

## ORDER No. 2009-0019

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**AN ORDER ADOPTING A ZONING DISTRICT CHANGE FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-P (RESIDENTIAL PROFESSIONAL) FOR TWO PROPERTIES LOCATED AT 611 & 617 N MAIN STREET; YAMHILL COUNTY TAX LOTS 3218DC-02501 & 3218DC-02600**

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### RECITALS:

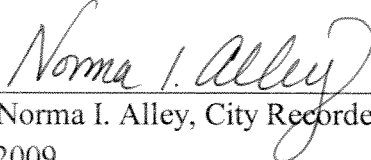
1. On March 12, 2009, the Newberg Planning Commission adopted Resolution No. 2009-264, recommending that the Newberg City Council approve the application of the Pamplin Foundation to change the zoning designation of two properties located at 611 & 617 N Main Street, tax lots 3218DC-02501 & 3218DC-02600, from R-2 (Medium Density Residential) to R-P (Residential Professional).
2. After proper notice, the Newberg City Council held a public hearing on April 6, 2009, to consider the request.
3. The City Council finds that the proposal is consistent with and promotes the goals and policies of the Comprehensive Plan and Development Code.

### THE CITY OF NEWBERG ORDERS AS FOLLOWS:


1. The amended Newberg zoning map, as described in Exhibit "C", is hereby adopted and by this reference incorporated to change the designation of Tax Lots 3218DC-02501 & 3218DC-02600 from R-2 (Medium Density Residential) to R-P (Residential Professional).
2. The findings is shown in Exhibit "B" is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: April 7, 2009.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 6<sup>th</sup> day of April, 2009.

  
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Norma I. Alley, City Recorder

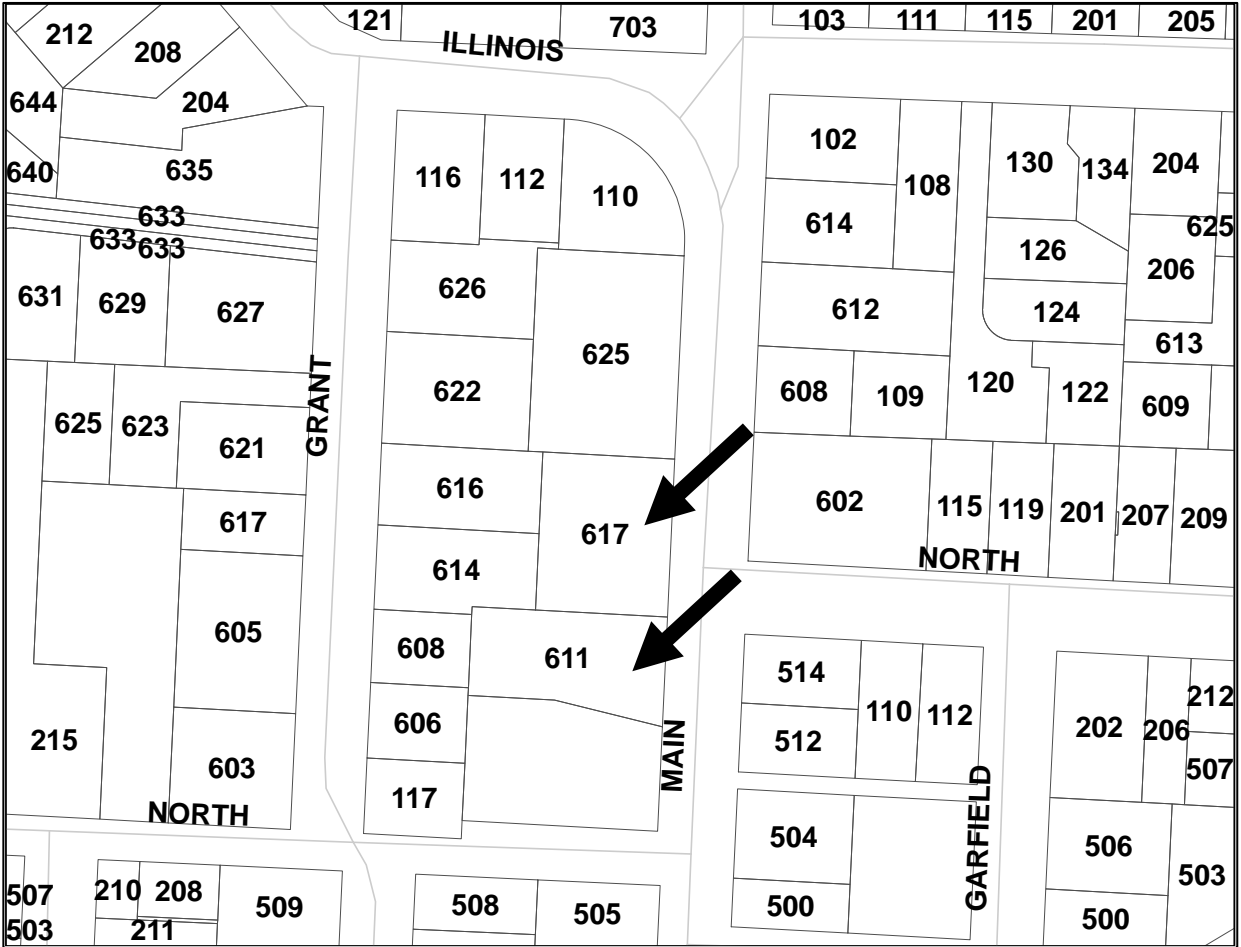
**ATTEST** by the Mayor this 9<sup>th</sup> day of April, 2009.

  
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Bob Andrews, Mayor

### QUASI-JUDICIAL HISTORY

By and through the Newberg Planning Commission at their 03/12/2009 meeting.

**EXHIBIT A: LOCATION MAP**



**EXHIBIT B: DEVELOPMENT CODE CRITERIA & FINDINGS**  
**ZMA-08-003**  
**611 & 617 N Main Street**

*A. The proposed change is consistent with and promotes the objectives of the Newberg Comprehensive Plan and this Code.*

**Finding:** The Comprehensive Plan does not have a specific category that describes the R-P zone when it describes the different land classifications. However, the Development Code describes the purpose of the R-P zone as follows:

“The R-P Residential-Professional District provides for a desirable mixing of residential land uses with professional office uses in possible close proximity to adjacent low density residential areas. The professional office building and parking coverage, traffic generation, open space and other external factors with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan. The R-P District is intended to be consistent with commercial or residential designations on the Newberg Comprehensive Plan. R-P Districts shall be located as to conform to goals and policies identified within the Newberg Comprehensive Plan and in areas which have a minimal impact on the livability or appropriate development of abutting property.”

The Comprehensive Plan also contains several policies applicable to this request. Those policies include the following:

**H. The Economy**

Policy 3.b. Adequate neighborhood commercial areas will be provided to serve localized needs.

**J. Urban Design**

Policy 3.d. Residents of the City should have access to neighborhood commercial facilities, and these uses should conform to the character of the area in which they are located.

The properties are currently designated as MDR (Medium Density Residential) on the Comprehensive Plan; therefore, they remain consistent with the objectives of the Comprehensive Plan whether they are zoned as R-P or R-2. The section of Main Street where the properties are located is classified as a minor arterial. Main Street has considerable traffic in that section, making these properties a natural fit for more of a professional type use as opposed to reverting to a single family type use. In addition, commercial and industrial uses start approximately one block south of these properties, making them an appropriate transition area for professional uses.

Many of the same uses are permitted in both zoning designations. The R-P zone additionally permits professional office uses as seen in the table below. In addition, the development standards for the two zones are very similar, with both having a 5,000 square foot minimum lot size requirement, the same lot coverage requirements for building and parking coverage, and the same maximum permitted height of 30 feet. The R-P zone has slightly more restrictive interior yard setbacks at 8 feet as compared to 5 feet for the R-2 zone. Any development within the R-P zone would also have to comply with all lighting regulations as well as landscaping and buffering regulations for any required onsite parking.

<p><u>R-2 &amp; R-P Permitted Uses</u></p> <ol style="list-style-type: none"> <li>1. Bed and breakfast establishment (two or fewer guest sleeping rooms).</li> <li>2. Churches.</li> <li>3. Day nurseries.</li> <li>4. Duplexes.</li> <li>5. Group care homes.</li> <li>6. Home occupations.</li> <li>7. Manufactured homes on individual lots.</li> <li>8. Multiple family dwelling.</li> <li>9. Open space.</li> <li>10. Private and public parks and playgrounds.</li> <li>11. Public and semi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations and pump stations.</li> <li>12. Single family dwellings.</li> <li>13. Schools.</li> <li>14. Transportation facilities and improvements.</li> </ol>	<p><u>Additionally Permitted Uses in R-P:</u></p> <ol style="list-style-type: none"> <li>1. Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).</li> <li>2. Clinics.</li> <li>3. Dormitories.</li> <li>4. General office use, provided that the use does not involve any retail activities.</li> <li>5. Laboratories, biochemical and X-ray.</li> <li>6. Offices for the following: <ol style="list-style-type: none"> <li>a. Accountants.</li> <li>b. Attorneys.</li> <li>c. Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.</li> <li>d. Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.</li> <li>e. Insurance brokers.</li> <li>f. Lumber brokers.</li> <li>g. Real estate sales.</li> <li>h. Stockbrokers.</li> </ol> </li> <li>7. Planned unit developments.</li> <li>8. Private and public community centers.</li> <li>9. Private parking area as an accessory to a use already provided for within the R-P District.</li> <li>10. Studios for the following: <ol style="list-style-type: none"> <li>a. Interior decorating</li> <li>b. Photographers</li> <li>c. Artists.</li> </ol> </li> </ol>
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The character of the site is more suited to professional type uses due to its past use as a church facility and church-related uses. The majority of the site is already paved with parking spaces located at the rear of the two lots, behind the church and the dwelling. The dwelling has most recently been used as an office type building for the various church-related uses ongoing on the site. Because the site has been used for professional type uses associated with the church, it could easily be compatible to provide other professional office type uses on the same site. Both the Comprehensive Plan and Development Code reference compatibility with adjacent properties and this is achieved by the current buildings on the site. Any future development on the site would be required to go through a design review process and meet the same compatibility requirements.

***B. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.***

**Finding:** Water, sanitary sewer and storm drainage are available to support the uses allowed by the proposed changes. The City of Newberg provides police and fire protection to the site.

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

**Finding:** The proposed zone change is not expected to have any affect, either positive or negative, on the amount of traffic generated by this site. The R-P zone allows more types of uses than the R-2 zone allows, but those uses are not expected to generate more trips during the PM peak hour on Highway 99W than the previous use as a church/counseling facility and single family dwelling/food storage and distribution center. This proposal therefore will not significantly affect transportation facilities.

**CONCLUSION:** The proposed reclassification from R-2 to R-P meets the applicable criteria and is consistent with the Comprehensive Plan.

**EXHIBIT C: LEGAL DESCRIPTION**  
**ZMA-08-003**

Parcel 1 – 611 N Main Street

Beginning at a point on the east line of Block 1, Ruddick and Woods Addition to the City of Newberg, in Yamhill County, Oregon, which point bears north 98.56 feet from the SE corner of Block 1, and then running N 78°28'40" W90.95 feet, then S89°48'15" W70.88 feet, then north 72.83 feet, then S89°14' E160.00, then south 88.61 feet to the place of beginning.

Parcel 2 – 617 N Main Street

Beginning at a point 29.5 feet south of the SE corner of Block 2 of Ruddick and Woods plat of the town of Newberg in Yamhill County, Oregon, then north to the NE corner of Lot 2 in said Block 2, then west 108 feet along the north line of Lots 2 and 5 of said Block 2, then south to a point 29.5 feet south of the south line of said Block 2, then east 108 feet to the place of the beginning.

EXHIBIT D: COMPREHENSIVE PLAN MAP  
ZMA-08-003

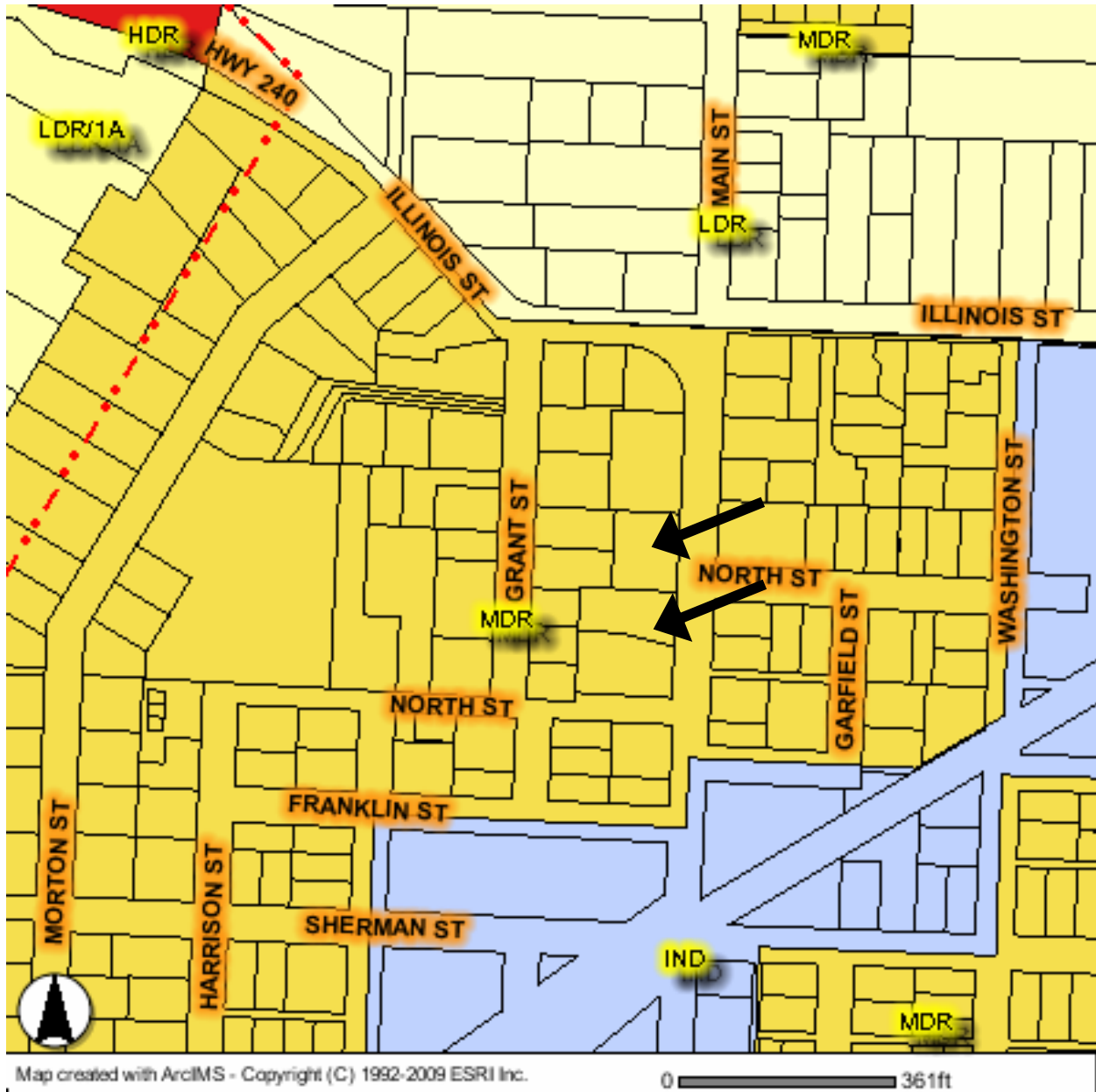
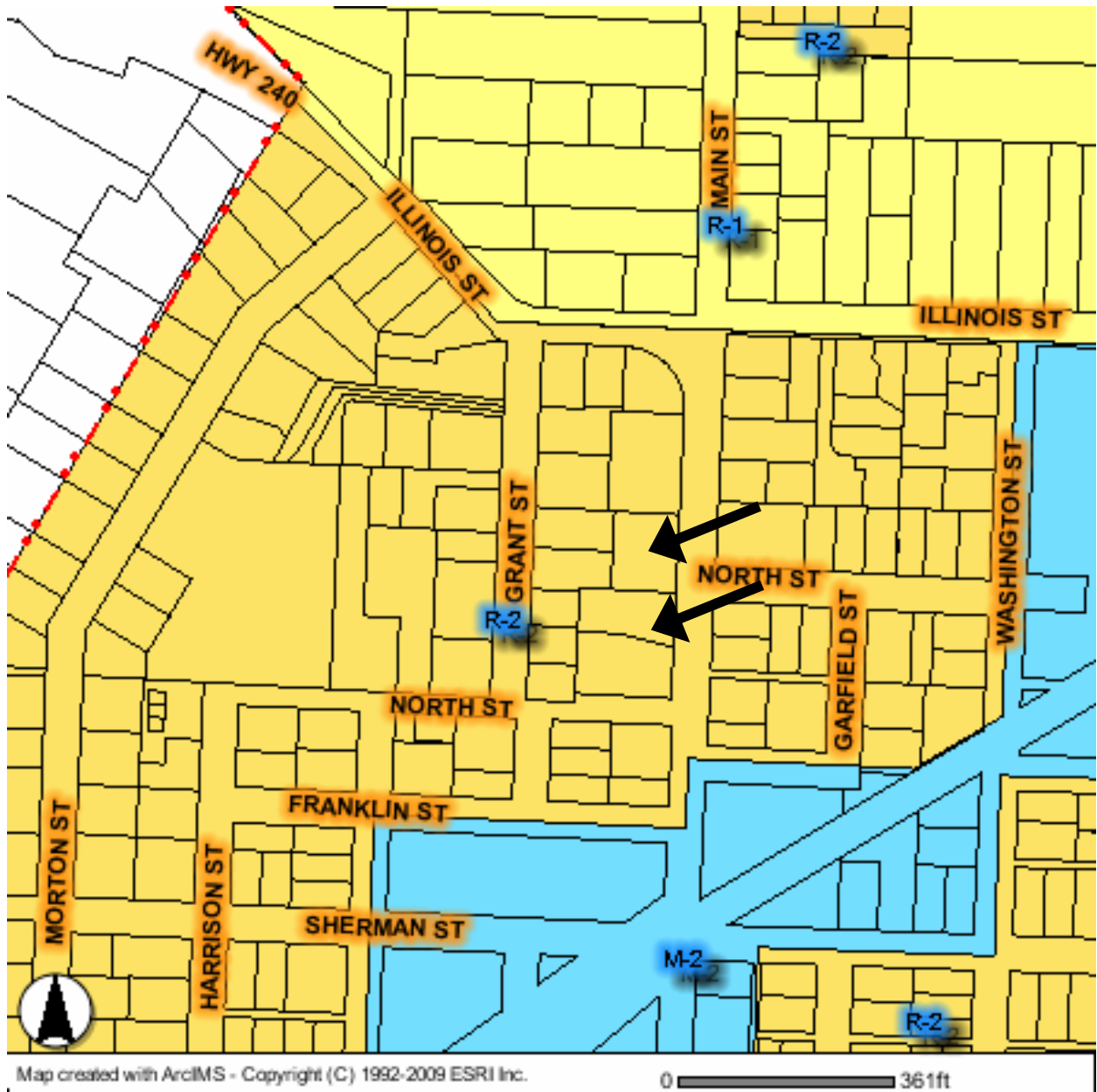


EXHIBIT E: ZONING MAP  
ZMA-08-003





**EXHIBIT F: AERIAL PHOTO**

