

ORDER NO. 2007-0001

AN ORDER INCLUDING CERTAIN PROPERTY LOCATED AT
4505, 4813, 4821 & 4825 E. PORTLAND RD, YAMHILL
COUNTY TAX LOTS 3216-900, -1000, -1100, IN THE URBAN
GROWTH BOUNDARY AND IN THE COM, MDR AND LDR
COMPREHENSIVE PLAN DISTRICTS

RECITALS:

1. On August 25, 2006, NewB Properties LLC submitted a request for an urban growth boundary amendment and comprehensive plan change to COM (Commercial), HDR (High Density Residential), MDR (Medium Density Residential), and LDR (Low Density Residential) for approximately 30 acres located at 4505, 4813, 4821 & 4825 Portland Road, Yamhill County Tax Lots 3216-900, -1000, and -1100.
2. After proper notice, on November 30, 2006, the Newberg Urban Area Management Commission heard the request. The hearing was continued to December 6, 2006. The applicant submitted a new proposal for the site which changed the portion of the site planned for HDR to MDR. The Commission recommended approval of the urban growth boundary amendment, and approval of the applicant's revised proposal from December 6, 2006, with conditions.
3. After proper notice, on January 2, 2007, the Newberg City Council held a hearing to consider the request.
4. 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:

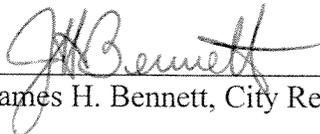
1. The property described in Exhibit "A" is hereby included within the Newberg Urban Growth Boundary.
2. The property described in Exhibit "A" is hereby changed to a COM (Commercial), MDR (Medium Density Residential) and LDR (Low Density Residential) Comprehensive Plan designation as shown on Exhibit "B". The "Newberg, Oregon Comprehensive Plan Map" shall be amended to indicate this change. The Newberg Comprehensive Plan supply and demand tables shall be amended to reflect this change.
3. The findings which are attached hereto as Exhibit "C" are incorporated herein. This order is subject to the following:
 - A. Adoption of the same Urban Growth Boundary and Comprehensive Plan changes by Yamhill County.

- B. Amendment of the Comprehensive Plan designation for the property described in Exhibit "A" to include a SC (Stream Corridor) overlay on the northeast corner of the site. The SC delineation shall be at the top of bank or 50 feet from the wetland, whichever is greater.
- C. Final adoption of amendments to the Newberg Transportation System plan as initiated by Resolution 2006-2661. The effective date of the UGB amendment is contingent upon final approval of amendments to the acknowledged Newberg Transportation System Plan as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- D. 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/99W intersection.
- E. Upon future development of the property, a refined traffic study will be required to determine the appropriate mitigation for the unacceptable levels of service at the Crestview Drive/Highway 99W intersection, and Crestview Drive/east-west connector intersection. 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.
- F. 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.
- G. A thirty foot setback from the northern property line of the parcels described in Exhibit "A" is required for all future buildings on the site.
- H. A twenty foot wide dense buffer is 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.
- I. Future development of the property 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.

- J. 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 Highway 99W. The Crestview Drive extension from Oxberg Lakes to 99W must be in place at the time of development.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: January 3, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of January, 2007.



James H. Bennett, City Recorder

ATTEST by the Mayor this 4th day of January, 2007.



Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through Newberg Urban Area Management Commission Committee at 11/30/06 and 12/6/06 meetings.

Exhibits:

Exhibit "A": Legal Description and Map

Exhibit "B": Comprehensive Plan Map Designations

Exhibit "C": Findings

EXHIBIT "A": LEGAL DESCRIPTION AND MAP



EXHIBIT "A"

LEGAL DESCRIPTION
URBAN GROWTH BOUNDARY EXPANSION
TAX LOTS 900, 1000, 1100 AND BENJAMIN ROAD
TAX MAP NO. 3 2 16

JOB NO. 0428-0005

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 A POINT ON THE NORTH LINE OF THE BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C., AN ANGLE POINT IN THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, BEARS NORTH 89°22'47" WEST 678.12 FEET; THENCE ALONG SAID D.L.C. 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 ON 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 THE 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 99W (40.00 FEET NORTH, RIGHT ANGLE MEASURE OF THE CENTERLINE OF SAID HIGHWAY); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE ON A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 5494.225 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 12°10'04" EAST, THROUGH A CENTRAL ANGLE OF 00°26'00", AN ARC LENGTH OF 41.54 FEET (CHORD BEARS SOUTH 77°36'57" WEST 41.54 FEET) TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID BENJAMIN ROAD; THENCE CONTINUING ON THE NORTH RIGHT-OF-WAY LINE ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°57'01", AN ARC LENGTH OF 858.27 FEET (CHORD BEARS SOUTH 72°55'26" WEST 857.40 FEET); THENCE ON AN OFFSET SPIRAL CURVE ON SAID NORTH RIGHT-OF-WAY LINE SOUTH 67°02'39" WEST 405.57 FEET; THENCE SOUTH 66°20'47" WEST 506.07 FEET TO THE SOUTHWEST CORNER OF PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE WEST LINE OF SAID PROPERTY NORTH 00°55'10" EAST 1125.92 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 29.91 ACRES.

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

C:\Documents and Settings\Bookin\Local Settings\Temporary Internet Files\OLK37\4285_091506_LEG.doc

Plaza West - Suite 230 - 9600 SW Oak - Portland - Oregon 97223
Office 503 452-8003 - Fax 503 452-8043
www.alphacommunity.com

EXHIBIT "A": LEGAL DESCRIPTION AND MAP (CONTINUED)

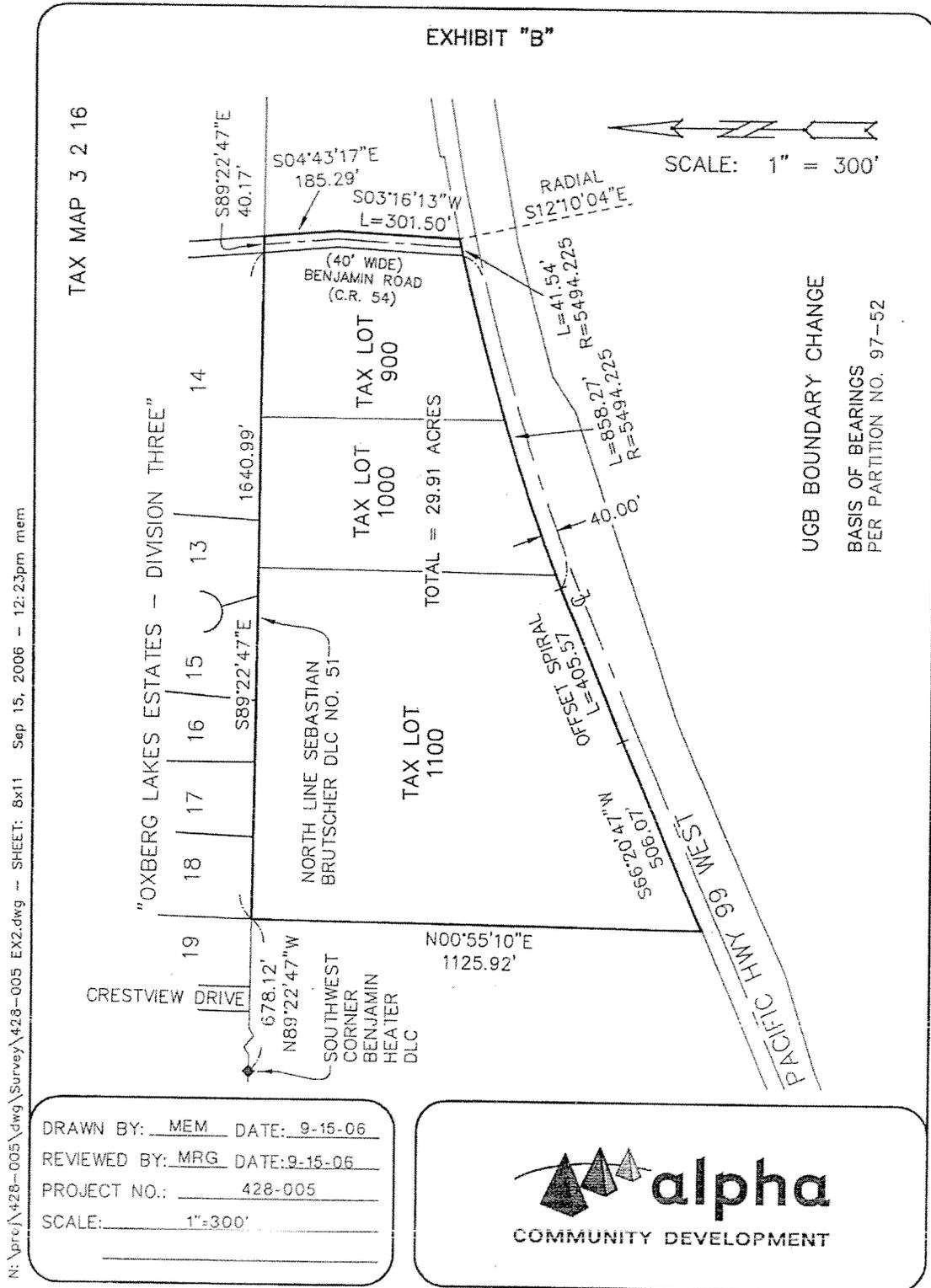


EXHIBIT "B": COMPREHENSIVE PLAN MAP DESIGNATIONS

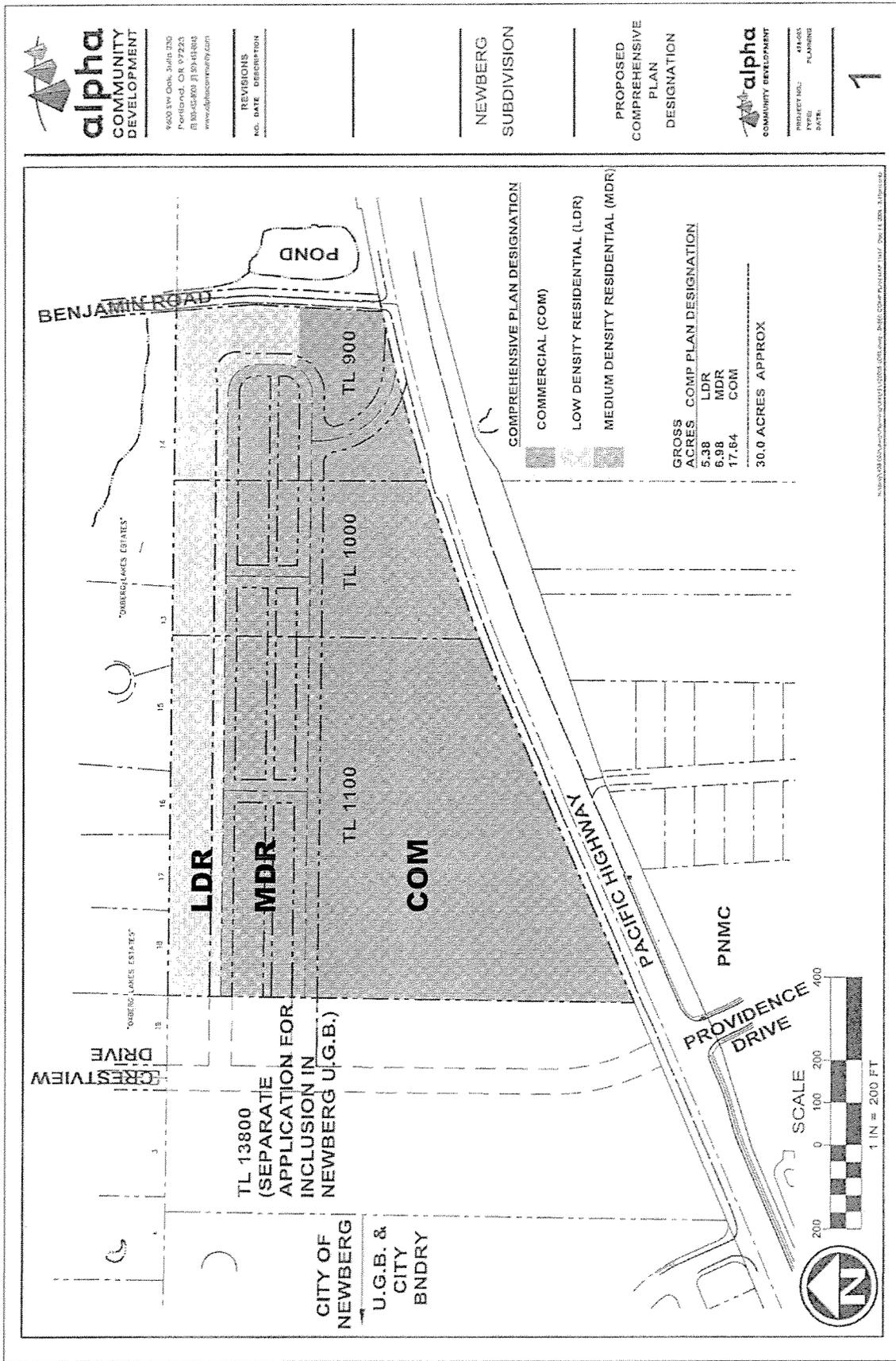


EXHIBIT "C": URBAN GROWTH BOUNDARY FINDINGS UGB-06-002
Approval of an urban growth boundary amendment for 30 acres.

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 property under review is designated as Urban Reserve land, as adopted by the City of Newberg and Yamhill County in 1993, and therefore is first priority for inclusion in the Urban Growth Boundary.

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 property under review is designated as Urban Reserve land, as adopted by the City of Newberg and Yamhill County in 1993, and therefore is first priority for inclusion in the Urban Growth Boundary.

Statewide LCDC Goals:

Goals 4, 15, 16, 17, 18, and 19 do not apply to this application. The remaining goals are addressed below:

Goal 1. Citizen Involvement.

Finding: The property under review is located within the Study Area C of the Newberg Urban Reserve Area Project adopted by the City and Yamhill County in 1995. A public involvement program was implemented as part of the initial Urban Reserve Area Project in 1992 and 1993. In 1997, a study was prepared that examined the six Urban Reserve Areas (URAs) in detail. The study provided a buildable lands inventory and a land use needs analysis, preliminary infrastructure and transportation plans, and an amended urban services agreement between the City of Newberg and Yamhill County. In conjunction with this 1997 study, a citizen involvement and inter-governmental coordination program was prepared and implemented to assure that the results of the study accurately reflected the desires of residents and property owners in the City and County. In 1997, approximately 70 people attended two workshops for property owners and other parties interested in the URAs. A questionnaire was also distributed at that time to solicit additional input in the URA planning process. Additionally, in 2004, the Newberg City Council created the Ad Hoc Committee on Newberg's Future (the Committee) to provide a forum for citizen involvement in planning for Newberg's future land use patterns. Between April 2004 and June 2005, the Ad Hoc Committee on Newberg's Future sought the input from the general public. During that time, the Committee held two open houses, conducted two surveys, received comments at each of their meetings, and received several letters. The hearing process for this request also fulfills the citizen involvement requirements.

Goal 2. Land Use Planning.

Finding: This goal stipulates that land use decisions be made in accordance with a comprehensive plan and that suitable "implementation ordinances" to the plan's policies must be adopted. It requires that plans be based on "factual information," that local plans and ordinances are coordinated with those of other jurisdictions and agencies, and that plans be reviewed periodically and amended as needed.

The proposed amendment is based on a wealth of factual information including recently adopted population projections and land needs assessments, the report of the Ad Hoc Committee on Newberg's future, Newberg's recently adopted Transportation System Plan, the City's recently adopted Economic Opportunity Analysis, and site information and utility information as described in the application.

This amendment is being concurrently reviewed by Yamhill County and the City of Newberg. Referrals of this application have been sent to a number of agencies, including ODOT, DLCD, DSL, Newberg School District, and utility companies.

Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. Under the recently revised Statewide Planning Goal 14, a goal exception is no longer required for amending and Urban Growth Boundary.

Goal 3. Agricultural Lands.

Finding: This goal requires local governments to inventory agricultural lands and to "preserve and maintain" them for farm use. The property under review is currently planned AFSH and is zoned AF-10 (Agriculture/Forestry Small Holding) under the County Zoning Ordinance. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. The exception land definition identified the general area as having a mixture of soil types ranging from Class II to Class VI soil type. The City of Newberg *Inventory of Natural and Cultural Resources* indicates that most soils in the vicinity are flat and at least moderately fertile, though nearly all types have some problems with drainage. According to the Soil Conservation Service of the US Department of Agriculture, the subject site contains three soil types, including Woodburn Silt Loam (0-7%), Woodburn silt loam (12-20%) and Amity Silt Loam (0%). All of these are considered Class II agricultural soils, based on DLCDs hierarchy of soil types. However, virtually all of the soils surrounding the current Newberg UGB bear Class II and III designations, and thus this was taken into consideration by Yamhill County in granting the Goal 2 exception and during the URA designation process. The properties are all used for single family residential, with a veterinary clinic on one lot. The Exceptions Statement II document includes a discussion noting that the area involved is characterized by good roads, rural fire service, fair or better water availability, and has mostly fair soil suitability for septic systems. This area is currently committed to rural residential development. The Inventory of Natural and Cultural Resources report states the City's recognition that urban expansion will undoubtedly occur on prime Class II soils, but notes that wasteful land use practices should be discouraged. The proposed addition of the project site into the UGB would provide needed land for urban expansion adjacent to the City where services

are available or can be readily extended, thereby avoiding leap-frog development or other land consumptive practices.

Goal 5. Open Spaces, Scenic and Historic Areas, and Natural Resources.

Finding: This goal encompasses twelve resource types, including wildlife habitats, mineral resources, and wetlands and waterways. Goal 5 requires inventories of resources to be conducted and policies to be adopted whereby the local jurisdiction can manage these resources. The City of Newberg prepared an inventory of natural and cultural resources in 1981 as part of its comprehensive planning program. This inventory includes the following resources: agricultural lands; forest lands; mineral and aggregate resources; fish and wildlife; water; air quality; and open space, scenic, natural, historic, and recreational resources. The property under review consists primarily of Woodburn Silt Loam (0-7%), Woodburn silt loam (12-20%) and Amity Silt Loam (0%). All of these are considered Class II agricultural soils.

The parcels contain wooded areas that will be largely be replaced by development. Woods within the small Stream Corridor area in the NE corner will be retained.

Residential development on the west and north of the property currently releases all their storm water onto this parcel. This has resulted in the development of some very low quality wetlands along the drainage ditches created by off site stormwater runoff. Further information is needed to determine whether these are jurisdictional wetlands or waterways and what protections may be needed. The City's study of lands within the URA also located a stream corridor that covers a small portion of the NE corner of the site.

One public comment (McClure) stated that the 9.5 acre farm ensemble directly across Benjamin Road from this site is listed on the National Historic Register and requested buffering on the commercial property so that the buildings and light sources there cannot be seen from the historic property. There is value in protecting historic properties in and around the city, and there is already some buffering between the sites. The Benjamin Road right of way is 40 feet wide, and any development on the Speakman site will probably be required to dedicate 10 feet of additional right of way for Benjamin Road. Any development on the commercial portion of the site will be required to have a minimum 10 foot front yard setback from the property line. The MDR and LDR portions of the site will be required to have a minimum 15 foot front yard setback from the property line. The front yard setbacks are required to be landscaped, and required to include street trees. Any development on the commercial portion of the site will probably be at least 60 feet away from the McClure property line, and buffered by at least 10 feet of landscaping with street trees. The City development code limits light trespass from the site to no more than 0.5 foot-candles at the property line, so very little light would reach across Benjamin Road. The lights could still be seen from the McClure site, however, unless blocked by landscaping. The farmhouse on the McClure property is separated from Benjamin Road by a pond and some substantial trees, so it is not immediately adjacent to Benjamin Road. NUAMC recommends that a 20 foot wide dense buffer be added 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.

Goal 6. Air, Water and Land Resources Quality.

Finding: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations regarding air, water, and land resources quality. The Newberg Comprehensive Plan, Ordinance 1967 contains several policies intended to ensure conformance with

state and federal regulations governing air, water, and land resources quality. Negligible impacts are anticipated to existing air quality in the area. A C-2 land use designation is intended for local service retail uses. This will reduce the distance that Newberg residents need to travel for goods and services, and therefore improve air quality. The proposed UGB amendment would be consistent with the City's Comprehensive Plan policies by providing water and sanitary sewer services capable of supporting future urban level development in the vicinity. Any development on the site will be required to follow best management practices for stormwater.

Goal 7. Areas Subject to Natural Disasters and Hazards

Finding: The subject site does not include any flood hazard areas or other areas especially subject to natural disasters or hazards.

Goal 8. Recreation Needs

Finding: This goal requires a community to evaluate its areas and facilities for recreation and to develop plans to deal with the projected demand for them. The City's Comprehensive Plan includes policies designed to ensure recreational facilities and services are expanded to meet growing recreation demands of the community. Chehalem Park and Recreation District (CPRD) has established a neighborhood park along the west border of the Gueldner property, just west of this site.

Goal 9. Economic Development

Finding: This goal requires local governments to provide adequate opportunities for a variety of economic activities. It requires local governments to analyze economic opportunities and constraints in the area. It requires local governments to provide an adequate supply of land to meet the needs identified. Further, it requires limits on uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

Newberg has recently adopted an economic opportunity analysis and land needs projections. Those projections identify a need for additional commercial land in the community. In particular, the plans identify a need for 2-3 community commercial centers of 10-15 acres each. The subject property was identified as a potential property for meeting this identified need. Thus, inclusion of this 30 acre property, with approximately 17.64 acres designated commercial, would help partly meet the community's need for a community commercial center.

The property abuts a future urban property to the west (pending UGB amendment for commercial/residential development), rural residential/farm across Benjamin Road to the east, and Providence Hospital to the south. These are compatible land uses. On the north side, however, the property is zoned rural residential and contains a rural residential subdivision. The applicant has proposed leaving a strip of low density residential development and medium density residential between the commercial development and that subdivision. The LDR/MDR section would provide a buffer for compatibility between the uses. A 30 foot setback from the northern property line within the LDR section will provide additional buffering and improve compatibility with the rural residential subdivision to the north.

Goal 10. Housing

Finding: This goal requires a community to plan for and accommodate needed housing types, including multifamily and manufactured housing. The community is also required to inventory developable residential lands, conduct an analysis of projected future demand for various housing types, and to plan and zone enough buildable land to meet those needs. The goal prohibits local plans from discriminating against needed housing types. The goals for housing in the City of Newberg's Comprehensive Plan are to provide for diversity in the type, density, and location of housing to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. The proposed LDR section serves as a buffer for the low density subdivision to the north. The MDR section also serves to buffer the LDR section and the rural residential subdivision to the north from the commercial area. The dimensions of the LDR and MDR sections align closely with the pending UGB amendment for the property to the west (Gueldner).

The Newberg Comprehensive Plan projects a future population of 38,352 by 2025 and 54,097 by 2040. There is a projected shortfall by 2025 of 130 acres of LDR land. There is no current shortage of MDR land, but it is necessary to include MDR to allow the density on site to step up near the commercial area, as a buffer for the rest of the residential area. Inclusion of these properties into the UGB will help offset the City's projected shortfall of land for residential development.

Future Land Needs and Supply, Newberg Urban Area

Updated as of November 16, 2006

Plan Designation	Buildable		Buildable Acres Needed 2006-2025	Buildable Acres in UGB (2006)	Surplus (Deficit) for 2006-2025	Buildable Acres Needed 2026-2040	Buildable Acres In URA 1 (2006)	Surplus (Deficit) 2026-2040
	Acres Needed 2005-2025	Built Land 2004-2006						
LDR	612	57	555	425	(130)	735		
MDR	173	26	147	189	42	191		
HDR	89	0	89	29	(60)	83		
COM	111	26	85	65	(20)	109		
IND	50	12	38	70	32	37		
IND (Large Site)	100	0	100	40	(60)	120		
P	85	0	85	9	(76)	115		
I, PQ, or other Inst.	164	5	159	38	(121)	233		
Total	1,384	125	1259	865	(394)	1623	248	(1375)

¹ Land within the Urban Reserve Area is not currently assigned to specific comprehensive plan districts.

Definitions		Corresponding Zone(s)
LDR	Low Density Residential	R-1
MDR	Medium Density Residential	R-2
HDR	High Density Residential	R-3
COM	Commercial	C-1, C-2, C-3, C-4
IND	Industrial	M-1, M-2, M-3
P	Parks	CF or others
PQ	Public/Quasi-Public	I or others

Source: Newberg Planning and Building Department
Data subject to change

Goal 11. Public Facilities and Services.

Finding: This goal aims for efficient planning of public services such as sewers, water, law enforcement and fire protection. It encourages planning of public services to meet the community's needs and capacities rather than responding to development as it occurs. Newberg's comprehensive plan includes the goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development.

Sewer service is anticipated to be provided by extending an existing sewer main in Klimek Lane to the property. Some upgrades to the Fernwood Road pump station may be needed to serve the property. General sewage treatment capacity for the community is addressed in the City's sewage master plan.

Water service is anticipated to be extended from the new Crestview Drive extension west of the site. General water capacity for the community is addressed in the City's water master plans.

Storm drainage for the property is currently provided by two storm drainage ditches that currently cross the western half of the property and drain to a 24-inch diameter culvert under Highway 99W. This culvert is identified in the Newberg Drainage Master Plan as undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm drainage system will be required upon development, which may include some combination of new storm drainage lines and storm water detention. All development on the site shall follow best management practices for stormwater. Overall, the Public Works Director has determined that public facilities can be provided to the site.

City police and fire services will be provided upon annexation. Separate findings of the availability of these services will be required upon annexation. The property has excellent access to Providence Newberg Hospital.

Goal 12. Transportation

Finding: The primary objective of this goal is to provide a safe, convenient and economic transportation system. The City's comprehensive plan contains several goals and policies designed to guide the planning and provision of a safe, convenient, and economic transportation system in cooperation with state, county, and neighboring communities in the region. The City recently adopted a new Transportation System Plan. This plan evaluated not only the transportation needs of the future development within the Urban Growth Boundary, but also the transportation needs of development of the designated urban reserve areas. The transportation plan used the land use assumption that the subject property would be designated commercial. Therefore, this plan can be relied upon for consideration of this UGB amendment.

Newberg's Transportation System Plan (TSP) includes several planned road improvements in the general vicinity of the site. They include: Northern Arterial Street Connection - Existing Crestview Drive to Oregon 99W. The City's existing TSP recommends that Crestview Drive be completed through the Gueldner property to OR Highway 99W. The City has initiated a proposal to change the arterial designation of this section to a major collector (see next paragraph). The TSP also includes an east-west connection between the Crestview Drive extension and Benjamin Road.

Through extensive public involvement effort, the City has initiated a change to the TSP. 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.

Goal 13. Energy Conservation

Finding: This goal states that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. This particular amendment will aid the conservation of energy largely by providing opportunities for shorter automobile trips. Currently, many shoppers in Newberg travel outside the community for various goods and services. Development of a community shopping center on this site will provide the opportunity for these Newberg shoppers to meet their needs in Newberg without traveling to shopping areas outside the area.

Goal 14. Urbanization

This goal is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The goal requires that cities and counties establish urban growth boundaries to meet future land needs. The goal establishes land need factors and boundary location factors that must be addressed for any change to the urban growth boundary. The following addresses these factors.

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, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

Finding: The City of Newberg has acknowledged population projections for the Newberg UGB. These projections are shown in Table III-2 in the Comprehensive Plan, and are as follows:

Table III-2. Future Population Forecast – Newberg Urban Area

Year	Population Forecast
2000	18,438
2005	21,132
2010	24,497
2015	28,559
2020	33,683
2025	38,352
2030	42,870
2035	48,316
2040	54,097

The City has received a population coordination letter from the County, agreeing with the population forecast in Table III-2 above.

The Newberg Comprehensive identifies a shortfall of 20 acres of commercial land for the period 2005-2025. It also identifies a need for 2-3 community commercial centers of 10-15 acres each. This amendment would partly meet Newberg’s future commercial needs by providing a site

for a community commercial center. There is a projected shortfall by 2025 of 130 acres of LDR land. These projections are shown in the Land Needs table included under Goal 10: Housing (above). Inclusion of these properties into the UGB will help offset the City's projected shortfall of land for residential and commercial development. There is no current shortage of MDR land, but its inclusion is necessary as a buffer between the LDR and commercial area.

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.

Finding: The *Ad Hoc Committee on Newberg's Future, Report to Newberg City Council: Recommendations for Newberg's Future* (July 21, 2005) addresses the above factors. This report is incorporated into these findings by reference. The report examined various site characteristics that would make land suitable for commercial needs. The report identifies the subject property as particularly suitable for commercial needs based on its size, topography, ownership patterns, level of development, natural features, access, shape, services, and compatibility. That report also examined a number of potential sites that potentially could meet the need for community commercial uses. These include the Mountainview/Zimri site and the Riverfront site. While both of these areas are suitable for commercial uses, both are already designated commercial, and contribute to meeting the overall commercial land needs. With these, there is still a deficit of commercial land. Therefore, that report concluded that there were inadequate sites within the urban growth boundary to accommodate the need, and therefore sites outside the UGB should be included to meet the future land needs.

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.*

Finding: The subject site is locating within the Newberg Urban Reserve Area. As such, it is the highest priority for inclusion in the UGB under ORS 107.298. All alternative boundary locations outside the Urban Reserve Area would not be as high priority, thus can be dismissed for consideration of this amendment. The Ad Hoc Committee's report examines a number of potential sites for community commercial centers within the existing Urban Reserve.

The study identified several parcels large enough to accommodate commercial development in the urban reserve areas south of Bell Road and North Valley Road. These sites do not have adequate access to arterial streets however, and could not efficiently provide for commercial needs. In addition, they cannot orderly and economically be provided with public facilities due to their elevation above the existing water service level. There would be severe negative environmental, energy, economic, and social (EEES) consequences,

including incompatibility with proposed residential uses in this area, significant grading necessary to accommodate commercial uses, and energy consequences caused by commercial traffic traveling to the this area.

There are several parcels along Wynooski Street that have the needed site characteristics for a community commercial center. These parcels, however are intermixed in an existing industrial area, and are anticipated to be designated industrial upon inclusion in the UGB. Designating these as commercial would have severe negative EEES consequences, including loss of job opportunities in the community, and increase need for residents of Newberg to commute to other communities for employment. It would have negative consequences to the functioning of the proposed Highway 219/Bypass interchange. Commercial use also may not be compatible with adjacent industrial uses. Some of the industrial uses are heavy industry, and generate noise and dust that may not be compatible with retail uses. The industrial uses also generate substantial truck traffic, which could conflict with the customer car traffic generated by a commercial use.

The result of that analysis was a recommendation that only the Northeast Urban Reserve (of which the subject property is a part) would be suitable for community commercial uses. The findings of this report are incorporated herein by reference.

The property can efficiently accommodate the proposed commercial land needs. The property has the site characteristics needed for commercial development. In particular, its good access to 99W and its proximity to other commercial services make the property efficient for meeting future commercial land needs. Public facilities and services can be provided orderly and economically to this site, as addressed in the findings under Goal 11: Public Facilities and Services. It would have positive environmental and energy consequences of providing for shorter auto travel trips, as addressed under Goal 12: Transportation. It would provide positive economic and social consequences of providing areas for shopping, commercial services, and employment within Newberg, as addressed under Goal 9: Economic Development.

The property abuts a future urban property to the west (pending UGB amendment for commercial/residential development), and Providence Hospital to the south. These are compatible land uses. On the north side, however, the property is zoned rural residential and contains a rural residential subdivision. The applicant has proposed leaving a strip of low density residential development between the medium density residential/commercial development and that subdivision. The LDR strip would provide a buffer for compatibility between the uses. A thirty foot setback from the northern property line would provide an additional buffer for the subdivision to the north. The property to the east contains a historic farm, and needs additional buffering to protect the historic resource from the impacts of the commercial development. A 20 foot wide dense buffer along the Benjamin Road commercial frontage to block light, noise and sight could include vegetative elements, a wall and a berm, and would provide adequate buffering for the historic farm.

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: These criteria are all addressed under previous findings.

Newberg Comprehensive Plan Amendment - Newberg Development Code, Section § 151.122: *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;*

The following addresses particular comprehensive plan policies.

A. Citizen Involvement.

Goal: *To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.*

Finding: A citizen involvement program was a part of the 1997 Urban Reserve Project. In recent months, members of the public have been invited to and involved in community meetings with the Ad Hoc Committee and Newberg Urban Area Management Committee to discuss UGB expansion opportunities in Newberg. Additionally, with respect to this project, public notices have been provided to property owners within 500 feet of the property.

B. Land Use Planning.

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: Inclusion of this property into the UGB aligns with the city's and state's goal of providing enough land for growth. As land designated Urban Reserve and abutting the edge of the City's current limit, this property is appropriate in which to efficiently expand the City's boundary.

C. Agricultural Lands.

Goal: *To provide for the orderly and efficient transition from rural to urban lands.*

Policy (1): *The conversion of land from agricultural to urban land uses shall be orderly and efficient.*

Finding: In 1992 and 1993 an urban reserve area project was completed. The Urban Reserve Area land supply was intended to provide adequate land for the City's needs to 2020. Expanding the UGB to include this property would be a natural progression of the City's expansion. The property abuts the current city boundary and would be an appropriate place for the UGB to expand. It would be adjacent, or in very close proximity, to an anticipated interchange built on Highway 99W. The land will provide an opportunity to develop a gateway to the city and local neighborhoods and serve as a buffer between the planned Highway 99W interchange

and existing residential development.

Policy (2): *Inclusion of lands in agricultural use within the Urban Growth Boundary is recognition of a commitment of future urbanization, as such lands are necessary to meet long-range population and economic needs, based on criteria outlined in the statewide Urbanization Goal.*

Finding: Expanding the UGB to include the property within its boundary would contribute to alleviating the projected shortfall for commercial and residential development.

D. Wooded Areas

Goal: *To retain and protect wooded areas.*

Policy (1): *Existing wooded areas shall be encouraged to remain as open areas for wildlife habitat and limited recreational uses.*

Policy (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: There is an extensive wooded area on tax lot 1100, and some wooded areas on tax lots 1000 and 900. It will be necessary to remove most of these woods upon development in order to develop the site near the planned density. Any woods within the stream corridor on the NE corner of the site will be retained. The applicant will obtain a wetland determination for the drainageways on the site and comply with all State and Federal requirements.

E. Air, Water, and Land Resource Quality.

Goal: *To maintain, and where feasible, enhance air water and land resource qualities within the community.*

Policy(3): *As public sanitary sewer becomes available all development shall connect to the public system.*

Policy (4): *The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.*

Finding: The completed Fernwood Road pump station can serve future development within the project area and adjoining properties currently inside the City limits, possibly with some upgrades, thereby reducing the overall number of pump stations that might be needed to serve these areas as development occurs. The proposed sanitary sewer line will extend north along the Klimek right-of-way across Highway 99W. The airshed shall be protected by the reduction of vehicle miles traveled by the residents of Newberg, as noted under Goal 12: Transportation.

K. Transportation

Goal 4, Policies m and q

- m.** *To enable the City and ODOT to adequately plan land uses and local circulation for the interchange areas, the City of Newberg will retain existing base zoning within the Interchange Overlay District in the interim period before IAMPs are prepared and adopted, except as follows. Annexations will be allowed if the associated zone change is consistent with the acknowledged Newberg Comprehensive Plan designation for the property in effect at the date of adoption of the Interchange Overlay. Consistent with the exception under policy q. below for the East Newberg interchange, for the land north of Highway 99W within the Urban Reserve Area C, the City may adopt a comprehensive plan designation and implement that comprehensive plan map designation with a zoning map amendment consistent with its annexation requirements. Permitted and conditional uses*

that are authorized under existing base city zones will generally be allowed within the Interchange Overlay, with certain limitations on commercial uses in the industrial zones.

- q. The City agrees not to approve expansion of the Newberg UGB or Urban Reserve Areas around the East Newberg or Oregon 219 interchanges until IAMPs for the two interchanges are prepared and adopted by ODOT, Yamhill County and the City of Newberg. An exception to this policy will be allowed for a limited expansion of the Newberg UGB into the westerly portion of Urban Reserve Area C to accommodate construction of the Northern Arterial in the general location shown on the City of Newberg acknowledged Transportation System Plan, including that land north of Highway 99W within Urban Reserve Area C.*

Finding: The property is within Urban Reserve Area C, north of Highway 99W, and thus falls within the exception above. The property was also shown on the map of the exception area, modified by Ordinance 2006-2648. Note that completion and adoption of the IAMP may involve additional conditions or mitigation measures.

Goal 9: Create effective circulation and access for the local transportation system.

Finding: Effective circulation on the site will be provide by the east-west connector between Crestview Drive and either the bypass frontage road or Benjamin Road. The scope of these improvements and the impact on operations will be coordinated with ODOT and the City.

L. Public Facilities and Services.

Policy 1(a): The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.

Policy 2(c): Developments with urban densities should be encouraged to locate within the area which can be served by Newberg's present sanitary sewer system.

Finding: New public utilities-including a pump station in Fernwood Road-have been completed in the near vicinity which will serve this site, possibly with some upgrades, and the balance of the Springbrook Oaks development. A 10-inch waterline fronts the property to the west, and will be extended north in Crestview Drive. Storm drainage ditches traverse the western half of the property and connect to a culvert under Highway 99W. This site can be efficiently served by public facilities and services.

N. Urbanization. Goal 1: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: The land is within Newberg's urban reserve area. The urban reserve is intended to maintain an adequate of supply land for the City's needs by 2020. Lands designated "Urban Reserve" are the most appropriate to include within a UGB expansion. Conversion of this property from rural to urban uses would qualify as orderly and efficient transition. Projected road improvements will be linked to adjacent urbanized area within the City of Newberg.

Policy 1(f): In expanding or otherwise altering the Urban Growth Boundary, the Boundary shall follow road rights-of-way, lot lines, or natural features.

Finding: The proposed UGB expansion would modify the existing boundary to extend to the east edge boundary of the property. Overall, the UGB expansion will follow the property's lot line.

Policy l(h): The designated Urban Reserve Area identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to provide a thirty (30) to fifty (50) year land supply. Designated Urban Reserve Area lands will be included within the Urban Growth Boundary on a phased basis at periodic review. Property owners will also have the opportunity to request that land within the designated Urban Reserve Area be included within the Newberg Urban Growth Boundary based on the criteria outlined in the LCDC Goal 14 and the Urban Growth Management [Agreement].

Finding: The Urban Reserve Areas were evaluated and prioritized for inclusion in the UGB approximately eight to ten years ago. Since that time, few URAs have been incorporated into the City's UGB. These amendments have been small and have not provided adequate lands to meet the growth needs of the City. The City initiated the NW UGB expansion for approximately 200 acres in NW Newberg, which is pending approval by the County and DLCDC. This UGB expansion will still not meet the growth needs of the City, however. This application demonstrates compliance with criteria specified in Statewide Goal 14, Urbanization. Responses to Goal 14 criteria are found at the beginning of this report.

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

Finding: See the findings under Goal 11: Public Facilities and Services.

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

Finding: See the findings under Goal 12: Transportation

Yamhill Comprehensive Plan Policies

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

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.