

ORDER NO. 2009-0024

AN ORDER INCLUDING A 1.24 ACRE PARCEL LOCATED AT 2716 WYNOOSKI ROAD INTO THE URBAN GROWTH BOUNDARY AND CHANGING ITS COMPREHENSIVE PLAN DESIGNATION FROM YAMHILL COUNTY VERY LOW DENSITY RESIDENTIAL TO NEWBERG INDUSTRIAL WITH A STREAM CORRIDOR OVERLAY, TAX LOT 3229-00300

RECITALS:

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

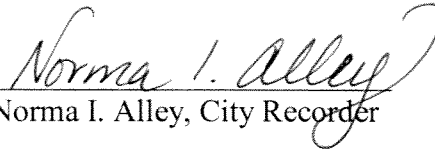
THE CITY OF NEWBERG ORDERS AS FOLLOWS:

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

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

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

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


Norma I. Alley, City Recorder

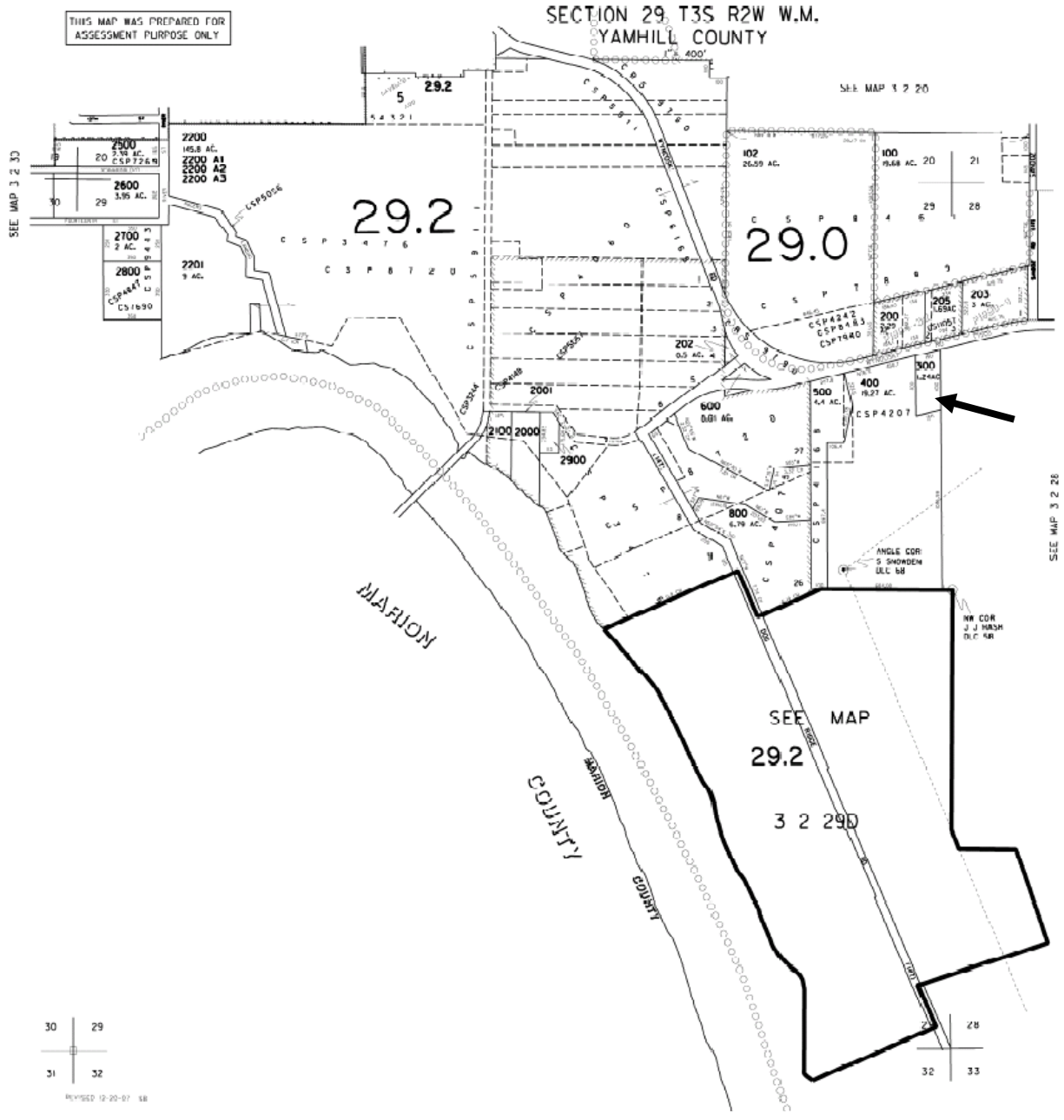
ATTEST by the Council President this 22nd day of October, 2009.


Bob Larson, Council President

QUASI-JUDICIAL HISTORY

By and through NUAMC at their 09/30/2009 meeting. Or, ___ None.
(committee name) *(date)* *(check if applicable)*

EXHIBIT A: LEGAL MAP & LEGAL DESCRIPTION



LEGAL MAP AND LEGAL DESCRIPTION (CONTINUED)

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

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

Tax Parcel Number: R3229-300

EXHIBIT B: URBAN GROWTH BOUNDARY AMENDMENT FINDINGS

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

I. ORS Standards:

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

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

II. OAR Standards:

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

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

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

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

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

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

Buildable Land In Newberg UGB, City Limits

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

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

*The Urban Growth Boundary (UGB) includes the city

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

Source: Newberg Planning and Building Department

Data subject to change

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

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

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

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

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

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

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

III. Statewide Planning Goals and Newberg Comprehensive Plan:

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

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

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

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

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

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

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

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

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

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

NCP Goal: To retain and protect wooded areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicable Statewide Goal 14 Standards:

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

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

Land Need Finding:

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

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

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

Buildable Land In Newberg UGB, City Limits

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

Plan Designation	Buildable Acres Needed 2009-2029**	Buildable Acres in UGB* 6/30/2009	Est. Years Supply in UGB	Buildable Acres in City 6/30/2009	Est. Years Supply in City
LDR	664	599	18	419	13
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Total	1,489	992	13	681	9

*The Urban Growth Boundary (UGB) includes the city

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

Source: Newberg Planning and Building Department

Data subject to change

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

Boundary Location Finding:

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

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

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

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

Criteria: Amendment of the Urban Growth Boundary shall be treated as a map amendment to both City and County Comprehensive Plan maps. Change of the boundary shall be based upon consideration of the following factors:

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

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

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

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

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

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

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

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

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

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

VI. Yamhill Comprehensive Plan Policies

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

VII. CONCLUSION:

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