

ORDER No. 2007-0003

AN ORDER FINDING THAT PROPERTY LOCATED AT 4505, 4813, 4821 & 4825 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOTS 3216-900, -1000, & -1100, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2, AND C-2

RECITALS:

1. On August 25, 2006 NewB Properties LLC submitted concurrent applications for: an urban growth boundary amendment; comprehensive plan amendment to COM (commercial), HDR (high density residential), MDR (medium density residential), LDR (low density residential); annexation; and zoning amendment to C-2 (community commercial), R-3 (high density residential), R-2 (medium density residential) and R-1 (low density residential) for property located at 4505, 4813, 4821 & 4825 E. Portland road, Yamhill County tax lots 3216-900, -1000, -1100.
2. Due to testimony and deliberations at the NUAMC (Newberg Urban Area Management Commission) meeting on November 30, 2006 and December 6, 2006, the applicant revised his request to consist of a comprehensive plan amendment to COM (commercial), MDR (medium density residential), LDR (low density residential)), and a zoning amendment to C-2 (community commercial), R-2 (medium density residential) and R-1 (low density residential).
3. The urban growth boundary amendment and revised comprehensive plan amendment were heard and approved by Newberg City Council on January 2, 2007.
4. The Newberg Planning Commission heard the annexation and zoning amendment on January 11, 2007, and recommended approval per Resolution No. 2007-229.
5. After proper notice, on February 20, 2007, the Newberg City Council held a hearing to consider the annexation and zoning amendment requests.
6. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria and adopts the findings, which are attached hereto as Exhibit "A" and incorporated herein by reference.

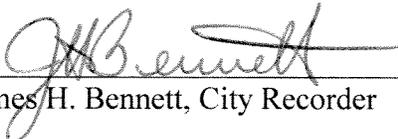
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:
 - A. The zoning of the property described in Exhibit “C” is changed to portions of R-1 (low density residential), R-2 (medium density residential) and C-2 (community commercial) as shown on the map in Exhibit “D.”

3. This order is subject to the following:
 - A. Annexation of these properties cannot go to a public vote until official adoption of the urban growth boundary (UGB) amendment is complete. The UGB amendment is contingent on Yamhill County adopting the same urban growth boundary and comprehensive plan changes. The effective date of the UGB amendment is contingent upon the final approval and adoption of amendments to the acknowledged Newberg Transportation System Plan as initiated by Resolution 2006-2661 and as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
 - B. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
 - C. A refined traffic study will be required upon future development. No direct access to Highway 99W will be allowed, but the east-west connector on site could connect to a frontage road along the proposed bypass. If the bypass is not built then the east-west connector should connect to Benjamin Road as far north as possible. The traffic study should determine the appropriate mitigation for the unacceptable levels of service at the Crestview Drive/Highway 99W intersection, Crestview Drive/east-west connector intersection.
 - D. A 30 ft building setback along the north property line will be required upon development of the site.
 - E. A 20 foot wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
 - F. The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.
 - G. A wetland determination and delineation report, following state and federal standards, shall be prepared prior to development on the site. Development shall comply with applicable state and federal wetland standards.

- H. Development shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
- I. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W and Benjamin Road. The Crestview Drive extension from Oxberg Lakes to 99W must be in place at the time of development
- J. Existing homes to connect to sewer and water or be removed within two years of annexation.
- K. The water line along the eastern edge of taxlot 3216-900 will need to be located at the time of development. The water service will need to be protected, and an easement for the water line may be required.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: February 21, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 20th day of February, 2007.


James/H. Bennett, City Recorder

ATTEST by the Mayor this 22nd day of February, 2007.



Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through Planning Commission Committee at 1/11/2007 meeting.
(committee name) (date)

Exhibits:

- Exhibit "A": Findings and Conditions of Approval
- Exhibit "B": Annexation Map
- Exhibit "C": Legal Description
- Exhibit "D": Zoning Map

EXHIBIT "A": FINDINGS & CONDITIONS
ANX-06-011

Annexation of 29.91 acres for property located at 4505, 4813, 4821 & 4825 E. Portland Road

**I. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.261
CONDITIONS FOR ANNEXATION**

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

FINDING: The site was included into the Newberg Urban Growth Boundary by Order 2007-0001 on January 2, 2007. The County held a hearing on the Urban Growth Boundary application on January 24, 2007 and tentatively approved the application. Therefore, the site property meets this criterion. Certain conditions were placed on the property by Order 2007-0001 and have been included within the recommended annexation conditions of approval.

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

FINDING: The subject site is adjacent to Newberg city limits on its southern property line.

II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI-JUDICIAL ANNEXATION CRITERIA

(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.

FINDING: The comprehensive plan designation of the site was changed concurrently with the urban growth boundary amendment application that was approved by Order 2007-0001 on January 2, 2007. The new comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential) for the northern 5.38 acres of the site, R-2 (medium density residential) for the central 6.98 acres, and C-2 (community commercial) for the southern 17.64 acres of the property. A SC (stream corridor) overlay will be placed on the NE corner of the site. These zoning designations correspond with the redesignated comprehensive plan map areas. The east-west connector road will be extended through the site from the Crestview Dr extension to either Benjamin Road or to the proposed Bypass frontage road in accordance with the comprehensive plan map and the Newberg Transportation System 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.*

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

Water: The property will connect to an existing 10-inch mainline that runs along Hwy 99W at the property's southern border, and to the line within the extension of Crestview Drive west of the site. The water line (Svendsen letter) along the eastern edge of taxlot 3216-900 will need to be located at the time of development. The water service will need to be protected, and an easement for the water line may be required.

Storm water: Storm water drainage is currently provided by two storm drainage ditches that cross the western part of the property and outfall to a 24-inch diameter culvert under Hwy 99W near the center of the property. The Newberg Drainage Master Plan identifies this culvert as being undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system. The existing drainage ditches may or may not be regulated waterways – a wetland determination will be conducted prior to any alteration of these drainages. There also may be wetlands along the stream corridor in the northeast corner of this site. Coordination with the Oregon Division of State Lands and the US Army Corps of Engineers will be required regarding any changes to the existing on-site drainage ways.

Sewer: Sewer service will be provided by extending the line that currently runs along Klimek Lane along the Klimek Lane right-of-way across Hwy 99W. At time of development, the developer will need to verify the capacity of the Fernwood pump station. Improvements may be necessary. All public sewer lines must be gravity flow.

Roads: The subject property is adjacent to Hwy 99W on its southern side and Benjamin Road on its eastern side. Upon development, Hwy 99W shall be improved with curbs, gutters, and sidewalks. Benjamin Road may require the dedication of additional right of way, and shall be improved with at least a half-street improvement including curbs, gutters and sidewalks.

The Crestview Drive extension on the property to the west must be in place prior to development on this site. Through extensive public involvement effort, the City has initiated a change to the TSP for this extension. This change is based on a report from JRH Transportation Engineers that evaluate potential changes to the designations of Crestview Drive and Springbrook Road. The study supports the redesignation of Crestview Drive to a major collector from the middle of the Gueldner Property to Springbrook and incorporating traffic calming improvements. The Gueldner property will provide a central traffic circle at the center intersection to provide traffic calming in compliance with the JRH recommendations.

The applicant has proposed an east-west connection between the Crestview Drive extension and the eastern edge of the property, which is in accordance with the TSP. If the bypass is not built or if this project is developed in advance of the bypass then the east-west connector road will need to extend to Benjamin Road to provide adequate connectivity. This connection would need to be made as far north as possible to avoid impacting the Benjamin Road/Highway 99W intersection. If the bypass is built then the east-west connector could connect to the frontage road along the bypass, as shown on the applicant's concept plan.

A Traffic Impact Study was prepared for this project by the Lancaster Engineering, which assumed that the Crestview Drive extension to Highway 99W would be built. The proposed conceptual commercial and residential development on the site is expected to generate a total of 8,306 new daily, and 847 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,610 weekday daily and 242 weekday PM peak hour passby trips would be generated by the project, and a total of 1,926 weekday internal trips and 192 weekday PM peak internal trips are generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

The study concludes that if the City of Newberg takes jurisdiction over Highway 99W then the intersections at Highway 99W and Springbrook Road and Highway 99W and Crestview Drive will operate acceptably and no mitigation will be required. This could only happen if the bypass was built and the City agreed to take jurisdiction, however. The study found that if ODOT retains jurisdiction over 99W then both of these intersection would have unacceptable levels of service and mitigation would be required. If the actual development is similar to that projected in the conceptual plan, then the development will need to mitigate these impacts. The report stated that the mitigation could include adding a third westbound travel lane on Highway 99W between Crestview and Springbrook, or one northbound and one southbound travel lanes on Springbrook Road. In a similar case of Providence Hospital, the hospital was required to make a payment for a proportional share of improvements to the intersection of Highway 99W and Springbrook Road. A similar requirement could be made for this project to mitigate these impacts. In addition, the study found that the intersection of Crestview Drive and the east-west connector would operate unacceptably in 2025, with or without the addition of site traffic from this proposed development. Mitigation at this intersection could include adding a traffic signal with exclusive left turn lanes, or building a roundabout. The traffic study will need to be refined at the time of development to determine the most appropriate mitigation for these problems.

In general, with the improvements included in the transportation plan and traffic mitigation measures, and including the recommendations of the JRH study and Lancaster Engineering study, adequate transportation facilities will be available to serve the proposed use.

(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.

FINDING: Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The annexed property will be both commercial and residential, and is estimated to provide more revenue than that needed to maintain the status quo for services (4.1 Public Safety FTE/1000 versus current 3.2 Public Safety FTE/1000). The new residential development portion of the property may increase the demand for parks and school facilities, which should be offset by the system development charges for parks and the per-pupil State funding for schools. Overall, the development of the site will not have adverse affects on the availability of police, fire, parks, and school facilities and services for the community as a whole.

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

FINDING: The applicant has provided written findings for this section.

(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.

FINDING: This criterion is not applicable to this property.

III. APPLICABLE ZONING MAP AMENDMENT REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.122(3) AMENDMENT CRITERIA

(a) The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;

FINDING: The proposed zone change from County AF-10 to City R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) is consistent with the comprehensive plan designation of the site. See the finding for § 151.262(A) above for a more in depth discussion of compliance with the Newberg comprehensive plan.

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

FINDING: Adequate water, sewer, storm water, and transportation infrastructure is, or will be, available to support the proposed new uses of the site. See the finding for § 151.262(B) above that further discusses the availability of public facilities and services to this site.

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

FINDING: The zone change in itself is in compliance with the State Transportation Rule and does not significantly affect transportation facilities. Transportation impacts are addressed above in the finding for § 151.262(B), and in the urban growth boundary and comprehensive plan amendment staff report, file no. UGB-06-002.

CONDITIONS OF APPROVAL
ANX-06-011

The following conditions of approval apply to the annexation of the properties located at 4505, 4813, 4821 & 4825 E. Portland Road, Yamhill County Tax Lots 3216-900, -1000, -1100.

- Annexation of these properties cannot go to a public vote until official adoption of the urban growth boundary (UGB) amendment is complete. The UGB amendment is contingent on Yamhill County adopting the same urban growth boundary and comprehensive plan changes. The effective date of the UGB amendment is contingent upon the final approval and adoption of amendments to the acknowledged Newberg Transportation System Plan as initiated by Resolution 2006-2661 and as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A refined traffic study will be required upon future development. No direct access to Highway 99W will be allowed, but the east-west connector on site could connect to a frontage road along the proposed bypass. If the bypass is not built then the east-west connector should connect to Benjamin Road as far north as possible. The traffic study should determine the appropriate mitigation for the unacceptable levels of service at the Crestview Drive/Highway 99W intersection, Crestview Drive/east-west connector intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- A 20 foot wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
- The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.
- A wetland determination and delineation report, following state and federal standards, shall be prepared prior to development on the site. Development shall comply with applicable state and federal wetland standards.
- Development shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
- Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL

and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W and Benjamin Road. The Crestview Drive extension from Oxberg Lakes to 99W must be in place at the time of development

- Existing homes to connect to sewer and water or be removed within two years of annexation.
- The water line along the eastern edge of taxlot 3216-900 will need to be located at the time of development. The water service will need to be protected, and an easement for the water line may be required.

ANNUAL FISCAL IMPACT ESTIMATE OF PROPOSED ANNEXATION - Revised 1/11/07

Project Name: Speakman Annexation
 Dwellings Proposed: 85
 Date Estimated: 11-Jan-07

REVENUES

Population Potential	
Number of Dwellings	85
Persons per household	2.76
Total Population	235

ANNUAL REVENUES GENERATED

Property Taxes Received	
Average Real Market Value Per Unit	\$ 255,000
Assessed Market Value Rate (Residential)	79%
Assessed Value Per Unit	\$ 201,450
Number of Dwellings	85
Assessed Market Value - Residential	\$ 17,123,250
Assessed Value/Acre - Commercial	\$ 630,103
Number of Acres (-25% for roads)	13.23
Assessed Value - Commercial	\$ 8,336,265
Total Assessed Value	\$ 25,459,515
City Tax Rate	\$ 0.0043827

Collection Rate	92%	Property tax to	
Total Property Taxes Collected	\$ 102,655	Public Safety	\$ 93,826.58

Per Capita Revenues

Liquor Tax per capita	\$ 9.58	Percent to Public Safety	100%	Per capita revenues to Public Safety	\$ 9.58
Cigarette Tax Per Capita	\$ 1.53	100%		1.53	
Revenue Sharing	\$ 6.71	100%		6.71	
Franchise Fees per capita	\$ 54.70	100%		54.70	
EMS and 911 Funds	\$ 54.57	100%		54.57	
Total revenues per capita	\$ 127.10			127.10	
Per Capita Revenues	\$ 29,868.69	100%		29,868.69	
Hotel/Motel Taxes	\$ -			-	
Development generated revenues	\$ 29,868.69			29,868.69	

Total New Revenues	\$ 132,523.59	Total Public Safety	\$ 123,695.27
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EXPENSES

PUBLIC SAFETY PURCHASED BY REVENUES

Current Public Safety FTE	65.8
Current Public Safety Budget (-Dundee)	\$ 8,528,674
Total Cost/FTE (personnel, materials, capital)	\$ 129,655
City Population (July 1, 2005)	20,565
Current FTE per 1000	3.2

NEW DEVELOPMENT GENERATED PUBLIC SAFETY

New Public Safety Revenue	\$ 123,695
FTE purchased	1.0
New Population	235
Public Safety FTE/1000 purchased	4.3

**EXHIBIT "B": ANNEXATION MAP
ANX-06-011**

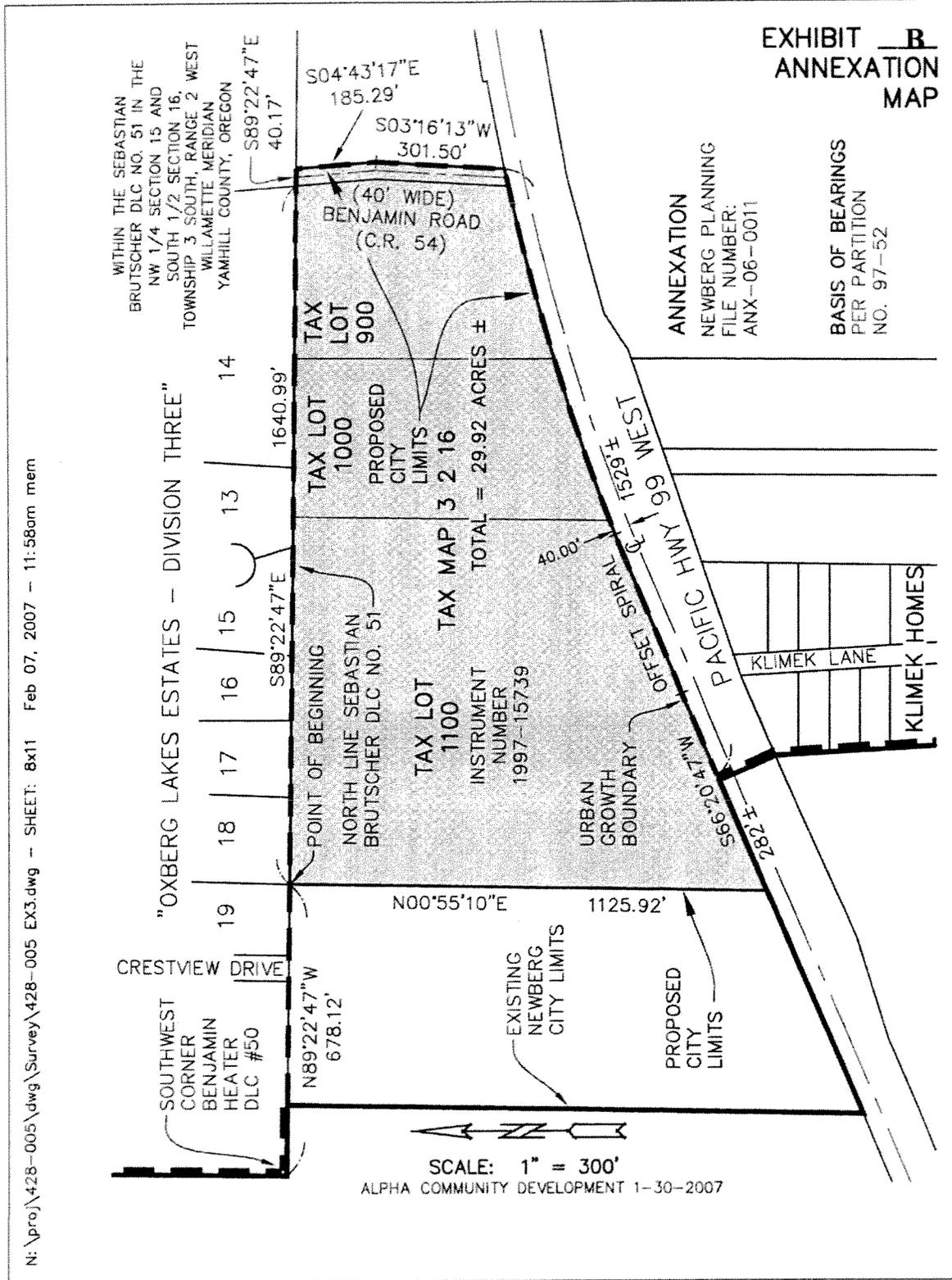


EXHIBIT "C": LEGAL DESCRIPTION
ANX-06-011



EXHIBIT 

FEBRUARY 6, 2007

LEGAL DESCRIPTION

JOB NO. 0428-0005

ANNEXATION TO THE CITY OF NEWBERG
TAX LOTS 900, 1000, 1100, TAX MAP NO. 3 2 16,
PACIFIC HIGHWAY 99 WEST AND BENJAMIN ROAD
CITY OF NEWBERG PLANNING FILE NUMBER: ANX-06-0011

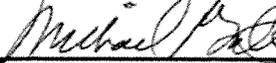
A PARCEL OF LAND LOCATED IN THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, IN THE NORTHWEST ONE-QUARTER OF SECTION 15, AND THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739, YAMHILL COUNTY DEED RECORDS, A POINT ON THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C. NO. 50, (AN ANGLE POINT IN SAID NORTH LINE OF D.L.C. NO. 51), BEARS NORTH 89°22'47" WEST 678.12 FEET; THENCE ALONG SAID D.L.C. NO. 51 LINE, SOUTH 89°22'47" EAST 1640.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF BENJAMIN ROAD (COUNTY ROAD NO. 54); THENCE CONTINUING ALONG SAID D.L.C. LINE, SOUTH 89°22'47" EAST 40.17 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ROADWAY; THENCE LEAVING SAID D.L.C. LINE, ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 04°43'17" EAST 185.29 FEET; THENCE SOUTH 03°16'13" WEST 301.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99 WEST (40.00 FEET NORTHERLY, AT RIGHT-ANGLE MEASURE, FROM THE CENTERLINE THEREOF); THENCE ALONG SAID RIGHT-OF-WAY LINE, VARIOUS COURSES, SOUTHWESTERLY, 1529 FEET MORE OR LESS TO A POINT AT THE INTERSECTION OF SAID LINE AND THE BOUNDARY LINE OF THE CITY LIMITS OF NEWBERG; THENCE ALONG SAID RIGHT-OF-WAY AND CITY LIMITS LINE, SOUTH 66°20'47" WEST, 282 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739; THENCE LEAVING SAID RIGHT-OF-WAY AND CITY LIMITS LINE, ALONG THE WEST LINE OF SAID PROPERTY, NORTH 00°55'10" EAST 1125.92 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 29.92 ACRES.

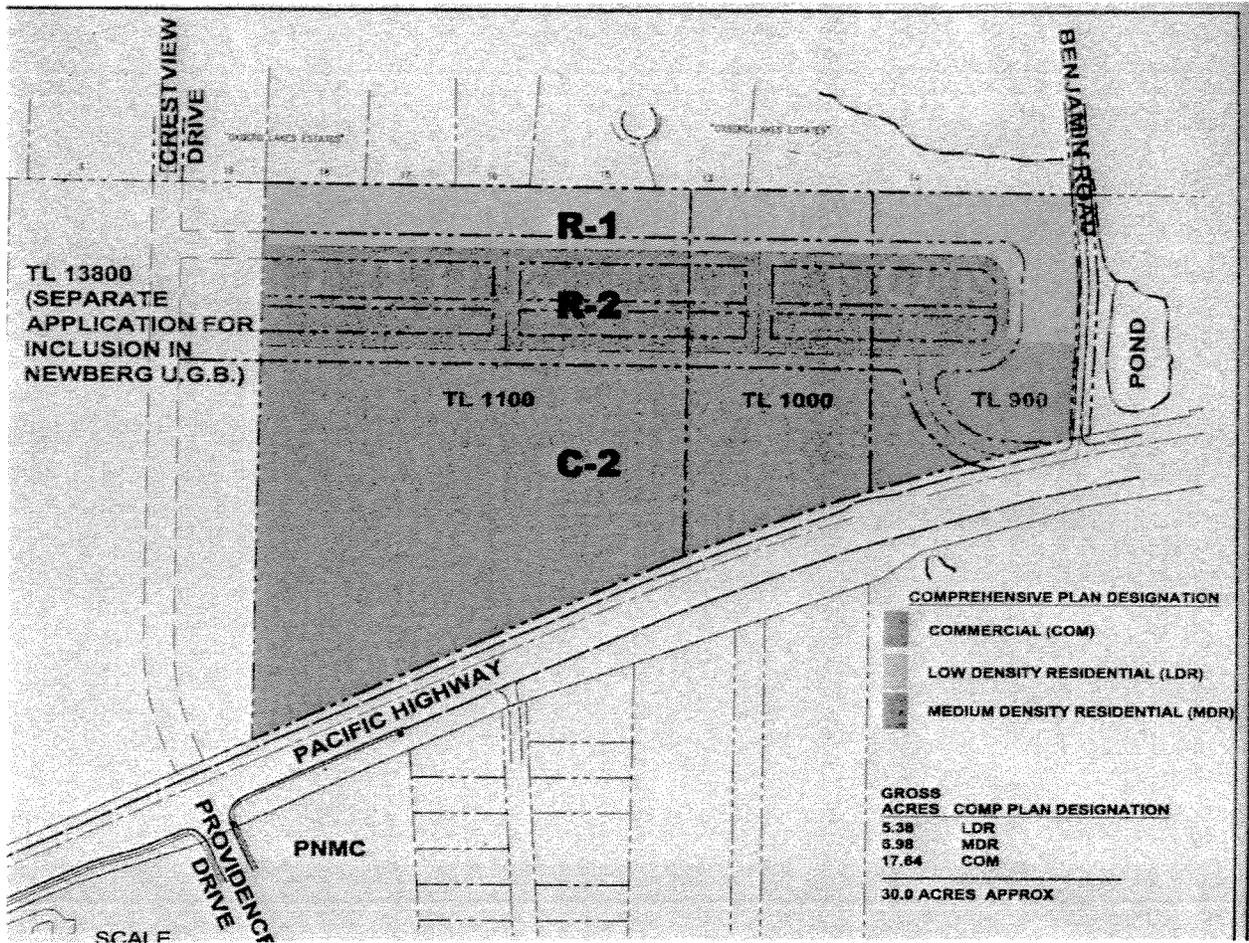
THE BASIS OF BEARINGS FOR THE DESCRIPTION IS
PARTITION PLAT NO. 97-52 YAMHILL COUNTY,
PLAT RECORDS.

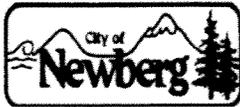
REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 25, 1990
MICHAEL R. GATES
2449

VALID UNTIL 6-30-07

**EXHIBIT "D": ZONING MAP
ANX-06-011**





ORDINANCE No. 2007-2662

AN ORDINANCE DECLARING PROPERTY LOCATED AT 4505, 4813, 4821 & 4825 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOTS 3216-900, -1000 & -1100, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY

RECITALS:

1. NewB Properties LLC submitted an application for annexation and consent to annex on August 25, 2006, for property located at 4505, 4813, 4821 & 4825 E. Portland Road, Yamhill County tax lots 3216-900, -1000 & -1100.
2. After proper notice, on February 20, 2007 at the hour of 7:00 PM in the Newberg Public Safety Building, 401 E Third, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On February 20, 2007, the City Council adopted Order 2007-0003 which affirmed that the annexation met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested that this matter be placed before the voters at the May 15, 2007 special election.

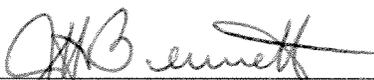
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the May 15, 2007 general election.
2. The City Council directs that all costs associated with placing the item on the ballot be paid for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may be required to place monies in escrow to cover the costs of election(s).

3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
4. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the property shown in Exhibit "A" and described in Exhibit "B", shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
 - A. The City of Newberg land use inventory data and GIS data will be updated to reflect the new addition.
 - B. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: March 22, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 20th day of February, 2007, by the following votes: **AYE: 6 NAY: 1 (CURRIER) ABSENT: 0 ABSTAIN: 0**



 James H. Bennett, City Recorder

ATTEST by the Mayor this 22nd day of February, 2007.



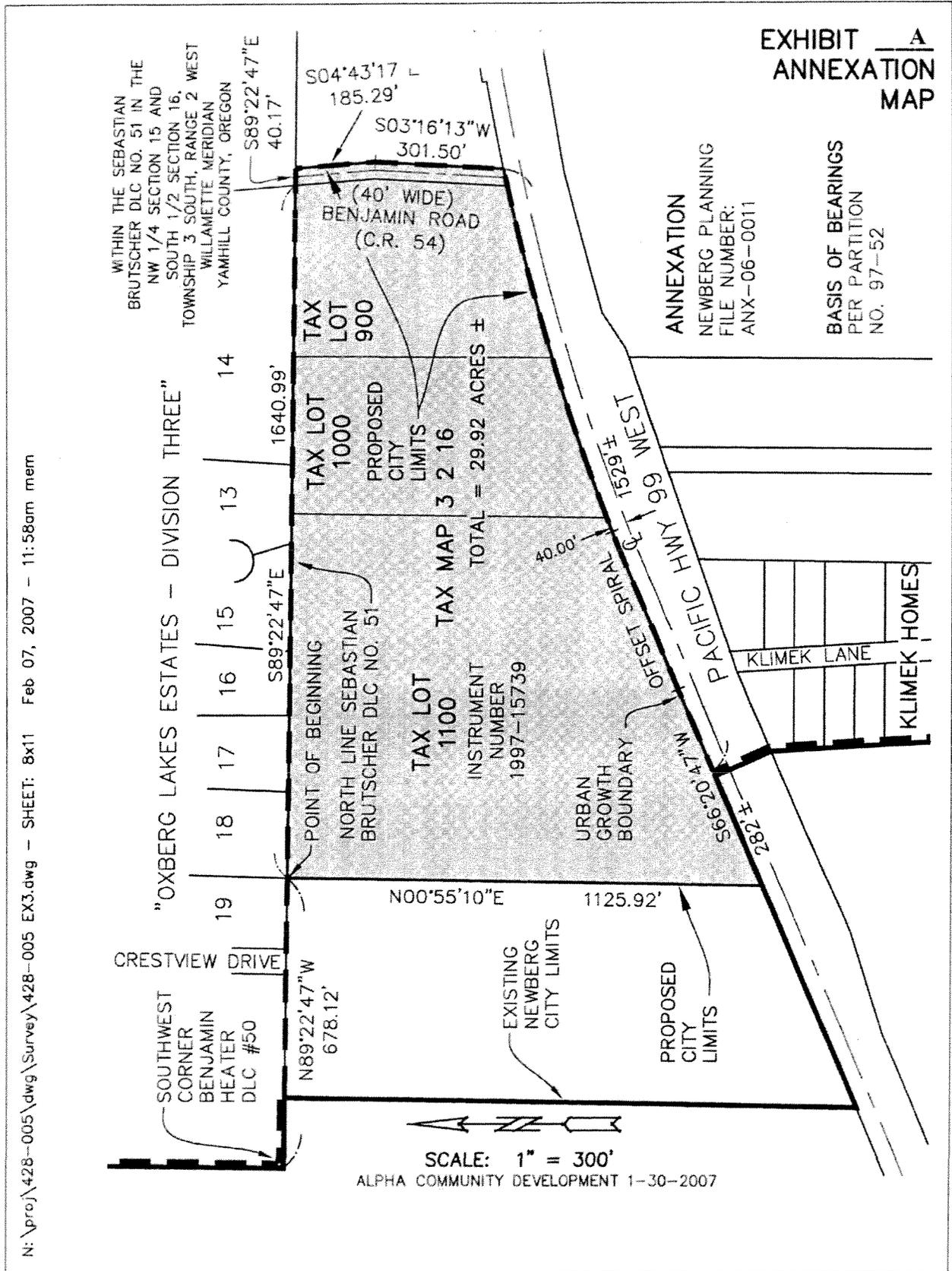
 Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Planning Commission Committee at 1/11/2007 meeting.
(committee name) (date)

Exhibits: Exhibit "A": Annexation Map
 Exhibit "B": Legal Description,

Exhibit "A": Annexation Map



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Exhibit "B": Legal Description



EXHIBIT B

FEBRUARY 6, 2007

LEGAL DESCRIPTION

JOB NO. 0428-0005

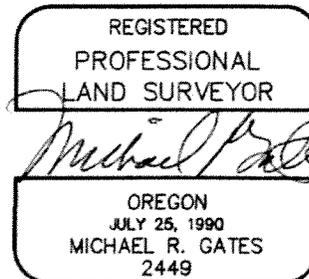
ANNEXATION TO THE CITY OF NEWBERG
TAX LOTS 900, 1000, 1100, TAX MAP NO. 3 2 16,
PACIFIC HIGHWAY 99 WEST AND BENJAMIN ROAD
CITY OF NEWBERG PLANNING FILE NUMBER: ANX-06-0011

A PARCEL OF LAND LOCATED IN THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, IN THE NORTHWEST ONE-QUARTER OF SECTION 15, AND THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

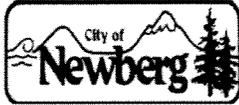
BEGINNING AT THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739, YAMHILL COUNTY DEED RECORDS, A POINT ON THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C. NO. 50, (AN ANGLE POINT IN SAID NORTH LINE OF D.L.C. NO. 51), BEARS NORTH 89°22'47" WEST 678.12 FEET; THENCE ALONG SAID D.L.C. NO. 51 LINE, SOUTH 89°22'47" EAST 1640.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF BENJAMIN ROAD (COUNTY ROAD NO. 54); THENCE CONTINUING ALONG SAID D.L.C. LINE, SOUTH 89°22'47" EAST 40.17 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ROADWAY; THENCE LEAVING SAID D.L.C. LINE, ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 04°43'17" EAST 185.29 FEET; THENCE SOUTH 03°16'13" WEST 301.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99 WEST (40.00 FEET NORTHERLY, AT RIGHT-ANGLE MEASURE, FROM THE CENTERLINE THEREOF); THENCE ALONG SAID RIGHT-OF-WAY LINE, VARIOUS COURSES, SOUTHWESTERLY, 1529 FEET MORE OR LESS TO A POINT AT THE INTERSECTION OF SAID LINE AND THE BOUNDARY LINE OF THE CITY LIMITS OF NEWBERG; THENCE ALONG SAID RIGHT-OF-WAY AND CITY LIMITS LINE, SOUTH 66°20'47" WEST, 282 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739; THENCE LEAVING SAID RIGHT-OF-WAY AND CITY LIMITS LINE, ALONG THE WEST LINE OF SAID PROPERTY, NORTH 00°55'10" EAST 1125.92 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 29.92 ACRES.

THE BASIS OF BEARINGS FOR THE DESCRIPTION IS PARTITION PLAT NO. 97-52 YAMHILL COUNTY, PLAT RECORDS.



VALID UNTIL 6-30-07



ORDER No. 2007-0003

AN ORDER FINDING THAT PROPERTY LOCATED AT 4505, 4813, 4821 & 4825 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOTS 3216-900, -1000, & -1100, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2, AND C-2

RECITALS:

1. On August 25, 2006 NewB Properties LLC submitted concurrent applications for: an urban growth boundary amendment; comprehensive plan amendment to COM (commercial), HDR (high density residential), MDR (medium density residential), LDR (low density residential); annexation; and zoning amendment to C-2 (community commercial), R-3 (high density residential), R-2 (medium density residential) and R-1 (low density residential) for property located at 4505, 4813, 4821 & 4825 E. Portland road, Yamhill County tax lots 3216-900, -1000, -1100.
2. Due to testimony and deliberations at the NUAMC (Newberg Urban Area Management Commission) meeting on November 30, 2006 and December 6, 2006, the applicant revised his request to consist of a comprehensive plan amendment to COM (commercial), MDR (medium density residential), LDR (low density residential)), and a zoning amendment to C-2 (community commercial), R-2 (medium density residential) and R-1 (low density residential).
3. The urban growth boundary amendment and revised comprehensive plan amendment were heard and approved by Newberg City Council on January 2, 2007.
4. The Newberg Planning Commission heard the annexation and zoning amendment on January 11, 2007, and recommended approval per Resolution No. 2007-229.
5. After proper notice, on February 20, 2007, the Newberg City Council held a hearing to consider the annexation and zoning amendment requests.
6. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria and adopts the findings, which are attached hereto as Exhibit "A" and incorporated herein by reference.

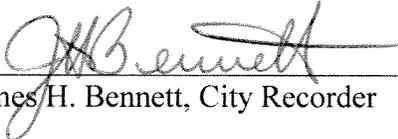
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:
 - A. The zoning of the property described in Exhibit "C" is changed to portions of R-1 (low density residential), R-2 (medium density residential) and C-2 (community commercial) as shown on the map in Exhibit "D."

3. This order is subject to the following:
 - A. Annexation of these properties cannot go to a public vote until official adoption of the urban growth boundary (UGB) amendment is complete. The UGB amendment is contingent on Yamhill County adopting the same urban growth boundary and comprehensive plan changes. The effective date of the UGB amendment is contingent upon the final approval and adoption of amendments to the acknowledged Newberg Transportation System Plan as initiated by Resolution 2006-2661 and as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
 - B. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
 - C. A refined traffic study will be required upon future development. No direct access to Highway 99W will be allowed, but the east-west connector on site could connect to a frontage road along the proposed bypass. If the bypass is not built then the east-west connector should connect to Benjamin Road as far north as possible. The traffic study should determine the appropriate mitigation for the unacceptable levels of service at the Crestview Drive/Highway 99W intersection, Crestview Drive/east-west connector intersection.
 - D. A 30 ft building setback along the north property line will be required upon development of the site.
 - E. A 20 foot wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
 - F. The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.
 - G. A wetland determination and delineation report, following state and federal standards, shall be prepared prior to development on the site. Development shall comply with applicable state and federal wetland standards.

- H. Development shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
- I. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W and Benjamin Road. The Crestview Drive extension from Oxberg Lakes to 99W must be in place at the time of development
- J. Existing homes to connect to sewer and water or be removed within two years of annexation.
- K. The water line along the eastern edge of taxlot 3216-900 will need to be located at the time of development. The water service will need to be protected, and an easement for the water line may be required.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: February 21, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 20th day of February, 2007.



James/H. Bennett, City Recorder

ATTEST by the Mayor this 22nd day of February, 2007.



Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through Planning Commission Committee at 1/11/2007 meeting.
(committee name) (date)

Exhibits:

- Exhibit "A": Findings and Conditions of Approval
- Exhibit "B": Annexation Map
- Exhibit "C": Legal Description
- Exhibit "D": Zoning Map

EXHIBIT "A": FINDINGS & CONDITIONS
ANX-06-011

Annexation of 29.91 acres for property located at 4505, 4813, 4821 & 4825 E. Portland Road

**I. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.261
CONDITIONS FOR ANNEXATION**

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

FINDING: The site was included into the Newberg Urban Growth Boundary by Order 2007-0001 on January 2, 2007. The County held a hearing on the Urban Growth Boundary application on January 24, 2007 and tentatively approved the application. Therefore, the site property meets this criterion. Certain conditions were placed on the property by Order 2007-0001 and have been included within the recommended annexation conditions of approval.

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

FINDING: The subject site is adjacent to Newberg city limits on its southern property line.

II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI-JUDICIAL ANNEXATION CRITERIA

(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.

FINDING: The comprehensive plan designation of the site was changed concurrently with the urban growth boundary amendment application that was approved by Order 2007-0001 on January 2, 2007. The new comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential) for the northern 5.38 acres of the site, R-2 (medium density residential) for the central 6.98 acres, and C-2 (community commercial) for the southern 17.64 acres of the property. A SC (stream corridor) overlay will be placed on the NE corner of the site. These zoning designations correspond with the redesignated comprehensive plan map areas. The east-west connector road will be extended through the site from the Crestview Dr extension to either Benjamin Road or to the proposed Bypass frontage road in accordance with the comprehensive plan map and the Newberg Transportation System 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.*

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

Water: The property will connect to an existing 10-inch mainline that runs along Hwy 99W at the property's southern border, and to the line within the extension of Crestview Drive west of the site. The water line (Svendsen letter) along the eastern edge of taxlot 3216-900 will need to be located at the time of development. The water service will need to be protected, and an easement for the water line may be required.

Storm water: Storm water drainage is currently provided by two storm drainage ditches that cross the western part of the property and outfall to a 24-inch diameter culvert under Hwy 99W near the center of the property. The Newberg Drainage Master Plan identifies this culvert as being undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system. The existing drainage ditches may or may not be regulated waterways – a wetland determination will be conducted prior to any alteration of these drainages. There also may be wetlands along the stream corridor in the northeast corner of this site. Coordination with the Oregon Division of State Lands and the US Army Corps of Engineers will be required regarding any changes to the existing on-site drainage ways.

Sewer: Sewer service will be provided by extending the line that currently runs along Klimek Lane along the Klimek Lane right-of-way across Hwy 99W. At time of development, the developer will need to verify the capacity of the Fernwood pump station. Improvements may be necessary. All public sewer lines must be gravity flow.

Roads: The subject property is adjacent to Hwy 99W on its southern side and Benjamin Road on its eastern side. Upon development, Hwy 99W shall be improved with curbs, gutters, and sidewalks. Benjamin Road may require the dedication of additional right of way, and shall be improved with at least a half-street improvement including curbs, gutters and sidewalks.

The Crestview Drive extension on the property to the west must be in place prior to development on this site. Through extensive public involvement effort, the City has initiated a change to the TSP for this extension. This change is based on a report from JRH Transportation Engineers that evaluate potential changes to the designations of Crestview Drive and Springbrook Road. The study supports the redesignation of Crestview Drive to a major collector from the middle of the Gueldner Property to Springbrook and incorporating traffic calming improvements. The Gueldner property will provide a central traffic circle at the center intersection to provide traffic calming in compliance with the JRH recommendations.

The applicant has proposed an east-west connection between the Crestview Drive extension and the eastern edge of the property, which is in accordance with the TSP. If the bypass is not built or if this project is developed in advance of the bypass then the east-west connector road will need to extend to Benjamin Road to provide adequate connectivity. This connection would need to be made as far north as possible to avoid impacting the Benjamin Road/Highway 99W intersection. If the bypass is built then the east-west connector could connect to the frontage road along the bypass, as shown on the applicant's concept plan.

A Traffic Impact Study was prepared for this project by the Lancaster Engineering, which assumed that the Crestview Drive extension to Highway 99W would be built. The proposed conceptual commercial and residential development on the site is expected to generate a total of 8,306 new daily, and 847 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,610 weekday daily and 242 weekday PM peak hour passby trips would be generated by the project, and a total of 1,926 weekday internal trips and 192 weekday PM peak internal trips are generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

The study concludes that if the City of Newberg takes jurisdiction over Highway 99W then the intersections at Highway 99W and Springbrook Road and Highway 99W and Crestview Drive will operate acceptably and no mitigation will be required. This could only happen if the bypass was built and the City agreed to take jurisdiction, however. The study found that if ODOT retains jurisdiction over 99W then both of these intersection would have unacceptable levels of service and mitigation would be required. If the actual development is similar to that projected in the conceptual plan, then the development will need to mitigate these impacts. The report stated that the mitigation could include adding a third westbound travel lane on Highway 99W between Crestview and Springbrook, or one northbound and one southbound travel lanes on Springbrook Road. In a similar case of Providence Hospital, the hospital was required to make a payment for a proportional share of improvements to the intersection of Highway 99W and Springbrook Road. A similar requirement could be made for this project to mitigate these impacts. In addition, the study found that the intersection of Crestview Drive and the east-west connector would operate unacceptably in 2025, with or without the addition of site traffic from this proposed development. Mitigation at this intersection could include adding a traffic signal with exclusive left turn lanes, or building a roundabout. The traffic study will need to be refined at the time of development to determine the most appropriate mitigation for these problems.

In general, with the improvements included in the transportation plan and traffic mitigation measures, and including the recommendations of the JRH study and Lancaster Engineering study, adequate transportation facilities will be available to serve the proposed use.

(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.

FINDING: Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The annexed property will be both commercial and residential, and is estimated to provide more revenue than that needed to maintain the status quo for services (4.1 Public Safety FTE/1000 versus current 3.2 Public Safety FTE/1000). The new residential development portion of the property may increase the demand for parks and school facilities, which should be offset by the system development charges for parks and the per-pupil State funding for schools. Overall, the development of the site will not have adverse affects on the availability of police, fire, parks, and school facilities and services for the community as a whole.

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

FINDING: The applicant has provided written findings for this section.

(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.

FINDING: This criterion is not applicable to this property.

III. APPLICABLE ZONING MAP AMENDMENT REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.122(3) AMENDMENT CRITERIA

(a) The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;

FINDING: The proposed zone change from County AF-10 to City R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) is consistent with the comprehensive plan designation of the site. See the finding for § 151.262(A) above for a more in depth discussion of compliance with the Newberg comprehensive plan.

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

FINDING: Adequate water, sewer, storm water, and transportation infrastructure is, or will be, available to support the proposed new uses of the site. See the finding for § 151.262(B) above that further discusses the availability of public facilities and services to this site.

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

FINDING: The zone change in itself is in compliance with the State Transportation Rule and does not significantly affect transportation facilities. Transportation impacts are addressed above in the finding for § 151.262(B), and in the urban growth boundary and comprehensive plan amendment staff report, file no. UGB-06-002.

CONDITIONS OF APPROVAL
ANX-06-011

The following conditions of approval apply to the annexation of the properties located at 4505, 4813, 4821 & 4825 E. Portland Road, Yamhill County Tax Lots 3216-900, -1000, -1100.

- Annexation of these properties cannot go to a public vote until official adoption of the urban growth boundary (UGB) amendment is complete. The UGB amendment is contingent on Yamhill County adopting the same urban growth boundary and comprehensive plan changes. The effective date of the UGB amendment is contingent upon the final approval and adoption of amendments to the acknowledged Newberg Transportation System Plan as initiated by Resolution 2006-2661 and as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A refined traffic study will be required upon future development. No direct access to Highway 99W will be allowed, but the east-west connector on site could connect to a frontage road along the proposed bypass. If the bypass is not built then the east-west connector should connect to Benjamin Road as far north as possible. The traffic study should determine the appropriate mitigation for the unacceptable levels of service at the Crestview Drive/Highway 99W intersection, Crestview Drive/east-west connector intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- A 20 foot wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
- The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.
- A wetland determination and delineation report, following state and federal standards, shall be prepared prior to development on the site. Development shall comply with applicable state and federal wetland standards.
- Development shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
- Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL

and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W and Benjamin Road. The Crestview Drive extension from Oxberg Lakes to 99W must be in place at the time of development

- Existing homes to connect to sewer and water or be removed within two years of annexation.
- The water line along the eastern edge of taxlot 3216-900 will need to be located at the time of development. The water service will need to be protected, and an easement for the water line may be required.

ANNUAL FISCAL IMPACT ESTIMATE OF PROPOSED ANNEXATION - Revised 1/11/07

Project Name: Speakman Annexation
 Dwellings Proposed: 85
 Date Estimated: 11-Jan-07

REVENUES

Population Potential	
Number of Dwellings	85
Persons per household	2.76
Total Population	235

ANNUAL REVENUES GENERATED

Property Taxes Received	
Average Real Market Value Per Unit	\$ 255,000
Assessed Market Value Rate (Residential)	79%
Assessed Value Per Unit	\$ 201,450
Number of Dwellings	85
Assessed Market Value - Residential	\$ 17,123,250
Assessed Value/Acre - Commercial	\$ 630,103
Number of Acres (-25% for roads)	13.23
Assessed Value - Commercial	\$ 8,336,265
Total Assessed Value	\$ 25,459,515
City Tax Rate	\$ 0.0043827

Collection Rate	92%	Property tax to public safety	\$ 93,826.58
Total Property Taxes Collected	\$ 102,655	Percent to Public Safety	91%

Per Capita Revenues

Liquor Tax per capita	\$ 9.58	Percent to Public Safety	100%	Per capita revenues to Public Safety	\$ 9.58
Cigarette Tax Per Capita	\$ 1.53	Percent to Public Safety	100%	Per capita revenues to Public Safety	\$ 1.53
Revenue Sharing	\$ 6.71	Percent to Public Safety	100%	Per capita revenues to Public Safety	\$ 6.71
Franchise Fees per capita	\$ 54.70	Percent to Public Safety	100%	Per capita revenues to Public Safety	\$ 54.70
EMS and 911 Funds	\$ 54.57	Percent to Public Safety	100%	Per capita revenues to Public Safety	\$ 54.57
Total revenues per capita	\$ 127.10	Percent to Public Safety	100%	Per capita revenues to Public Safety	\$ 127.10
Per Capita Revenues	\$ 29,868.69	Percent to Public Safety	100%	Per capita revenues to Public Safety	\$ 29,868.69
Hotel/Motel Taxes	\$ -				
Development generated revenues	\$ 29,868.69				

Total New Revenues

Total Public	\$ 132,523.59
Total Safety	\$ 123,695.27

EXPENSES

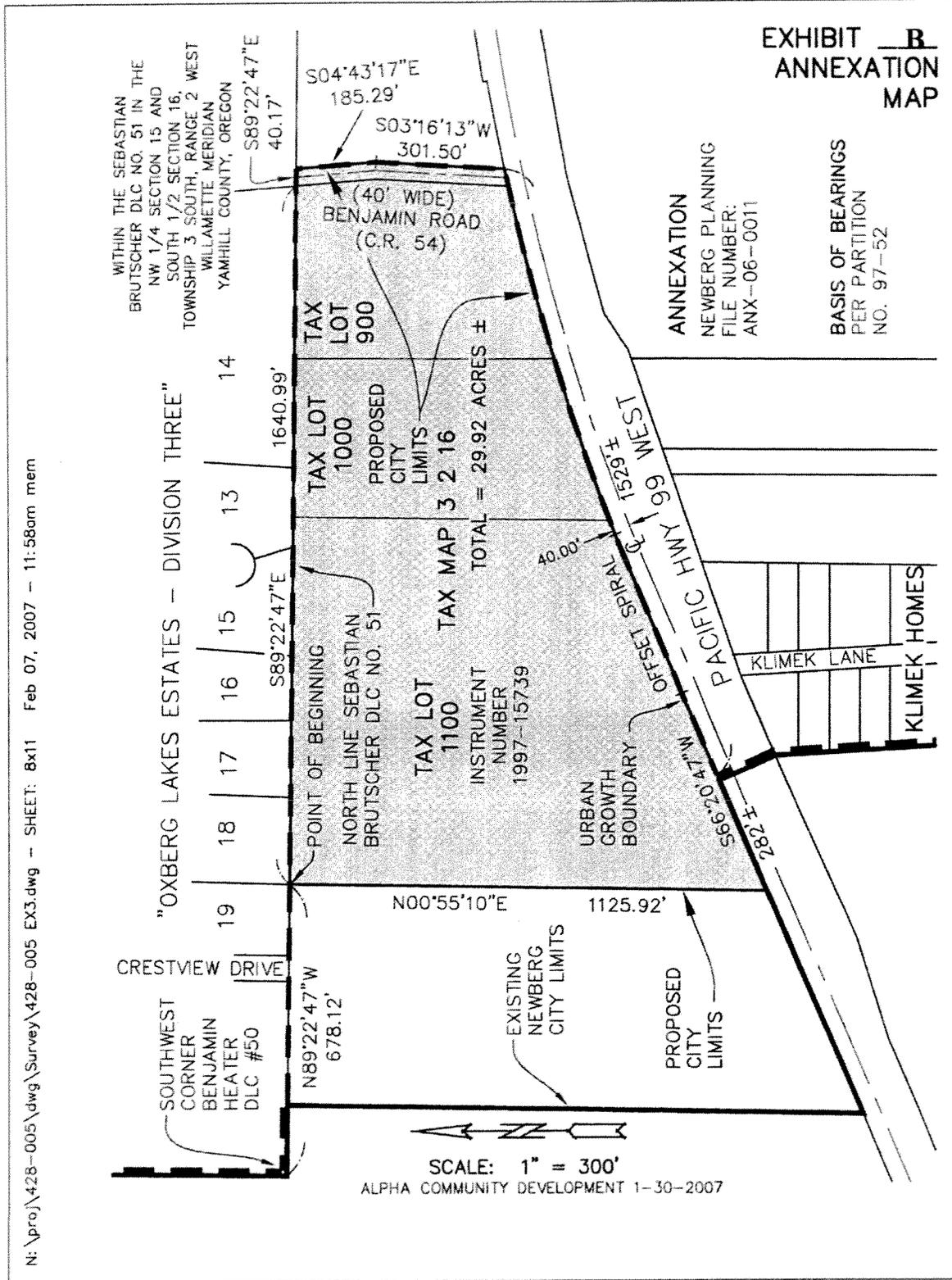
PUBLIC SAFETY PURCHASED BY REVENUES

Current Public Safety FTE	65.8
Current Public Safety Budget (-Dundee)	\$ 8,528,674
Total Cost/FTE (personnel, materials, capital)	\$ 129,655
City Population (July 1, 2005)	20,565
Current FTE per 1000	3.2

NEW DEVELOPMENT GENERATED PUBLIC SAFETY

New Public Safety Revenue	\$ 123,695
FTE purchased	1.0
New Population	235
Public Safety FTE/1000 purchased	4.3

**EXHIBIT "B": ANNEXATION MAP
ANX-06-011**



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EXHIBIT "C": LEGAL DESCRIPTION
ANX-06-011



EXHIBIT 

FEBRUARY 6, 2007

LEGAL DESCRIPTION

JOB NO. 0428-0005

ANNEXATION TO THE CITY OF NEWBERG
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PACIFIC HIGHWAY 99 WEST AND BENJAMIN ROAD
CITY OF NEWBERG PLANNING FILE NUMBER: ANX-06-0011

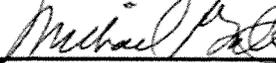
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BEGINNING AT THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739, YAMHILL COUNTY DEED RECORDS, A POINT ON THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C. NO. 50, (AN ANGLE POINT IN SAID NORTH LINE OF D.L.C. NO. 51), BEARS NORTH 89°22'47" WEST 678.12 FEET; THENCE ALONG SAID D.L.C. NO. 51 LINE, SOUTH 89°22'47" EAST 1640.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF BENJAMIN ROAD (COUNTY ROAD NO. 54); THENCE CONTINUING ALONG SAID D.L.C. LINE, SOUTH 89°22'47" EAST 40.17 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ROADWAY; THENCE LEAVING SAID D.L.C. LINE, ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 04°43'17" EAST 185.29 FEET; THENCE SOUTH 03°16'13" WEST 301.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99 WEST (40.00 FEET NORTHERLY, AT RIGHT-ANGLE MEASURE, FROM THE CENTERLINE THEREOF); THENCE ALONG SAID RIGHT-OF-WAY LINE, VARIOUS COURSES, SOUTHWESTERLY, 1529 FEET MORE OR LESS TO A POINT AT THE INTERSECTION OF SAID LINE AND THE BOUNDARY LINE OF THE CITY LIMITS OF NEWBERG; THENCE ALONG SAID RIGHT-OF-WAY AND CITY LIMITS LINE, SOUTH 66°20'47" WEST, 282 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739; THENCE LEAVING SAID RIGHT-OF-WAY AND CITY LIMITS LINE, ALONG THE WEST LINE OF SAID PROPERTY, NORTH 00°55'10" EAST 1125.92 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 29.92 ACRES.

THE BASIS OF BEARINGS FOR THE DESCRIPTION IS PARTITION PLAT NO. 97-52 YAMHILL COUNTY, PLAT RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 25, 1990
MICHAEL R. GATES
2449

VALID UNTIL 6-30-07

**EXHIBIT "D": ZONING MAP
ANX-06-011**

