify how they would apply.

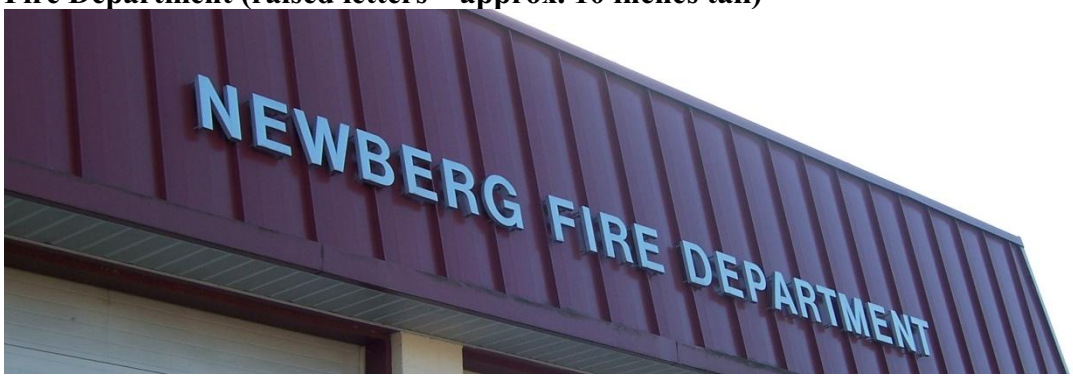
- Proposed Cultural Center sign: Would pass – meets two Civic Corridor (CC) standards.
- Post office: Would pass – meets one CC standard.
- Fire Dept.: Would pass – meets one CC standard.
- Public Safety Building: Would pass – meets one CC standard.
- City Hall: Would pass - meets one CC standard.
- Masonic Hall brass wall sign: Would pass – meets two CC standards. Fin sign does not meet C-3 standards, or CC standards.
- Snooty Fox: Would pass – meets two CC standards.
- Oregon First Community Bank: Would pass – monument sign meets two CC standards, and wall sign meets one CC standard.
- Wine Country Antiques: Does not pass but could be modified to pass (by adding a copper frame, for example). (Note: for illustration only – the existing sign is not required to be changed).
- Bike Shoppe: Does not pass but could be modified to pass (by adding a copper outline of a bike or wheel to the sign, for example). (Note: Existing sign is not required to be changed – historic signs are exempt).

Attachment 2: Civic Corridor signs

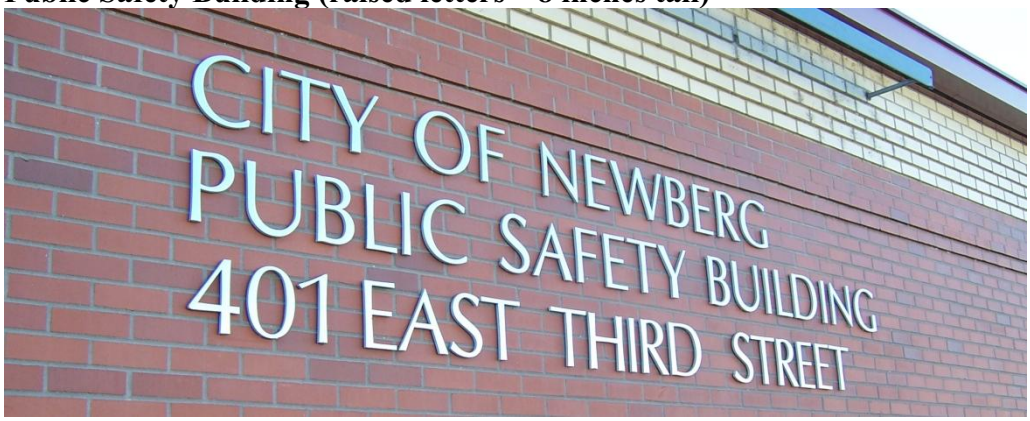
Post Office (raised letters – approx. 12 inches tall)



Fire Department (raised letters – approx. 10 inches tall)



Public Safety Building (raised letters – 8 inches tall)



City Hall (raised letters – approx. 12 inches tall)

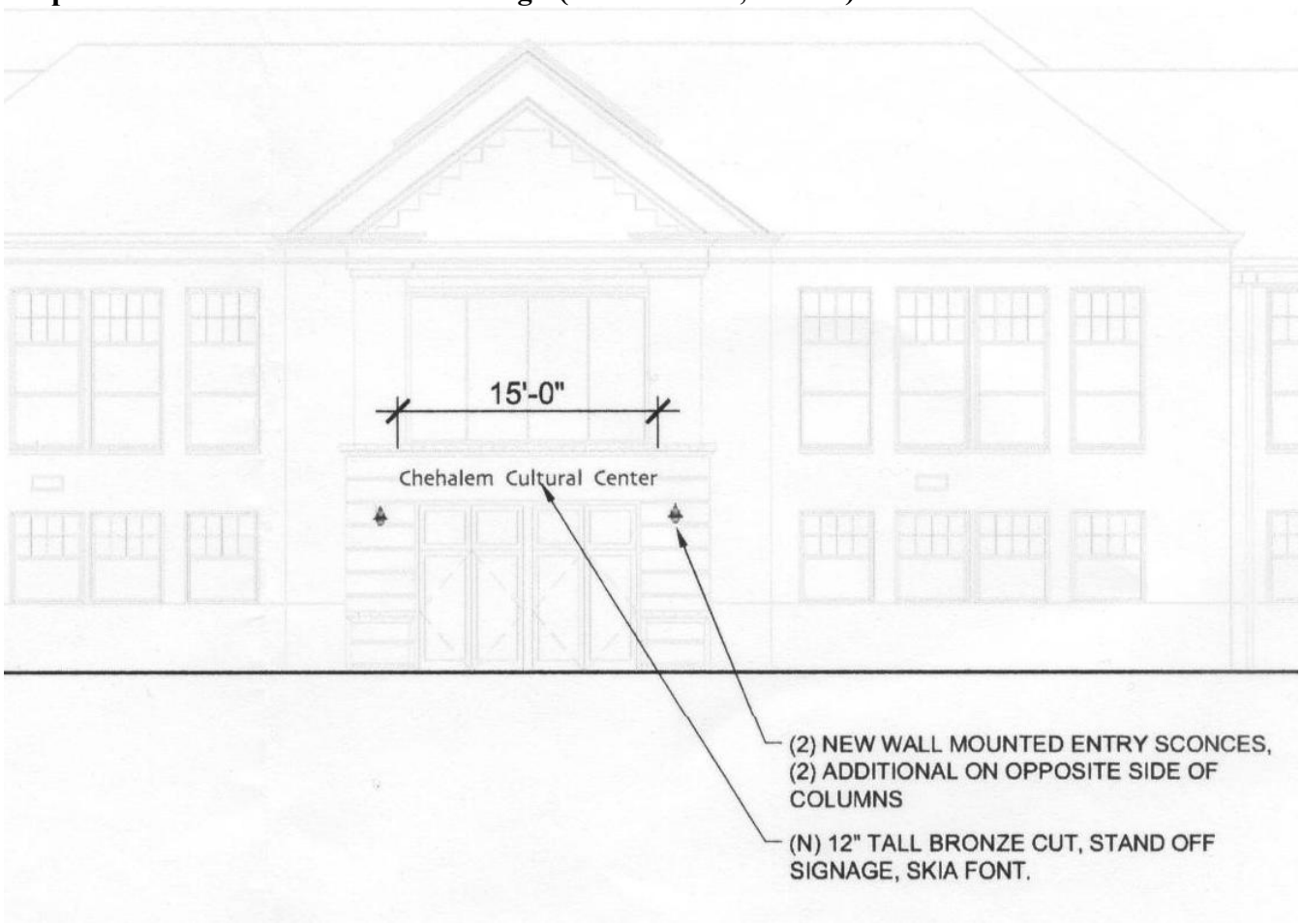
Word of Faith Church (raised letters – approx. 6 inches tall)

Masonic Hall (raised letters, bronze)

Snooty Fox (raised letters, bronze)

OR First Community Credit Union (copper frame, brick monument – tallest letter approx. 15 inches)

Proposed Chehalem Cultural Center sign (raised letters, bronze)



Wine Country Antiques (tallest letter approx. 14 inches)

Newbery Bicycle Shoppe

Examples of sign types (these are downtown signs but not in Civic Corridor)

Brick monument sign, raised metal letters (letters less than 12 inches tall)

Sign with copper background (letters are not raised, are less than 12 inches tall)

Sign attached to a mounting bracket and allowed to swing freely

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 18, 2011				
Order ___ No.	Ordinance XX No. 2011-2745	Resolution ___ No.	Motion ___	Information ___

SUBJECT: Ordinance Amending the Newberg Development Code Annexation Procedures	**Contact Person (Preparer) for this Motion:** Barton Brierley, AICP Planning and Building Director **Dept.:** Planning and Building **File No.:** DCA-11-002

HEARING TYPE: ☒ **LEGISLATIVE** ☐ **QUASI-JUDICIAL** ☐ **NOT APPLICABLE**

RECOMMENDATION:

Adopt **Ordinance No. 2011-2745**, modifying Newberg's Development Code to do the following:

1. Create a "batch" annexation process, where annexation of a group of small properties could be considered together.
2. Clarify procedures for legislative annexations.
3. Modify procedures for annexation of properties surrounded by the city ("island" annexations) to conform to recent changes in state law.
4. Allow legal non-conforming residential use of property to remain after annexation.

Note that none of the proposed changes affect City charter requirements for votes on annexations.

EXECUTIVE SUMMARY:

The Affordable Housing Action Committee has recommended changes to the annexation process. The proposal would allow small annexations to be grouped and processed together. The proposal would set one time every two years where property owners could request to be included in the "batch." Only groups of properties less than three buildable acres would be eligible except as approved by the City Council, and only properties where no comprehensive plan amendment also is requested. Staff would collect the applications up to a certain date, and then send the full batch to the City Council for one hearing. If the City Council approves, the batch then would be sent to the May primary ballot under one measure.

The proposal also allows legal non-conforming residential uses to remain after annexation. For example, a duplex in a single family zone, or a house in an industrial zone, could remain after the property is annexed to the city.

The proposal also establishes a separate process for city initiated annexations, such as for island annexations or triple-majority annexations, that do not fit the typical property owner initiated application process. The island annexation process is modified to conform to recent changes in state law.

The proposal relates to Action 4.2.E. of the Affordable Housing Action Plan

Action 4.2E: Create an expedited annexation process for affordable housing projects.

This should result is some savings that results in more affordable housing. For example, it could reduce the

expense of annexing a property where the owner desires to connect an existing home to the wastewater system, or partition a property to build a new home.

The Planning Commission heard the item, and recommended that the City Council adopt the proposal. The Commission recommended that the batch annexations be limited to residential properties, and that batches exceeding 15 acres be referred to the Planning Commission. These recommendations are reflected in the attached ordinance.

FISCAL IMPACT: The draft would reduce some of the time, expense, and process needed for annexations of small properties.

STRATEGIC ASSESSMENT: The amendment would be a small step in assisting affordable housing by allowing some small properties to annex with less cost and process. The amendment also would reduce city processing costs for such annexations.

Attachments:

Ordinance No. 2011-2745 with

Exhibit A: Development Code Amendments

Exhibit B: Findings

1. Planning Commission Resolution 2011-291 (exhibits by reference)
2. Minutes of June 9, 2011 Planning Commission
3. Excerpt from Affordable Housing Action Plan
4. Newberg Charter provision for annexations
5. Oregon Annexation Methods
6. Public Comments (none as of 6/27/2011)

ORDINANCE NO. 2011-2745

AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE ANNEXATION PROCEDURES

RECITALS:

1. On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, supporting the Newberg Affordable Housing Action plan. One action recommended in the plan was to create an expedited annexation process.

2. The Affordable Housing Action Committee reviewed the processes for annexation, and recommended adoption of a batch annexation process.

3. Oregon state law regarding island annexations has been changed, and the city desires its ordinances to be in conformance with state law.

4. After proper notice, the Planning Commission held a hearing on June 9, 2011, and recommended adoption of the attached ordinance.

5. The Newberg City Council held a hearing on July 18, 2011, to consider the attached ordinance. The Code of Newberg is amended and shown in Exhibit "A", which is hereby attached and by this reference incorporated.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Code of Newberg is amended and shown in Exhibit "A", which is hereby adopted and by this reference incorporated.

2. The findings shown in Exhibit "B", which is hereby adopted and by this reference incorporated.

3. After the first batch annexation, the fee to apply to be part of a batch annexation shall be $500.00, or as set by resolution of the City Council.

- **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 17, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of July, 2011, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

_____
Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of July, 2011.

_____
Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through the Newberg Planning Commission at their 06/09/2011 meeting.
By and through the Affordable Housing Action Committee at their 02/23/2011 meeting.

Exhibit "A" to Ordinance 2011-2745
Development Code Amendments

Note: Existing text is shown in regular font.

Added text is shown in double-underline

Deleted text is shown in strikethrough.

ANNEXATIONS

15.250.010 Statement of purpose.

The city finds that annexation is the first step to converting future urbanizable lands to urbanizable land within the Newberg Urban Growth Boundary, and that as such it is an important part of the process of providing timely and orderly urban development. The city also recognizes that the development of lands at an urban density must include the provision of an adequate level of required urban services such as sewer, water, and roads. Policies and procedures adopted in this code are intended to carry out the directives of the citizens of Newberg and the Newberg comprehensive plan, and to insure that annexation of lands to the city is incorporated into the process of providing a timely and orderly conversion of lands to urban uses. The City Charter requires that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

15.250.020 Conditions for annexation.

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

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

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

15.250.030 Quasi-judicial annexation criteria.

Quasi-judicial annexations applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

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

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

1. Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

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

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

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

15.250.040 Quasi-judicial ~~A~~annexation procedures.

All quasi-judicial annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this code and O.R.S. 222.

A. Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even numbered years. Applications for annexation shall be filed with the Planning Division before 5:00 p.m. on October 1 for a primary ballot election in May and before 5:00 p.m. on April 1 for a general ballot election in November. An applicant may request that the Council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This division does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.

B. The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the Director receives a completed application for annexation, he/she shall schedule a recommendation hearing before the planning commission. The planning commission shall make a recommendation to the city council as to whether or not the application meets the criteria contained in § 151.262. This decision shall be a quasi-judicial determination and not a legislative determination. The planning commission may also recommend denial of an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

C. Following the planning commission hearing, the Director shall schedule a city council hearing to consider the request. The city council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in § 151.262. The hearing at the city council shall be considered a new hearing. If additional testimony is submitted, the Council may, at its own discretion, return the application to the planning commission for further review and recommendation. The city council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

D. If the city council approves the annexation request, the proposal may, at the city council's sole discretion, be placed before the voters of the city as follows:

1. The biennial primary or general elections which are held in May and November of even numbered years, or

2. An available special election.

E. If the city schedules the annexation election for an election other than the biennial primary or general election, the agreement of the applicant or owner of the property must be obtained. All costs associated with placing the matter on the ballot shall be paid for by the applicant or owner of the property being annexed.

F. The city shall place a notice of the annexation election in a newspaper of general circulation in the city not more than 30 days nor less than 20 days prior to the date of the election. Such notice shall take the form of a minimum one quarter page layout, which includes a map of the property to be annexed and unbiased information regarding the annexation.

G. The city shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than 16 square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation. The sign shall be removed by the applicant within ten days following the election day.

H. In addition to the regular annexation fee, the applicant shall pay for all of the costs associated with the election, the ad in the newspaper, and posting of the notice. The city shall inform the applicant of the costs necessary for the newspaper ad and property posting and of the deadline for payment of these costs.

I. Should this annexation request be approved by a majority vote of the electorate of the city at the election date as identified by resolution of the city council, the property shall be annexed and the following events shall occur:

1. The property shall be ordered and declared annexed and withdrawn from the Newberg Rural Fire Protection District.

2. The territory will be changed from a county zone to a city zoning designation as indicated in NMC 15.250.080. The Newberg, Oregon zoning map shall be amended to indicate this change.

3. The Recorder of the city is directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of the following documents:

a. A copy of the approved ordinance.

b. A map identifying the location of said territory.

J. If the city council refers an annexation to the voters at a particular election, and the annexation fails to pass at that election, the applicant may petition the city council to refer the annexation to the voters at a subsequent election, subject to the following.

1. The petition shall include a fee in an amount determined by resolution of the city council. In addition, should the petition be granted, the applicant shall be responsible for all election costs, including the cost of preparing the new annexation measure.

2. The applicant may only petition the city council once for resubmittal to place the annexation on the ballot in any 12-month period.

3. The city council shall hold a hearing to consider the petition. The hearing is a legislative hearing. Notice of the hearing shall be published in accordance with NMC 15.100.270.

4. After hearing the petition, the city council may decide any of the following.

a. The Council may approve the petition and schedule the annexation for a subsequent election. The annexation may only be placed before the voters once in any 11-month period. The annexation shall be processed according to the procedures in subsections (D) through (I) of this section.

b. The Council may deny the petition.

c. If conditions affecting the original criteria for the approval of the annexation by the city council have changed significantly, the Council may require the applicant to resubmit the annexation application for consideration by the city council and to pay a new annexation application fee. The Council also may direct that the resubmitted application be referred to the planning commission for recommendation. If there is a period of more than five years between the Council's original quasi-judicial determination that the annexation meets applicable criteria and the annexation election date, then a new application shall be required.

5. The city council shall have total discretion in determining the timing of placing an annexation measure before the voters, in requiring the submittal of a new or modified annexation application, or in denying a petition for new election.

6. Where an annexation has been initiated by the city council, the council may refer the annexation to a subsequent election upon its own motion.

15.250.050 Application requirements <u>for quasi-judicial annexations</u>.

Applications for <u>quasi-judicial</u> annexation<u>s</u> shall be made on forms provided by the planning division and include the following material:

A. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both to conduct an election within the area to be annexed, as provided by state law. The consent shall include a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended O.R.S. Chapter 195 and 197.

B. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

C. Vicinity map and map of the area to be annexed including adjacent city territory.

D. General land use plan indicating types and intensities of proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and adjoining development.

E. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced.

F. Annexation fees, as set by city council resolution.

G. Statement outlining method and source of financing to provide additional public facilities.

H. Comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller sub-community or neighborhood of which it will become a part and proposed actions to mitigate such effects.

I. Concurrent with application for annexation, the property may be assigned one of the following methods for development plan review:

A. A planned unit development approved through a Type III procedure.

B. A development agreement approved by the city council.

C. A contract annexation as provided for in the state statutes. Development plans must

be approved and an annexation contract must be signed by the city council in order to use the contract annexation process.

15.250.055 Legislative annexations.

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

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

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

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

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

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

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

D. Approval. In approving any legislative annexation, the city council shall follow the applicable procedures of state law and the Newberg Charter. If the city council approves the annexation, where required by state law or City Charter the annexation shall be referred to an election at a date determined by the city council. If the annexation election is not approved, the city council, at its discretion, may refer the proposal to a future election with any modifications it determines are appropriate. If an election is not required by state law or City Charter, the city council shall by ordinance declare that the territory is annexed to the City.

15.250.060 Health hazard annexation.

The city shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. Annexation of areas constituting a health hazard are not subject to voter approval.

15.250.070 Island annexation.

The following policies are adopted for island annexations:

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

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

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

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

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

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

2. Notify the county clerk not sooner than 120 days and not later than 90 days before the annexation takes effect.

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

15.250.075 Batch annexation of small properties by consent

With the consent of the property owners, the city may process multiple smaller annexations together as a legislative annexation in order to streamline the annexation process and to share the financial cost of the application.

A. Eligibility. Properties are eligible for batch annexation if:

1. The total area of each contiguous territory to be annexed does not exceed three buildable acres, unless the city council moves to allow consideration of a larger territory prior to the hearing.

2. Property owners shall file a consent and request to annex with the city on forms provided by the director.

3. The zoning map designation complies with the comprehensive plan map designation. If a comprehensive plan map change is proposed the request shall follow the process described in NMC 15.250.060 (B).

4. The properties have a residential comprehensive plan map designation and are intended for residential use.

B. Process. Batch annexations shall be processed as follows:

1. The deadline to file a request shall be November 1 prior to a May primary election in even number years.

2. The director shall collect the requests, If two or more eligible requests are submitted by November 1, the director shall initiate the batch annexation and schedule the item for a city council hearing. If fewer than two requests are submitted, the director shall extend the deadline to May 1 of the even numbered year to allow consideration prior to the general election in November. If multiple requests are not submitted by the May 1 deadline, the requests shall be deferred until multiple requests are received by the next deadline.

3. The city council may initiate a batch annexation at times other than those specified above.

4. Property owners shall submit a consent to annex form provided by the city and a request to be part of a batch annexation. The request shall include a legal description of the property and a

title report or proof of ownership, and a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended O.R.S. Chapter 195 and 197.

5. If the total acreage of the batch annexation exceeds 15 acres, then the annexation shall be referred to the Planning Commission for a public hearing.

C. Criteria for a batch annexation.

For each property, an adequate level of urban services is or can be made available within three years, including.

1. Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projected future uses.

3. Police, fire, parks, and school facilities and services.

D. Approval. The Council may approve or deny all or part of the proposed batch annexation. If the city council approves, it shall refer the annexation to an election following the legislative process under NMC 15.250.060.

15.250.090 Coordination.

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

15.250.100 Annexation of non-conforming uses.

When a non-conforming use, as described in NMC 15.205.010 through 15.205.100, is annexed into the city, the applicant shall provide a schedule for the removal of the non-conforming use for the planning commission and city council. Legal non-conforming residential uses are allowed to remain indefinitely. At time of approval of the annexation, the city council may add conditions to ensure the removal of the non-conforming use during a reasonable time period. The time period may vary from one year to 10 years at the discretion of the city council.

Exhibit "B" to Ordinance 2011-2745
Findings

Newberg Comprehensive Plan Goal I. Housing

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

Policy 3. *The City has adopted a comprehensive approach to meeting local housing needs that balances density, design, and flexibility in code standards and procedures. The City shall use development incentives such as density bonuses, flexible development standards, and streamlined review procedures to stimulate or require the production and preservation of affordable housing*

Finding: The proposed amendments would help in the provision of affordable housing by streamlining the annexation process for small properties.

Newberg Comprehensive Plan Policy N.2.

The City shall amend the annexation ordinance to streamline the procedures used for annexations.

Finding*:* The proposed amendment would streamline procedures by allowing small properties to be annexed as a group rather than individually.

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

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

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

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

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

(a) Is surrounded entirely by water; or

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

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

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

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

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

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

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

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

Finding: The statute above was amended in 2007 to require delayed annexation for residential islands annexed. This amendment conforms to that requirement.

PLANNING COMMISSION RESOLUTION NO. 2011-291

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND NEWB ERG DEVELOPMENT CODE ANNEXATION PROCEDURES

RECITALS:

1. On May 4, 2009, the Newberg City Council passed Resolution 2009-2843, supporting the Newberg Affordable Housing Action plan. One action recommended in the plan was to create an expedited annexation process.

2. The Affordable Housing Action Committee reviewed the processes for annexation, and recommended adoption of a batch annexation process.

3. Oregon state law regarding island annexations has been changed, and the city desires its ordinances to be in conformance with state law.

4. After proper notice, the Planning Commission held a hearing on June 9, 2011, and considered testimony.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Development Code as shown in Exhibit A. This recommendation is based on the staff report and the findings in Exhibit B.

Adopted by the Newberg Planning Commission this 9th day of June, 2011.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 (Stuhr)

ATTEST:

Dawn Karen Bevill
Planning Commission Secretary

Philip D Smith
Planning Commission Chair

Exhibit A: Development Code Text Amendments
Exhibit B: Findings

PLANNING COMMISSION MINUTES
June 9, 2011
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE JULY 14, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Philip Smith, Chair	Thomas Barnes, Vice Chair
	Lon Wall	Allyn Edwards
	Art Smith	Gary Bliss
	Kale Rogers, Student PC	
Absent:	Cathy Stuhr (excused)	
Staff Present:	Barton Brierley, Building & Planning Director	
	Steve Olson, Association Planner	
	DawnKaren Bevill, Minutes Recorder	

II. OPEN MEETING:

Chair Smith opened the meeting at 7:00 p.m. and asked for roll call.

APPLICANT:	**City of Newberg**
REQUEST:	**Amend the Newberg Development Code pertaining to batch annexation procedures.**
LOCATION:	**Citywide**
FILE NO:	**DCA-11-002** **RESOLUTION NO.: 2011-291**
CRITERIA:	**15.302.030(C)**

Staff Report: Barton Brierley gave the staff report and Powerpoint presentation.

Proposed Amendments:
Create a "batch" annexation process, where annexation of a group of small properties could be considered together.
Clarify procedures for legislative annexations.
Modify procedures for annexation of properties surrounded by the city ("island" annexations) to conform to recent changes in state law.
Allow legal non-conforming residential use of property to remain after annexation.

Purpose of Amendments:
Reduce costs for housing (and other uses).
Clarify annexation process when City is applicant.
Conform to state laws.

Batch Annexations:
Allows small annexations (< 3 buildable acres) to be grouped.
Annexation considered directly by City Council when in compliance with comprehensive plan.
Annexations go to vote under one ballot title.

Legislative Annexations:
For City Council initiated annexations
For example – health hazards, islands, street right-of-ways
Could include R-4, LIDs
"Application" requirements not imposed

Island Annexations:
State law requires 4esidents in island get to vote
Annexation of residential property "delayed" for 3-10 years.

Annexation of Non-conforming residential uses:
Law currently requires removal of non-conforming uses with 1-10 years of annexation
Applies to residences also
Proposal would allow non-conforming residential uses to remain indefinite

Staff Recommendation:
Staff recommends adoption of Resolution 2011-291, recommending the City Council adopt the proposed amendments

Questions:
Commissioner Barnes asked for clarification regarding the annexation process deadlines on the bottom of page 34(B) and on page 40 B (1). Barton Brierley explained the first one is for the regular annexation process and the second one would be for the batch annexation which is a shorter process.

Commissioner Wall asked for clarification regarding the proposed amendments on page 30 and Action 4.2E on page 31. Barton Brierley explained the action in 4.2E is from the Affordable Action Plan recommendation but this amendment does not propose any changes to the voter annexation requirements.

Commissioner Wall referred to the Legislative annexations on page 38 and stated the Planning Commission will lose some oversight on some annexations in the future. He referred to page 40, item B (4) and asked why, if the City Council can initiate the batch annexation at any time, set specific deadlines for applications? Barton Brierley explained the code will have specific times when annexations can be initiated, giving property owner's specific times they can apply and have their proposal considered. This City Council could also allow a batch annexation at other times, such as on a special election.

Chair Smith asked if an acreage limit can be placed on it, either taking it to the Planning Commission or to the City Council. Barton Brierley does not see an issue in doing that.

Commissioner Wall agreed with a limit on total acreage as Chair Smith suggested and believes the non-residential should be left out of batch annexations.

MOTION #3: Barnes/Art Smith moved to approve Planning Commission Resolution No. 2011-291.

MOTION #4: Wall/Barnes to amend the motion as follows: Batch annexations apply to only residential; adding A (4) on page 39; residential properties only. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

MOTION #5: Bliss/Smith moved to amend with the addition of B (5), page 40; if the total acreage of the batch annexations exceeds 15 acres, it shall be referred to the Planning Commission for a hearing and recommendation. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

MOTION # 6: Barnes/ Wall moved to amend re-number the paragraphs section B on page 40 as follows: B (1) remains the same; B (3) will become B (2); B (4) will become B (3); and B(2) will become B (4). (5 Yes/ 1 No [Philip Smith])/ 1 Absent [Stuhr]) Motion carried.

Vote on Motion #3: (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

May 4, 2009

Affordable Housing Action Plan

City of Newberg

P.O. Box 970
Newberg, OR 97132

Phone: 503-537-1240
website: www.ci.newberg.or.us

a. Allow accessory dwelling units as an outright permitted use in all R-1 or R-P zoned lands.
b. Allow ADUs with single family attached housing as well as detatched housing.
f. Eliminate the restriction on two-story accessory buildings so that accessory dwelling units may be constructed above detached garages or other structures. To protect neighbors, require windows on second stories close to property lines to be opaque.
g. Eliminate requirement that either primary or ADU be owner-occupied. NOTE: Elimination of this requirement will not supersede any existing or future homeowner association regulations regarding this subject.
h. Increase the maximum size of a ADU from 800 square feet to 1,000 square feet.

Action 4.2D: Allow more dwellings in neighborhood commercial areas
Allow an unlimited number of dwelling units on lands zoned C-1, provided the units do not occupy the first floor store front area and private parking is provided, with at least one space per unit.

Action 4.2E: Create an expedited annexation process for affordable housing projects. One barrier to affordable housing projects is the time, expense, process, and uncertainty of the City's annexation process. The City could streamline this process, such as by allowing annexation of specified affordable housing projects without being subjected to a public vote under certain conditions. In these cases, the provision of affordable housing would need to be guaranteed through a development agreement or other method. Modifications to the public vote requirement would require an amendment to the Newberg Charter.

Action 4.2F: Create new R-4 zone for manufactured home subdivisions. A new R-4 zone should be created that would allow manufactured home subdivisions and parks as the sole permitted use. Properties being zoned R-4 should be eligible for the expedited annexation process described above.

Action 4.2G: Reduce parking requirements for affordable housing projects where excessive

a. Base parking standards on the number of bedrooms in a unit instead of a simple per-unit standard.

i. Give credit for available on-street parking, provided the parking spaces are not planned to be removed as part of a future road or bicycle lane improvement project per the current city plan.

j. For special needs housing, reduce parking requirements to one space per 3 beds, or allow parking numbers to be reduced, without variance, where actual parking needs can be demonstrated through a parking analysis.

k. Allow tandem parking designs

CHAPTER I
REVISION CLAUSE; NAME AND BOUNDARIES

Section 1. Revision Clause.
The sections of the Charter have been revised as hereafter indicated.

Section 2. Title.
This charter may be referred to as the 2006 Newberg Charter.

Section 3. Name.
The City of Newberg, Oregon, continues as a municipal corporation with the name City of Newberg.

Section 4. Boundaries.
The city includes all territory within its boundaries as they now exist or are legally modified. Unless mandated by state law, annexation, delayed or otherwise, to the City of Newberg, may only be approved by a majority of the voters. The city will maintain as a public record an accurate and current description of the boundaries.

LOC – January 2009

Oregon Annexation Methods

Annexations during incorporation proceedings are prohibited until a petition to incorporate is rejected by the county, or voters reject the incorporation

Consent required from affected territory

City election required

Election required: A majority of electors in the affected city and a majority of electors in the territory to be annexed vote for annexation (ORS 222.111 (5).

No city election required*

Area election: Majority of electors in the affected territory vote for annexation (ORS 222.120 (4). Subject to referendum.

Consent of landowner: If the land is zoned industrial, assessed value of more than $7 million (ORS 222.050 Sec.3).

Consent from all property owners and a majority of electors in the affected territory (ORS 222.125). Subject to referendum.

Triple majority: Consent from a majority of land owners who own a majority of real property representing a majority of the assessed value of the land within the affected territory (ORS 222.170 (1). Subject to referendum.

Double majority: Majority of electors and a majority of land owners in the affected territory consent to annexation (ORS 222.170 (2). Subject to referendum.

*Must meet public notice/meeting and any charter election requirements.

Consent not required from affected territory*

Health hazard abatement: A city may annex a territory without consent from city or territory electors if DHS declares the territory to be a danger to public health (ORS 222.840). By resolution, requiring notice, public hearing and findings.

Island annexation: A city may annex a territory that is surrounded by the corporate boundaries of the city or the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, without consent from the city or territory electors*.

The city may not annex when the territory:

- Is surrounded entirely by water; or
- If a portion of the corporate boundaries of the city that consists only of a public right of way, constitutes more than 25% of the perimeter of the territory, other than Interstate Highway 5.

For property that is zoned for, and in, residential use when annexation is initiated by the city, the city must specify an effective date for the annexation that is at least 3 years and not more than 10 years after the date the city approves the annexation.

(ORS 222.750). By resolution or ordinance, requiring notice, property owner notification, public hearings and findings. Subject to referendum.

*Cities with charter election requirements, considering island annexation, must allow electors in the affected territory to vote on the annexation, in a combined single election.

Other annexation types

Urban service provider annexation: In 1993, SB 122 passed which required the establishment of urban service agreements between special districts, counties and cities in order to address the orderly and efficient provision of urban services.

SB 122 provided that property may be annexed by the city if the area is within the UGB and all urban service agreements have been concluded. An annexation plan must be developed, and prior to its adoption, the city must hold a public hearing with appropriate notice. Once an annexation plan has been adopted, it must be submitted to the voters residing within the area to be annexed. If approved by a majority of voters in the city and a majority of voters in the territory, annexation takes effect in accordance with the provisions of the adopted annexation plan. (ORS 195.205). By resolution, requiring notice, public hearing and findings.

Annexation of a city to a special district (ORS 198.866).

Annexation of new territory to a special district: 3 different ways, either by petition or election (ORS 198.850).

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 18, 2011				
Order No. ___	Ordinance No. 2011-2740 XX	Resolution No. ___	Motion ___	Information ___

SUBJECT: UGB Amendment, Economic Opportunities Analysis Revision, Comprehensive Plan Map and Text Amendments, TSP Amendment	**Contact Person (Preparer) for this Motion: Barton Brierley, AICP** **Dept.: Planning & Building** **File No.: UGB-09-001/CPTA4-09-001**

HEARING TYPE: ☒ **LEGISLATIVE** ☐ **QUASI-JUDICIAL** ☐ **NOT APPLICABLE**

*****NOTE: HEARING CONTINUED AT THE POINT OF DELIBERATION. NO ADDITIONAL TESTIMONY WILL BE ACCEPTED*****

RECOMMENDATION:
Adopt **Ordinance No. 2011-2740**, amending the Newberg Urban Growth Boundary to include 132 gross buildable acres in the south industrial area and amending the Newberg Comprehensive Plan Map with corresponding changes, adopting a revised Economic Opportunities Analysis and associated Comprehensive Plan text amendments, adopting revised population projections into the Comprehensive Plan, and amending the Transportation System Plan to address new areas within the urban growth boundary.

EXECUTIVE SUMMARY:
The City Council heard public testimony on this proposal at their hearing on June 6, 2011. The Council directed that the written record remain open until 5:00 p.m. on Friday, June 10, 2011. Staff received several additional comments from the public during that period, and staff provided a response. At their June 20, 2011 hearing, the Council extended the record to allow additional written argument relating to the information previously submitted. Three letters were submitted during that time. These are attached. Attachments that constitute new evidence were not included. Objections raised were addressed in the previous Council packet.

ATTACHMENTS:

Ordinance No. 2011-2740 (Exhibit "A" in June 6, 2011 packet, Exhibit "B" in June 20, 2011 packet)

1. Letter from Lee and Amy Does
2. Letter from 1000 Friends of Oregon/Friends of Yamhill County
3. E-mail from Lolita and Kathleen Carl

ORDINANCE NO. 2011-2740

AN ORDINANCE AMENDING THE NEWBERG URBAN GROWTH BOUNDARY TO INCLUDE LAND ALONG WYNOOSKI RD AND ON BOTH SIDES OF HIGHWAY 219 AND AMENDING THE NEWBERG COMPREHENSIVE PLAN MAP WITH CORRESPONDING CHANGES, ADOPTING A REVISED ECONOMIC OPPORTUNITIES ANALYSIS AND ASSOCIATED COMPREHENSIVE PLAN TEXT AMENDMENTS, ADOPTING REVISED POPULATION PROJECTIONS INTO THE COMPREHENSIVE PLAN, AND AMENDING THE TRANSPORTATION SYSTEM PLAN TO ADDRESS NEW AREAS WITHIN THE URBAN GROWTH BOUNDARY

RECITALS:

1. Newberg has a severe shortage of industrial land to meet its 20-year land need. The City has proposed to remedy this shortage by including approximately 132 gross buildable acres (260 total acres) of Industrial (IND) and industrial type Public/Quasi-Public (PQ) land in its Urban Growth Boundary (UGB). The proposed area for the UGB expansion is located south of Wynooski Road and Wilsonville Road, on either side of Highway 219. The proposal includes a Comprehensive Plan redesignation of two parcels of land already in the UGB from Medium Density Residential (MDR) to Industrial (IND), and redesignation of newly included parcels from Yamhill County Comprehensive Plan designations to Newberg Industrial (IND) and Public/Quasi Public (PQ).

2. The South Industrial Area Master Plan (accepted by Newberg City Council by Resolution No. 2009-2872) included a transportation layout for the future industrial area. In order to adequately plan for the future industrial area, the Transportation System Plan (TSP) must be amended to include this transportation layout. The proposal would amend the TSP to include the South Industrial Area Master Plan transportation plan text and map.

3. NUAMC adopted Resolution No. 2010-22 on June 15, 2010, recommending approval of the proposed Urban Growth Boundary amendment, Comprehensive Plan Map amendment, and Transportation System Plan amendment.

4. The original Economic Opportunities Analysis (EOA) was adopted by City Council in January 2006 by Ordinance No. 2006-2635. The Newberg City Council adopted Ordinance No. 2010-2723 on February 1, 2010, adopting the revised Economic Opportunities Analysis for the City of Newberg and adopting associated Comprehensive Plan Amendments. That decision was appealed to the Land Use Board of Appeals, which remanded the EOA back to the City for further clarification on required site characteristics for industrial and other employment land, and employment forecasting methodology. LUBA's decision was further appealed to the Oregon Court of Appeals, which affirmed LUBA's decision on February 16, 2011. City staff has revised the EOA in accordance with LUBA's remand order, and this Ordinance will supersede Ordinance No. 2010-2723.

5. The EOA is considered part of the Comprehensive Plan and implements the goals and policies in Section H. The Economy. Much of the information found in the EOA is statistical and dynamic in nature, including demographic and economic statistics, population and employment projections, and buildable land inventories. Therefore, the EOA is not a static document and is meant to be updated with current information from time to time. Having an updated EOA also ensures the City's compliance with Statewide Planning Goal 9: Economic Development. The updates to the EOA include: population, demographic, economic and employment statistics; an economic trends analysis section that looks at national, state and regional trends, regional economic development industry clusters and target industries, Yamhill County agri-business, and regional industrial land availability; a new section that covers an assessment of our community economic development potential; a more robust discussion of Newberg's economic development strategy; and updated buildable land inventories and the addition of maps that illustrate the available industrial and commercial buildable land by area.

6. The Newberg Comprehensive Plan has a small section with population and land supply and need information. Those numbers have changed with the updated EOA data and need to also be updated in the Comprehensive Plan. The Census Bureau recently released 2010 Census data, and Newberg is proposing to revise its population projection downward slightly to reflect the slower population growth during the recent recession. The Comprehensive Plan amendments also add five new policies to Section H.

7. After proper notice, the Newberg City Council held a hearing on June 6, 2011, to hear public testimony on the proposal. The Council extended the record to June 10, 2011, to allow additional testimony and evidence, and to June 28, 2011, to allow additional written argument. The Council finds that the proposal meets the applicable criteria.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Urban Growth Boundary is hereby amended to include that territory as shown on Map 12 of Exhibit "A", which is hereby adopted and by this reference incorporated.

2. The Newberg Comprehensive Plan Map is hereby amended as shown on Map 12 of Exhibit "A". This includes the following changes:
   a. The comprehensive plan map designation of tax lot 3221-2600 and 3228BB-100 are changed from Medium Density Residential (MDR) to Industrial (IND).
   b. The comprehensive plan map designation of parcels included in the UGB are changed from Yamhill County AFLH, AFSH, P, and IND to Newberg Industrial (IND) and Public/Quasi-Public (PQ) as shown on Map 12.
   c. The stream corridor overlay and future park site designations as shown on Map 12 are hereby adopted.

3. The Newberg Comprehensive Plan Text is hereby amended as shown in Appendix A of Exhibit "A", and as amended as shown in Exhibit "B", which is hereby adopted and by this reference incorporated.

4. The Newberg Economic Opportunities Analysis is hereby adopted as shown in Appendix A of Exhibit "A", and as amended as shown in Exhibit "B".

5. The Newberg Transportation System Plan is hereby amended to include the future transportation

plan text and map for the south industrial area, as shown in Appendix E of Exhibit "A".

6. The UGB Report and Findings, along with its appendices, is hereby adopted and by this reference incorporated.

7. Ordinance No. 2010-2723 is hereby repealed.

8. Adoption of this ordinance is subject to adoption of corresponding amendments to the UGB and adoption of Newberg's revised population projections by the Yamhill County Board of Commissioners.

- **EFFECTIVE DATE** of this ordinance is the date on which corresponding amendments to the Newberg Urban Growth Boundary and Yamhill County Comprehensive Plan are adopted by Yamhill County, but no earlier than 30 days after the adoption date, which is: August 17, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of July, 2011, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

_____
Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of July, 2011.

_____
Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through NUAMC at their 5/18/10 and 6/15/10 meetings (Industrial UGB)

By and through the Newberg City Council at their 2/1/10 meeting, and by and through the Newberg Planning Commission at their 12/9/09 and 1/14/10 meetings (EOA).

Lee and Dr. Amy Does
10730 NE Renne Road
Newberg, Oregon 97132

26 June, 2011

City of Newberg
c/o Newberg City Hall
414 East First Street
Newberg, Oregon 97132

re: Ord. 2011-2740-EOA-UGB

Dear Mayor and City Council Members:

This letter is in response to the *Supplemental Material* document provided by city staff for the 20 June 2011 public hearing as referenced above. The City of Newberg is seeking to bring approximately 260 acres into the UGB, with a proposal for development as industrial sites. A large portion of the selected land includes premium Class I and Class II soil types. When viewed in the light of an ongoing recession, a steady off-shoring of manufacturing jobs, and a nationwide glut of industrial properties, however, we believe Newberg's proposal to be unjustifiable while developed industrial properties lie vacant within the existing Newberg UGB.

Packet Attachment 1, Ms. Cathy Stuhr
We agree that the city must continue to plan for its long-term future. We also share Ms. Stuhr's belief that Newberg should encourage a diverse economic base beyond its historical roots in agriculture. We do disagree with the city's aggressive approach to expansion at a time when growth is sluggish throughout the nation.
We have faith that the U.S. economy will rebound, but we also accept the realities that the economic recovery will be slow and will likely originate within metropolitan areas before moving outward (ref: Appendix A, *Economic Forecast Gloomy*, Oregonian 6/21).

Packet Attachment 1, Mr. Walt Gaibler
The writer states that the proposal site "…is located with very good access routes to the I-5 freeway as well as to Portland." Using Microsoft Streets software to analyze Mr. Gaibler's route, we find that the proposal site is in fact 36.9 miles from the Portland Convention center. Minimum one-way drive time over the route would be 44 minutes under ideal traffic conditions and much longer at peak traffic times. Although routing over highway 99W would provide a reduced travel distance, we believe all parties are in agreement that the Tualatin-Sherwood bottleneck presents an unreliable alternative. We acknowledge that land use laws do not directly address site suitability regarding travel

distance, but remind the council that Newberg faces location and geographical constraints that will become an increasingly serious consideration to any potential enterprise requiring routine travel to and from the Portland metropolitan area.

Packet Attachment 1, Ms. J. Fugate
The soils the writer is referring to are primarily Class I and Class II. Under ORS 197.298 and Goal 14, current use of farmland land cannot be used as a justification for rezone. Likewise, the current landowner's interest in farming cannot be used as a justification for rezoning high-value farmland.

Packet Attachment 8, Industrial vs. Agricultural Uses
We do not disagree that manufacturing wages are generally higher than for agricultural employment. We likewise agree that the sale price of an industrial parcel will generally be higher than that of a similar-sized parcel zoned for Exclusive Farm Use. We ask that the city acknowledge that high-value farmland is not a requirement for industry, while traditional farming cannot be practiced without it. We respectfully remind staff that agriculture in Oregon employed over two million full and part-time workers in 2009, with combined sales of nearly $280 million dollars (ref: Oregon Agriculture and the Economy, OSU, Extension Svc, 02/11).[1]

Packet Attachment 13, Current Vacancies
Staff has interviewed real estate brokers, and is stating that a 10+% vacancy rate would be acceptable and would "…provide some choice of built space for firms…". We agree that a healthy commercial real estate market requires some level of choice for potential clients. When considering current market conditions, our position is that Newberg currently has a more than acceptable vacancy rate within its current UGB. We call your attention to Appendix B, showing current properties available within the Newberg UGB. As there has been some confusion over the classification of these same properties, we are including only those properties listed specifically as "industrial". To repeat, the attached industrial listings describe <u>vacant</u> and <u>developed</u> properties both listed as and with historical uses as industrial and manufacturing sites. An obvious example would be the Suntron facility. Suntron was operating in Newberg as (per Suntron statement) "… a committed electronic manufacturing service…".

The listings referenced above include over 200,000 square feet of vacant industrial buildings within Newberg's existing UGB. While we agree that an inventory of available properties would normally be desirable for attracting new business., we disagree with the timing and extent of staff's proposal to rezone Class I and Class II soils. The Suntron plant did not close to relocate to a different site; the plant closed for lack of work. The

---

[1] It is also worth noting that the city's memorandum adds the total number of industrial acres in Yamhill County incorrectly. "The memo states that ´Yamhill County has about 900 acres of industrial zoned land. McMinnville has about 1,500 acres, Newberg has about 300 acres, and Dundee has about 50 acres of land zoned for industrial use. The other remaining cities have little industrial land." This adds up to at least 2700 acres, not the 2000 acres stated in the staff memo.

Suntron building is and has remained empty because our national economy has been experiencing a major recession. Land Use Goal 14 requires that "…local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary". We feel that current vacancies are the result of exceptional economic conditions, and that Newberg should be encouraging potential industrial clients to utilize existing vacancies before looking beyond the current UGB.

We respect staff's hard work and enthusiastic efforts toward planning for Newberg's future. As land owners with a vested interest in Newberg's success, my wife and I have likewise been regular participants in the public portion of the expansion process. We are not opposing this current expansion simply for the sake of argument; we remain firmly opposed to condemning such a large amount of high-value farmland for development while both developed and undeveloped properties are available within the current UGB.

Sincerely,

Lee M. Does

Amy L. Does, Ph.D.

Attachments: Appendix A,
Appendix B

Note by City staff: The submitted Appendix A is new evidence. This was not included, as the Council directed that the record be left open for argument but not new evidence.

Attachment 1 to 7/18/2011 APPENDIX B

LoopNet #1 in Commercial Real Estate Online

For Sale | For Lease | Sales Comps | Property Records | Market Trends | Community | Add Property | My LoopNet

Become a free member Help Log In

2751 E 9th Street, Newberg, OR, 97132 - Available for Sale

Industrial For Sale

This listing is currently for sale. To see other active properties for sale, begin a new search.

For Sale For Lease Sales Comps Property Records

Industrial | Newberg, OR | Search | Advanced search

Browse More Listings in Industrial For Sale, Newberg, OR or Oregon

Industrial Property For Sale

2751 E 9th Street

2751 E 9th Street, Newberg, OR 97132

FOR SALE to BUSINESS OWNER or INVESTOR Offices, Warehouse and Hanger

Price:
$699,000
Building Size:
8,800 *SF*
Price/SF:
$79.43
Property Type:
Industrial
Property Sub-type:
Warehouse
Property Use Type:
Vacant/Owner-User
Commission Split:
1.75%
Clear Ceiling Height:
24 ft.
Lot Size:
0.99 *AC*
Features:
- Fenced Yard
- Electricity/Power

- Find Out More...

Last Verified 5/22/2011 Listing ID 16920946

Description

Located on Sportsman Airpark. Perfect for the entrepreneur on the go or the flying enthusiast. Ground floor: offices, conference room, lunch room, Executive office with private entrance, direct access to plane bay with auto-door, private bath with shower. Second-floor wired for 14 workstations, separate HVAC system for each floor. Warehouse: 24 foot ceilings, hose-bibs with hot & cold water. Three oversized truck doors. Fenced outside storage with shed. Paved 18-space parking lot. Construct additional structure or parking on land adjacent to existing building.

Located in growing suburban town outside of Portland, OR in light industrial area. On the taxiway for Sportsman Airpark. Paved access street and on-site parking for 18 vehicles. Room to expand parking or add another building (hangers or office space). Second floor office space wired to be a flight school or for 14 workstations. Can easily add a separate door if rented.

Map *of 2751 E 9th Street, Newberg, OR 97132 (Yamhill County)*
Hide Map

Attachment 1 to 7/18/2011 P APPENDIX B

2210 Portland Rd, Newberg, OR, 97132 - Available for Sale

Industrial For Sale

This listing is currently for sale. To see other active properties for sale, begin a new search.

For Sale For Lease Sales Comps Property Records

Industrial | Newberg, OR | Search | Advanced search

Browse More Listings in Industrial For Sale, Newberg, OR or Oregon

Industrial Property For Sale

Bldg w/ Lumber Yard

2210 Portland Rd, Newberg, OR 97132

Price:
$2,500,000
Building Size:
30,696 *SF*
Price/SF:
$81.44
Property Type:
Industrial
Property Sub-type:
Distribution Warehouse
Property Use Type:
Vacant/Owner-User
Clear Ceiling Height:
16 ft.
Lot Size:
4.21 *AC*
Features:
- Fenced Yard

- **Find Out More...**

Last Verified 5/31/2011 Listing ID 17079651

Highlights

- 3 oversized grade level doors
- 2 exterior dry storage lumber hangars
- 12' x 20' column spacing

- Built in 1993 and renovated in 2004
- G-2, community commercial district zoning

Description

30,696 SF industrial building with 3,960 SF of office on 4.21 acres. Includes 3.75 acres of paved, fenced and secured yard.

Highway 99W frontage in Newberg, OR.

Map ***of 2210 Portland Rd, Newberg, OR 97132 (Yamhill County)***
Hide Map

Attachment 1 to 7/18/2011 R APPENDIX B

116 S ELLIOTT RD, Newberg, OR, 97132 - Available for Sale

Industrial For Sale

This listing is currently for sale. To see other active properties for sale, begin a new search.

For Sale For Lease Sales Comps Property Records

Industrial | Newberg, OR | Search | Advanced search

Browse More Listings in Industrial For Sale, Newberg, OR or Oregon

Industrial Property For Sale

116 S ELLIOTT RD

116 S ELLIOTT RD, Newberg, OR 97132

Price:
$595,000
Building Size:
7,200 *SF*
Price/SF:
$82.64
~~Property Type:~~
Industrial
~~Property Sub-type:~~
Manufacturing
Property Use Type:
Vacant/Owner-User

- **Find Out More...**

Last Verified 5/23/2011 Listing ID 16475390

Attachments

- Enhanced Listing Web Site

Description

7200 SF light industrial bldg in central Newberg. 5600 SF of warehouse/manufacturing space & 1600 SF of office. Warehouse space has floor drains and 3 roll up doors. ADA bathrooms, break room & private offices plus reception area.

Zoned M-2, see City of Newberg for approved uses.

Map ***of 116 S ELLIOTT RD, Newberg, OR 97132 (Yamhill County)***

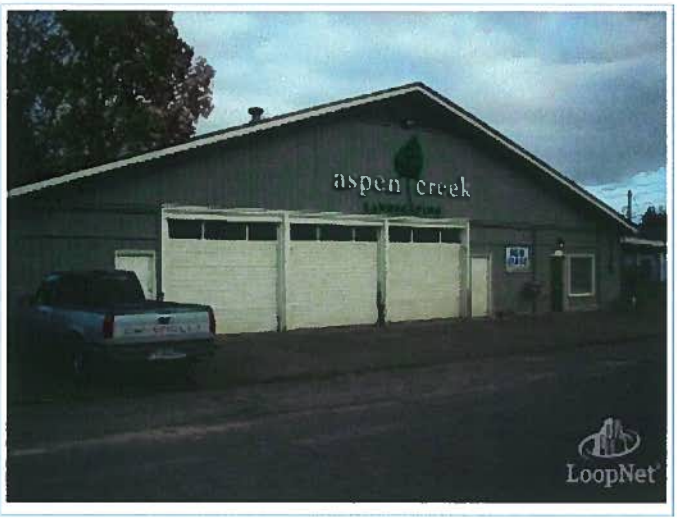
Hide Map

Attachment 1 to 7/18/201 APPENDIX B

Industrial Property For Lease

610 S Center St

610 S Center St, Newberg, OR 97132



Total Space Available: **4,900 SF**

Rental Rate: **$2,500 /Month**

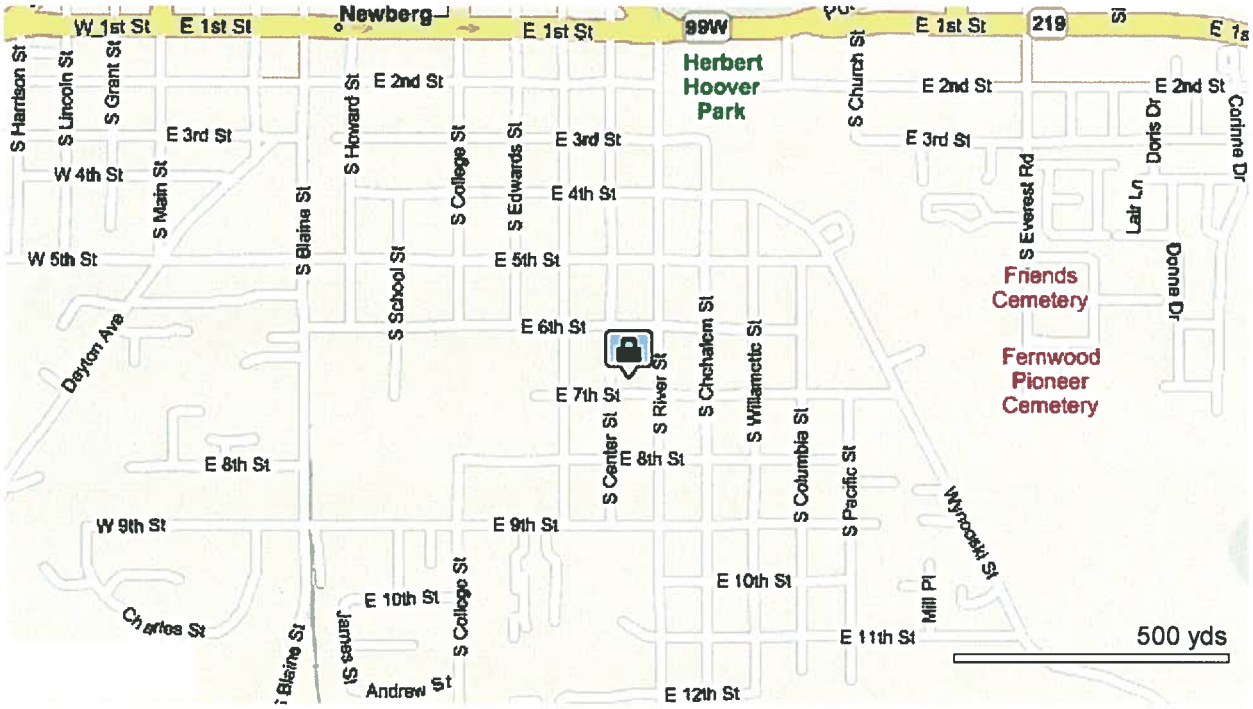
Property Type: Industrial

Property Sub-type: Warehouse

Building Size: 4,900 SF

Last Verified 5/23/2011
Listing ID 16920772

Map of 610 S Center St, Newberg, OR 97132 (Yamhill County) Hide Map



For Lease or Sublease
Suntron Manufacturing Facility

800 Brutscher Street • Newberg, Oregon 97132

GRUBB & ELLIS.
From Insight to Results

- 67,700 SF freestanding building on 12 acres
- Fully A/C office and manufacturing space
- 22 miles to downtown Portland
- Easy access to 99W and I-5
- Flexible zoning M-1
- Newly installed Firestone roof membrane over steel deck

LEASE RATE: NEGOTIABLE

To learn more, please contact:

Steve Willhite, SIOR
503.972.5520 direct
steve.willhite@grubb-ellis.com

Tyler Sheils
503.972.5525 direct
tyler.sheils@grubb-ellis.com

Pat Ulch
503.972.5545 direct
patrick.ulch@grubb-ellis.com

Attachment 1 to 7/18/2011 I APPENDIX B

500 E Illinois Street - FMC Bldg

Newberg, OR 97132-2307 - Yamhill County Submarket

SHOWCASE

Powered by **SHOWCASE.COM**

Property Type:	Industrial
Sub Type:	Manufacturing
Status:	Existing
Year Built:	-
Building Size:	82,184 SF
Land Area:	5.59 AC (243,500 SF)
Ceiling Height:	20'0"
Loading Docks:	2 ext
Rail:	-
Power:	-
For Sale Price:	$2,250,000
Price/SF:	$27.38
Cap Rate:	-
Smallest Space:	3,000 SF
Largest Space:	49,287 SF
Total Space Avail:	49,287 SF
Rent/SF/Yr:	$3.36
Zoning:	M2
Sprinklers:	-
Drive Ins:	9 tot.
Cranes:	10/3-5 tons 26'0" Hk
Parking:	Free Surface spaces are available; Ratio of 1.47/1,000 SF

For Sale Contacts

NAI Norris, Beggs & Simpson
Commercial Real Estate Services, Worldwide.

NAI Norris, Beggs & Simpson

Jack McConnell
(503) 273-0329

Scott Pierce
(503) 223-7181

For Lease Contacts

NAI Norris, Beggs & Simpson
Commercial Real Estate Services, Worldwide.

NAI Norris, Beggs & Simpson

Jack McConnell
(503) 273-0329

Scott Pierce
(503) 223-7181

Property is two minutes north of Highway 99W via E. College, 20 minutes east to Portland suburbs and I-5 freeway, 15 minutes west to McMinnville. Dock and grade doors. Served by Southern Pacific Railroad. Rail spur adjacent to building. Two rail loading doors. Five bridge cranes, five jib cranes. Weight capacities from 3 to 5 tons among ten cranes. 8' to 26' vertical clearance throughout

APPENDIX B

1100 Industrial Parkway - Newberg Commerce Center - Bldg B

SHOWCASE

Newberg, OR 97132 - Yamhill County Submarket

Powered by **SHOWCASE.COM**

Property Type:	Industrial
Sub Type:	Warehouse
Status:	Existing
Year Built:	2003
Building Size:	6,544 SF
Land Area:	-
Ceiling Height:	20'0"
Loading Docks:	No
Rail:	-
Power:	100a/220v
For Sale Price:	Condo (see detail)
Price/SF:	For Sale
Cap Rate:	-
Smallest Space:	2,700 SF
Largest Space:	2,700 SF
Total Space Avail:	6,544 SF
Rent/SF/Yr:	$9.60
Zoning:	M2
Sprinklers:	-
Drive Ins:	5 tot./10'0"w x 15'0"h
Cranes:	-
Condos:	This property has 2 condos for sale. The size of the for sale condos range from 1,700 SF to 2,700 SF.
Parking:	Free Surface spaces are available
Amenities:	Bus Line

For Lease Contacts

Columbia Pacific Properties LLC

Greg Creitz
(503) 680-0909

Condo Sale Contacts

Columbia Pacific Properties LLC

Greg Creitz
(503) 680-0909

Newberg Commerce Center consists of 10 industrial/commercial condos. Each unit features deluxe space with both office and shop space available. Each bay has gas heat, A/C office, 100 amps/220 volt power, 20' clear height, and a 12' overhead door. The site zoning allows for most industrial and retail uses.

Standard Building Specifications
1. Standard 1,350 SF Shell Space
a. All Steel Building Construction
b. Standing-Seam Roof Design
c. 27' Bay Width x 50' Bay Depth
d. 21' Front Eave Height, 19' Rear Eave Height
e. Fully Insulated Roof, Walls and Overhead Door
f. Sheet-Rock on Rear and Demising Walls

Attachment 1 to 7/18/2011 R APPENDIX B

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2751 E 9th Street, Newberg, OR, 97132 - Available for Sale

Industrial For Sale

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Industrial Property For Sale

2751 E 9th Street

2751 E 9th Street, Newberg, OR 97132

FOR SALE to BUSINESS OWNER or INVESTOR Offices, Warehouse and Hanger

Price:
$699,000
Building Size:
8,800 *SF*
Price/SF:
$79.43
Property Type:
Industrial
Property Sub-type:
Warehouse
Property Use Type:
Vacant/Owner-User
Commission Split:
1.75%
Clear Ceiling Height:
24 ft.
Lot Size:
0.99 *AC*
Features:
- Fenced Yard
- Electricity/Power

- Find Out More...

Last Verified 5/22/2011 Listing ID 16920946

Description

Located on Sportsman Airpark. Perfect for the entrepreneur on the go or the flying enthusiast. Ground floor: offices, conference room, lunch room, Executive office with private entrance, direct access to plane bay with auto-door, private bath with shower. Second-floor wired for 14 workstations, separate HVAC system for each floor. Warehouse: 24 foot ceilings, hose-bibs with hot & cold water. Three oversized truck doors. Fenced outside storage with shed. Paved 18-space parking lot. Construct additional structure or parking on land adjacent to existing building.

Located in growing suburban town outside of Portland, OR in light industrial area. On the taxiway for Sportsman Airpark. Paved access street and on-site parking for 18 vehicles. Room to expand parking or add another building (hangers or office space). Second floor office space wired to be a flight school or for 14 workstations. Can easily add a separate door if rented.

Map *of 2751 E 9th Street, Newberg, OR 97132 (Yamhill County)*
Hide Map

1000 friends of Oregon

534 SW Third Avenue, Suite 300 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • 1000friends.org
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389
Willamette Valley Office • 220 East 11th Avenue, Suite 5 • Eugene, OR 97401 • (541) 653-8703 • fax (503) 575-2416
Central Oregon Office • 115 NW Oregon Ave #21 • Bend, OR 97701 • (541) 719-8221 • fax (866) 394-3089

June 28, 2011

Mayor Bob Andrews
Newberg City Council
414 E. First Street
Newberg OR 97132

Re: Ord. 2011-2740, proposed EOA, population projections, and UGB amendments

Dear Mayor Andrews and Council Members:

Thank you for the opportunity to submit additional testimony on proposed Ordinance 2011-2740. Please include these comments in the official record of proceedings.

As we stated in more detail in our letter dated June 10, 2011, there are significant disagreements regarding the current proposal, as there have been throughout the history of the city's urban expansion plans. We and many local citizens with whom we work believe the city is overreaching; the city's planners disagree.

We continue to believe that a resolution all parties can live with is a much better outcome than the delays and other challenges that a less collaborative approach will engender.

As we said at the June 6 hearing, we believe Newberg can likely justify a more modest UGB expansion for industrial purposes based on more realistic growth projections. In the interest of facilitating compromise, our June 10 letter outlined several key points of agreement. It is apparent from the staff response to our testimony that any movement in the city's position will require City Council direction to staff.

On July 18, the City Council will deliberate and possibly vote on the proposed EOA, population projections, and UGB amendments. Adoption of the proposal would preclude adoption of a compromise proposal (unless it comes back before the city on remand). Tabling the item would allow an alternative proposal to be crafted.

We remain willing to work with Newberg toward a UGB expansion for employment needs, and hope the City Council will direct staff to consider a compromise proposal. Two critical components of such an approach are:

1) Proper ordering of the planning process for selecting expansion areas: In 2009, years before the alternatives analysis now before you was completed, the city adopted the *South Industrial Master Plan* and selected the prime farmland south of Newberg for industrial expansion. It appears that the planning work done since then has been "reverse engineered" to produce that predetermined conclusion. This is backwards, and has skewed the process.

2) A realistic coordinated population forecast for Yamhill County and its cities, adopted by the county prior to Newberg's adoption of this proposal. We do not believe Newberg can adopt an EOA that relies on a population forecast unless a countywide forecast has been adopted, or unless Newberg uses a safe harbor forecast under ORS 195.034. Once this is done, the city can tie industrial, retail and office employment growth to population growth under OAR 660-024-0040(9)(a)(B). Further discussion of the population forecast follows.

Population Projection

As stated in our letter of June 10, 2011, we agree with the use of the 2010 U.S. Census population figures as the basis for projecting Newberg's future population. However, we strenuously disagree with the excessive growth rate the city has applied to the 2010 base population.

Newberg is projecting that the city's population will grow by an annual average rate of 3.23% from the years 2010 to 2015, and by a cumulative average of 2.87% through 2030. This is a much faster rate of population growth than Newberg has experienced over the last 10 years, over the last 20 years, or over the last 30 years.

The city's historical rates of population growth are shown in Table 2, below.

Table 2: Newberg Historical Rates of Population Growth

Year	Population	2000-2010 Population Change	Average Annual Growth Rate: 2000-2010	1990-2010 Population Change	Average Annual Growth Rate: 1990-2010	1980-2010 Population Change	Average Annual Growth Rate 1980-2010
1980	10,394						
1990	13,086						
2000	18,064						
2010	22,068	4,004	2.02%	8,982	2.65%	11,674	2.54%

Source: U.S. Census Data

The staff response dated June 20 includes a chart that misstates Newberg's historical average annual growth rates. It erroneously shows a 6.0% growth rate from 1970-1980 and a 2.6% growth rate from 1980-1990. The actual growth rates were much lower: 4.79% from 1970 to 1980 and 2.33% from 1980 to 1990. Staff's analysis also places too great a weight on the relatively higher growth rates from many decades ago, when Newberg was less than half its current size. The smaller a city is, the higher the growth rate tends to be, since new residents make up a larger proportion of the total population. This is one reason to place a much greater emphasis on the recent trends; Newberg's growth rate when it had only 5,000 people is not relevant now. Newberg should expect growth rates to continue to decline from the current 2.02% AAGR as it increases in size.

Staff now characterizes the actual 2000-2010 growth rate of 2.02% as a 2.8% AAGR from 2000-2009, followed by a loss of 4.7% of the population from 2009-2010, and speculates that the loss is "potentially due to outmigration during the current recession." However, no evidence exists to support this claim; it is mere speculation and there is no evidentiary basis to establish that the

2000-2010 AAGR is other than the 2.02% rate documented by the 2000 and 2010 census results.[1]

In addition, the 2003 Edmunston study[2] is itself a powerful argument against the proposed 2.87% growth rate. That study contains several different forecasts, each computed in a different manner. The "Ratio Method Based on OEA County Forecasts" is reproduced below:

EDMUNSTON COUNTY OEA RATIO METHOD		
Year	Forecast	Rate
2000	18064	
2010	22000	1.99%
2020	30000	2.57%
2030	34000	2.13%
2040	41000	2.07%

This forecast aligns very well with the actual 2010 Newberg population of 22,068. On the other hand, the higher forecasts in the Edmunston study - which Newberg now relies on - were based on an assumed 2020 county population of 143,908 provided by county officials. The study explains that this figure was a compilation of the individual city estimates of population growth. The current county population is only 99,193, and the OEA's 2020 county forecast is only 119,011. This is a dramatic difference that undercuts any conclusions of the Edmunston study that were based on the erroneous 143,908 figure. Simply revising the base year number down, while keeping the aggressive growth rates, does not remedy the problem. The old growth rate projections have proven to be grossly in error and must be revised to reflect Newberg's current 2.02% AAGR.

Employment Growth

As detailed in our letter dated June 2, 2011, the city proposes to greatly increase its estimates of both the rate and amount of projected employment growth in all sectors from the estimates in the remanded EOA, even as the time period covered by the estimates is shortened by a year. Through 2030, the city is now projecting a 2.87% annual average growth rate for all employment sectors, including manufacturing. This a growth a rate equal to the population projection discussed above.

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[1] There is a substantial difference between the 2010 PSU estimate of 23,570 and the 2010 census count of 22,068. Staff believes that this is the result of a one-year mass out-migration that occurred from 2009 to 2010, due to the current recession. However, there is no evidence to indicate that economic conditions are worse in Newberg or Yamhill County than in other locations; if staff contends they are, then that would be a reason to expect continued population losses and/or reduced growth. The discrepancy is more likely the cumulative result of PSU overestimating Newberg's growth between 2000 and 2010. Since the PSU figures are only estimates, census years absorb the necessary correction between decades. It is common for PSU estimates and census counts to disagree, and this does not mean that Newberg actually suffered a loss of population in the last year. More likely, it simply means that Newberg's growth rate is less than previously believed.

[2] Exhibit D to Appendix B of the proposed Ordinance 2011-2740

The record as a whole establishes that the overall employment forecast is unrealistically high. The most recent Oregon Employment Department (OED) forecast for this region yields a 1.8% annual average growth rate from 2010 to 2018.[3] Newberg's projection of 2.87% is about 60% higher. Newberg's forecast is also substantially higher than the Oregon Office of Economic Analysis (OEA) May 2011 forecast of 2.0% annual growth for Oregon from 2010 to 2020.[4]

The record as a whole also establishes that manufacturing employment will grow more slowly than the growth in overall employment, contrary to Table 12-15 of the revised EOA, which projects the same 2.87% growth rate for all industries. According to the OEA's May 2011 forecast, as well as the most recent OED forecasts for the region, for the larger Metro area, and for Oregon as a whole,[5] the percent of employment in education and health services will grow over time; the percent of employment in manufacturing will shrink. This is [6]

Further evidence of this is included in the Metro Urban Growth Report, submitted into the record by staff on June 17. Metro forecasts its employment growth in manufacturing to be slower than employment growth in other sectors, especially over the longer term.[7] The Metro Urban Growth Report states, "Over the long-term (20 years), employment trends show a shift in job concentrations from traditional manufacturing towards more non-manufacturing employment."[8]

In short, the record does not include any national, state, or local trends to suggest that manufacturing jobs will grow as rapidly as jobs in the health care sector or as rapidly as overall job growth, or that overall job growth in Newberg through 2030 will be 60% higher than the OED forecast for the region. The OED's forecasts have historically been on the high side;[9] there is no evidence that exceeding the current OED forecast is warranted.

Typical Site Characteristics

Staff's position appears to be that if more than 50% of the industrial areas chosen for study are larger than 100 acres in size, then it can be presumed that all industrial users require a location in an area that is at least 100 acres in size. While we strongly disagree with this assumption, we also disagree that a majority of the industrial areas in the cities studied by staff are over 100 acres in size.

---

[3] *Revised EOA*, p. 27

[4] Oregon Office of Economic Analysis, *Oregon Economic and Revenue Forecast,* May 2011, Table A-1

[5] See Attachment 1 of our June 2, 2011 letter

[6] *Revised EOA,* p. 4 and 5

[7] Metro, *Urban Growth Report 2009-2030*, January 2010. p. 28: "Manufacturing job growth is anticipated to be slower than job growth in the service and government sectors, consistent with expected U.S. macroeconomic trends. Though there are forecasted job gains in the manufacturing sector even at the low end of the forecast range, a slower growth rate manifests itself in the 20-year timeframe, resulting in fewer new manufacturing jobs than in the five-year timeframe."

[8] Ibid. p. 31

[9] See attached "Forecasting a Long Term Trend: Historical Analysis of the Oregon Employment Department's 10-year Industry Employment Projections" prepared by OED, dated June 2011

In our June 2 letter, we identified 15 additional smaller industrial districts that appeared not to have been considered alongside the 22 industrial districts studied by Newberg staff. We also pointed out at least one error in the size classification of the districts; "Canby West" is claimed to be over 100 acres but according to the scale on the zoning map, it is considerably smaller.

Staff dismissed 4 of our 15 identified sites (Newberg-1 and McMinnville-3, -4 and -5) because the industries operating there are not on the *Revised EOA's* targeted industry list. However, targeted industries are simply the "industries on which Newberg should focus its economic development efforts."[10] The *Revised EOA* does more than simply provide land for only these few targeted industries. A wide range of industry, including those found in the excluded Newberg and McMinnville sites, are represented in this industrial land need table taken from the *Revised EOA:*

Table 12 - 19: Industrial Land Using Employment Projection, 2010-2040

Industry	2010 Total Emp.	% Industrial Space Utilizing	2010	2030	2035	2040
Construction	421	30%	126	222	250	278
Manufacturing	2,208	91%	2,009	3,538	3,984	4,434
Wholesale Trade	80	82%	66	116	130	145
Retail Trade	847	0%	-	-	-	-
Transportation, Warehousing & Utilities	177	82%	145	255	288	320
Information	49	40%	20	35	39	43
Financial Activities	249	0%	-	-	-	-
Professional & Business Services	385	14%	54	95	107	119
Education & Health Services	2,805	0%	-	-	-	-
Leisure & Hospitality	1,014	0%	-	-	-	-
Other Services	402	40%	161	283	319	355
Government	173	0%	-	-	-	-
Total	**8,809**	**29.3%**	**2,581**	**4,544**	**5,117**	**5,694**
Cumulative from 2010				1,963	2,537	3,114

Source: Newberg Planning Division 2010

Land for all of the 1,963 industrial jobs shown above, which include many not on the targeted industries list, is provided for in the *Revised EOA*; see Table 12-20. Newberg proposes to accommodate many of these jobs beyond the existing UGB in the area now proposed for inclusion. For this reason, it is improper to limit the inquiry of typical site characteristics to only those businesses on the targeted industries list. Newberg must instead identify the differing site characteristics needed for all expected employment uses, including all the industrial-space-utilizing businesses shown above.

Staff dismissed 7 of our 15 identified sites (Newberg-1 and -2, Canby-1, Forest Grove-3, McMinnville-1 and -2, Woodburn-1) because the sites were originally developed prior to 1970. However, there is no link between the date of original use of a site and its ability today to house modern industrial uses. Prior use of a site becomes more and more likely as communities age. In some parts of the world, modern industry exists on "recycled" sites that have been in use for hundreds of years. Just because an area was first put to use prior to 1970, does not mean that the

[10] *Revised EOA* page 41

businesses now located there find the sites in some way unsuitable. Many of the employment uses for which the *Revised EOA* provides land operate successfully on these sites. Successful use of these sites, especially in this difficult economy, would seem to establish beyond doubt that sites with these characteristics are appropriate for today's businesses, whether those sites are older or newly developed.

Many of the businesses on these sites which staff deems "too old" to be considered are not "old" businesses. They are instead recently founded businesses of the same type which could be expected to locate on newly annexed industrial land. For example, Country Car Connection, Drivetrain Specialties, and Mason's Custom Motorcycle (2003) are typical modern automotive businesses. Canby Fire Suppression (2007) is a modern construction-related business. Some of the newer businesses operating successfully on these older sites are industries specifically targeted by Newberg. Eagle Industries (1977) and Industrial Machining & Fab (2000) are typical, modern manufacturers. PPM Technologies was started in Sweden in the 1980's and is active worldwide; in 2000, PPM's parent company relocated part of its operations to the Newberg facility.

There are also older businesses on these sites; following are three examples from industries specifically targeted by Newberg. Woodfold Manufacturing is an older business, but according to their website, "Throughout our 160,000 square feet of space, we've modified, modernized and maximized our operation," and "Woodfold combines decades of craftsmanship with today's most advanced computers and machinery for an unsurpassed level of quality, efficiency and precision." It is evident that this a strong, modernized business. Smith Cookie is a bakery now owned by Franz, a large and successful business. Farmer's Cooperative Creamery is a modern, updated creamery. None of these businesses are "obsolete" industries; in fact, they are the same types of businesses Newberg hopes to attract in the future. There is no land use –based reason to ignore these simply because they were founded prior to 1970. They have all upgraded their facilities to stay competitive in today's market; the site characteristics they require to operate successfully are similar to new businesses of the same type.

Newberg's targeted industries, as well as other businesses for which the *Revised EOA* provides land, have chosen to locate on these sites. Whatever their prior history, it is evident that the site characteristics there allow them to operate successfully. Therefore, these sites should be included in the analysis of typical site characteristics, and not dismissed.

Staff did agree to incorporate 3 of our 15 identified sites (Forest Grove-1 and -2, Sherwood-1) in the revised *Typical Characteristics of Industrial Sites* dated June 2011. The study now shows 25 surveyed industrial districts; 9 of these are listed as being smaller than 100 acres. If the Canby West site is added, 10 out of 25 sites, or 40%, are smaller than 100 acres. Based on the above discussion of the excluded sites, we believe that at least 10 additional sites (Newberg-1 and -2, Canby-1, Forest Grove-3, McMinnville-1, -2, -3, -4 and -5, Woodburn-1) should be included in the study. If these were included, then the study would reach the opposite conclusion: a "typical" (as Newberg apparently defines that term[11]) industrial district would be an area <u>smaller</u> than 100 acres in size, since 20 out of 33 sites, or 61%, have that characteristic.

<u>Inventory of Vacant and Developed Land</u>

[11] The correct inquiry is not "What are the typical site characteristics of all industrial districts?" Newberg should be asking, "What are the typical site characteristics of particular industries?"

We have previously expressed concern that some vacant and partially developed employment lands may not have been counted, such as the rear portion of the A.R.E .site. Staff responds that these sites have in fact been accounted for. However, Newberg's buildable lands inventory (see attached) does not distinguish between fully developed industrial land and partially developed industrial land.

Conclusion

Newberg can likely justify a more modest industrial expansion based on more realistic growth projections. We remain willing to work collaboratively with the city to craft a revised proposal for a UGB expansion to meet Newberg's realistic employment needs, based on law and facts. We believe a more realistic proposal could be adopted with minimum to no opposition and would provide a surer and quicker path for Newberg to accommodate its legitimate employment needs.

Adoption of the current proposal would preclude adoption of a compromise proposal (unless it comes back before the city on remand). We recommend tabling the item to allow an alternative proposal to be crafted.

Sincerely,

Mia Nelson
1000 Friends of Oregon
220 East 11th, Suite 5
Eugene, OR 97401

/S/
Ilsa Perse
Friends of Yamhill County

Sid Friedman
1000 Friends of Oregon

Attachments:

1 - June 2011 "Forecasting a Long Term Trend" by OED
2 - Oregon Secretary of State listings for Mason's Motorcycle, Canby Fire, Industrial Machining
3 - Website pages for Eagle Industries, Woodfold and PPM Technologies, Smith Cookie and Farmer's Cooperative Creamery
4 - November 2009 Newberg Buildable Lands Inventory

Cc: Yamhill County
DLCD
Oregon Department of Agriculture

Note by City staff: The submitted attachments are new evidence. This was not included, as the Council directed that the record be left open for argument but not new evidence.

Jessica Nunley

From: kathleenmantonc@comcast.net
Sent: Tuesday, June 28, 2011 3:30 PM
To: Jessica Nunley; Norma Alley
Subject: Newberg UGB expansion
Attachments: Yamhill farm bureau objections.doc; Marion County Farm Bureau letter Newberg UGB.doc

Dear Newberg City Council:

We are co-owners of a farm in Marion County. We are concerned about Newberg's expansion onto prime farmland and its impact on Marion County farmers.

New written submissions by the planning staff cite that farmland in this UGB is not being fully utilized for agriculture. Eight years of saying this will be included in the UGB expansion is demoralizing to farmers. They need to do long range planning to make their farms viable.

We feel that this expansion will inhibit the farming practices of Marion County farmers, will cause transportation problems, and is not necessary. It is on prime farmland and is too large of an expansion for Newberg's size and growth.

We are attaching previously submitted letter by Marion County Farm Bureau and Yamhill County Farm Bureau just to reiterate their positions.

Thank you.

Lolita and Kathleen Carl

PO Box 149

Hubbard OR 97032

Newberg Urban Area Management Commission
Yamhill County Planning Department
525 NE 4th Street
McMinnville OR 97128

Newberg Planning Division
PO Box 970
Newberg OR 97132
Subject: Proposed Urban Growth Boundary Amendment

Dear Commissioners:

The City of Newberg proposes to expand its Urban Growth Boundary by approximately 260 acres along Highway 219 south towards the Willamette River. The land is proposed to be included for industrial uses. The Yamhill County Farm Bureau is opposed to the proposed UGB amendment.

We support the principle of land use planning for the purpose of protecting the resources and the agricultural environment and infrastructure needed for farmers and ranchers to produce food and fiber for current and future generations in a profitable manner. We are philosophically opposed to efforts to remove economically productive farm and forest land from farm and forest zones. (Farm Bureau Policy 3.010)

The city's main justification for inclusion of this land is to target manufacturing industries such as semi-conductor/silicon,and sports apparel. These industries, and manufacturing in general, are shrinking, not growing.
Agriculture is an industry, too. This land supports what is, by some measures, the leading industry in Yamhill County- Agriculture. In 2008 direct sales in the county were close to $300 million dollars, supporting thousands of jobs. And agriculture is a growing industry, unlike manufacturing or high-tech.

Newberg's legitimate needs to accommodate job growth do not require such extensive blocks of large flat farmland. Over half the land Newberg says it needs are for firms that need sites with an average size of 1 to 5 acres. Yet Newberg claims that these firms require a location that is either adjacent to an existing industrial area or within an agglomeration of at least 100 new acres.
The use of questionable criteria like the artificially large size requirements, the refusal to consider any area that abuts residential development on more than 25% of its perimeter, and a requirement for proximity to Highway 219 suggest that the city has reverse-engineered it studies so that the only possible location for the expansion is prime farmland between the city and the Willamette River.

Despite what the city claims, many of its targeted industries, like wineries and professional services (legal and architectural firms) do not need large blocks of our best farmland.

In addition, Newberg has vacant plants like the recently closed Suntron plant that should be refilled before green fields are developed.
We believe that UGB expansion is not an automatic right. Any boundary expansion on land protected under Goal 3 must not impair the agricultural environment and infrastructure needed to produce food and fiber for current and future generations. The expansion of a UGB should not occur on land(s):

That is predominantly irrigated or non irrigated soil classes I, II and irrigated class III and IV soils in western Oregon;

Parcels that are predominantly soils that, if irrigated, are capable of producing the average of other irrigated land in the area;

Any parcels that are predominantly soils capable of producing the average non irrigated yield for the county; and

Any soils that the county determines to be necessary to support the agricultural community.

Exceptions should include parcels that are smaller than the applicable minimum lot size and at least 75% of its perimeter is contiguous to a UGB, urban reserve or exception area, or soils not listed in ORS 215.710. (Farm Bureau Policy 3.800)

The vast majority of the proposed expansion is prime, productive agricultural land. The remainder is within Rural Exception Areas or Urban Reserves. Consistent with our adopted policies, we are opposed to the inclusion of the agricultural land, with the exception of Tax Lot 3328 00800, a 4 acre parcel at the SE corner of Wilsonville and Adolf Rd. We do not oppose the inclusion of 3328 00800 or the inclusion of the land within exception areas and urban reserves.

Thank you for the opportunity to comment. Please carefully consider your decision.

Sincerely,

Jerry Mann
Yamhill County Farm Bureau President

Newberg Urban Area Management Commissioners
Newberg Planning Division
PO Box 970
Newberg, OR 97132

File #UGB-09-001
Attn: Jessica Nunley

Yamhill County Planning Department
525 NE 4th Street
McMinnville, OR 97128

Dear Commissioners:

Marion County Farm Bureau is very concerned about the City of Newberg's proposal to expand its Urban Growth Boundary to include 260 acres along Highway 219 south towards the Willamette River. We believe this expansion will have deleterious effects on Marion County farmers and farmland. Marion County Farm Bureau is opposed to this UGB expansion.

Agriculture is Marion County's number one industry. Increasing traffic on Highway 219 and the McKay/Yergen/Ehlen Road will negatively affect Marion County farmers. The traffic volume in the area is already unsafe for slower moving farm vehicles. Moreover, such an expansion will increase pressure for a link road across the French Prairie farm lands.

LCDC ruled that Newberg had not justified the inclusion of prime farmland instead of alternative areas with poorer soils. Most of the land in this 260 acre expansion is prime agricultural land (Class I and II soils) that is actively farmed. We oppose rezoning economically productive farm and forest land. (Farm Bureau Policy 3.010)

Agriculture is an important industry and should be carefully protected with any UGB expansion. Expansion on land protected under Goal 3 should not impair the agricultural environment and infrastructure.

Dan Goss

Marion county Farm Bureau