

**SUPPLEMENTAL PACKET**

**CPTA20-0002 and DCA20-0002**

## **PUBLIC COMMENTS**

Public Comments have been received from the Department of State Lands and Fair Housing Council of Oregon. Those comments are attached.

Responses to the comments have been integrated into the Findings at:

### **A. Statewide Planning Goals (the "Goals")**

**GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES**

**GOAL 10: HOUSING**

### **B. Newberg Comprehensive Plan**

#### **II. GOALS AND POLICIES**

**G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES**

**I. HOUSING**

## Doug Rux

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**From:** BROWN Jevra \* DSL <jevra.brown@dsl.state.or.us>  
**Sent:** Wednesday, January 6, 2021 4:41 PM  
**To:** Doug Rux  
**Subject:** Newberg Comprehensive Plan Amendment for Transportation System Plan.

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Doug,

Thank you for asking DSL to comment on the draft TSP for the Riverfront Master Plan Area. This is the first opportunity to review the materials mailed to DSL. Your team has done an immense amount of work and I am sure the team is feeling some anticipation and relief to be nearing this milestone in the effort.

There are a few comments on behalf of the Statewide Planning Goal 5 (and others) wetlands and waters resources of this state that do not appear to have been seriously integrated into this plan. These resources may have been addressed elsewhere, and there is the possibility that their discussion in these materials was missed during review. Notwithstanding, the only waterway discussed is the Willamette River on page 15, but other waterways exist within the Newberg UGB/UR. One, Hess Creek, is mentioned later in the DKS Background Document Review on page 16 of that section. Here the document cites a Local Wetlands Inventory, which Newberg does not have (with a population of almost 24,000 people). A Local Wetlands Inventory can lend several advantages to long range planning decisions. Lacking an LWI then the correct inventory to cite is the Statewide Wetlands Inventory that shows multiple waterways, wetlands, and potential wetland areas within the Newberg UGB and UR that do not seem to be addressed. More accurate inventories improve capabilities to consider the steps of mitigation for natural and cultural resources, beginning with avoidance and minimization. Once a better understanding of where unavoidable impacts may occur one can plan for the amount, type and location of compensatory mitigation for those impacts. Finally within Exhibit "B" under Statewide Planning Goal 5 (pages not numbered, but this would be page 2 of Exhibit "B"), a finding is stated of no negative impacts to inventoried Goal 5 resources because of existing protections, but the extent to which this may be true for wetlands and waters is unclear without an LWI, significance determinations and related protections in the Newberg UGB/UR area. Within the received documents the consideration of natural resources, especially wetlands and waters resources, seems underserved. These impacts will be discovered on a project by project basis, but Newberg would be better served if these potential additional project tasks were identified earlier rather than later.

Best to you,

Jevra Brown, Aquatic Resource Planner  
Aquatic Resource Management Program  
Department of State Lands  
775 Summer Street NE, Salem, OR 97301  
Cell 503-580-3172

Checking for wetlands and waters? – Use the STATEWIDE WETLANDS INVENTORY

To help prevent the spread of COVID-19 many of the DSL staff are telecommuting.



January 11, 2021

City of Newberg Planning Commission  
414 E. First Street  
Newberg, OR 97132

**RE: CPTA20-0002 and DCA20-0002**

A Resolution recommending City Council amend the 2016 Transportation System Plan incorporating the 2021 Riverfront Addendum into the Newberg Comprehensive Plan and amending Newberg Municipal Code, Title 15, 15.050.030

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO are supportive of CPTA20-0002 and DCA20-0002, the amending of the 2016 Transportation System Plan incorporating the 2021 Riverfront Addendum into the Newberg Comprehensive Plan, and amending Newberg Municipal Code, Title 15, 15.050.030. Additionally, the Goal 10 findings are well written, and a good example of a conscientious planning staff. Good luck with the continuation of this project!

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Allan Lazo".

Allan Lazo  
Executive Director  
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD

## Doug Rux

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**From:** Jean Dahlquist <jdahlqu1@gmail.com>  
**Sent:** Thursday, January 7, 2021 9:36 AM  
**To:** Doug Rux  
**Subject:** Re: CPTA20-0002 and DCA20-0002

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Okay!

So in the findings you say "increased medium-and high-density residential areas to provide more opportunities for affordable work-force housing" but do not say by how much. I also do not have the context of where you are in meeting your housing needs in order to ascertain how much of a benefit this increase is. My suggestion would be to state what your housing needs are (HNA/BLI), state where you are in meeting those needs, and quantify this increase in some way. The ideal is a min and max of new units provided and of what type, but an increase in zoned land is perfectly acceptable if more detailed calculations are prohibitively difficult. With this information, I don't just have to trust you when you say increase, and that this increase is a good thing. If this is referenced earlier in the staff report (it is a long staff report) you can simply reference that section in the findings. Does this make sense?

--Jean

On Thu, Jan 7, 2021 at 9:31 AM Doug Rux <[Doug.Rux@newbergoregon.gov](mailto:Doug.Rux@newbergoregon.gov)> wrote:

Send it along.

Doug Rux, AICP

Community Development Director

City of Newberg

O: 503.537.1212

C: 503.550.4517

[Doug.Rux@newbergoregon.gov](mailto:Doug.Rux@newbergoregon.gov)

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**From:** Jean Dahlquist <[jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)>  
**Sent:** Thursday, January 7, 2021 9:18 AM

**Exhibit “B” to Planning Commission Resolution 2021-361  
Supplemental Findings – File CPTA20-0002**

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**APPROVAL CRITERIA**

**A. Statewide Planning Goals (the “Goals”)**

**GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES**

To protect natural resources and conserve scenic and historic areas and open spaces.

**Finding:** The proposed amendments will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources. The Department of State Lands provided comments regarding a Local Wetland Inventory (LWI) and wetlands. In January 2017 the Department of State Lands provided an Offsite Wetland Determination Report for the mill site (Exhibit “B” Attachment 3) identifying areas where a wetland delineation would be recommended. These areas would be taken into consideration as transportation improvements are made on a project by project basis. An example would be extension of S Blaine Street. It should also be stated that the City has a Stream Corridor Overlay designation that covers Chehalem Creek and its tributaries (minimal transportation improvements –S Blaine Street - are identified along Chehalem Creek and its tributaries) within the Riverfront area where wetlands are identified on the National Wetlands Inventory (NWI). For Hess Creek no transportation improvements are identified (wetlands are identified on the National Wetlands Inventory (NWI)) within the Stream Corridor Overlay. The Stream Corridor along the Willamette River has protections and is identified to be a park and open spaces area west of Rogers Landing Road with a transportation improvement for Rogers Landing Road that would be evaluated for potential wetland impacts at the time a project for construction is proposed. S College Street was fully improved from the railroad tracks south to E Fourteenth Street and no additional improvements are identified. North of the railroad tracks on S College Street to E Ninth Street a stream corridor is identified that has wetlands indicated on the NWI. When this roadway is improved in the future impacts to wetlands will need to be evaluated. E Fourteenth Street on its north side has been identified as an area to evaluate if wetlands are present. At the time this transportation connection is improved wetlands will be evaluated. Finally, S College Street south of the railroad tracks has been identified as a location to evaluate for wetlands. When this roadway is improved in the future impacts to wetlands will need to be evaluated. The City does not have the funds available at this time to conduct a citywide wetlands inventory based on other General Fund priorities.

The Riverfront Master Plan also envisions regional trail connections connecting Newberg’s parks and nearby regional destinations. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

This Goal is met.

**GOAL 10: HOUSING**

To provide for the housing needs of citizens of the state.

**Finding:** The 2019 Riverfront Master Plan proposal envisions the riverfront as an economically thriving area with a mix of residential, commercial, industrial, and employment uses and enhanced transportation connections between the Riverfront and Newberg’s downtown. The adopted changes to

the Comprehensive Plan and Map included as part of CPTA20-0001/CPMA20-0002/DCA20-0001/ZMA20-0002 increased medium- and high-density residential areas to provide more opportunities for affordable work-force housing. The Comprehensive Plan changes CPMA20-0002/ZMA20-0002 recognized the following residential analysis.

In CPTA Housing Land Needs and Buildable Land Supply Analysis

Newberg’s Comprehensive Plan shows a need for additional MDR (Medium Density residential) and COM (Commercial) land. In 2005, the City Council adopted amendments to the Comprehensive Plan, including updated residential land need and supply numbers for LDR (Low Density Residential), MDR (Medium Density Residential) and HDR (High Density Residential) land designations. The updates were based on data from the Housing and Residential Land Needs Report compiled by Johnson-Gardner in 2004. The amendments were adopted and acknowledged through the post-acknowledgment plan amendment process in 2005. The 2005 Comprehensive Plan has residential land data for the 20-year period from 2005-2025, and the future planning period out to 2040. This data shows that the City had a demonstrated need for 173 buildable acres of MDR (Medium Density Residential) through 2025, and an additional 191 acres of HDR land through 2040 (see table below). Buildable land includes vacant and redevelopable land in the existing Urban Growth Boundary (UGB).

<b>Newberg Comprehensive Plan, Table V-7 Buildable Residential Land Needs vs. Supply</b>				
<b>Plan Designation</b>	<b>Buildable Acres Needed 2005-2025</b>	<b>Buildable Acres in UGB (2004)</b>	<b>Surplus (Deficit) for 2005-2025</b>	<b>Buildable Acres Needed 2026-2040</b>
LDR	612	359	(253)	735
MDR	173	142	(31)	191
HDR	89	13	(76)	83
<b>Total</b>	<b>874</b>	<b>514</b>	<b>(380)</b>	<b>1009</b>

In 2009 the City proposed an update to the Housing Element of the Comprehensive Plan. This item was appealed to LUBA and remanded; it has not yet been revised and readopted, so the 2005 amendments are the latest acknowledged estimates. A preliminary Buildable Lands Inventory (BLI) was completed for the City in 2016 utilizing the Simplified Method for Urban Growth Boundary (UGB) expansion; however, the BLI has not been finalized because several issues with the methodology were identified by the consultant and City staff.

Since 2015 there have been six Comprehensive Plan Map amendments including:

- CPA-15-001/ZMA3-15-001 – Martell Common – 5.91 acres going from LDR to HDR
- CPMA18-0001/ZMA18-0002 – 1109 S River Street – 1.33 acres going from LDR to HDR
- CPMA18-0005/ZMA18-0002 – 501 and 507 E Illinois Street – 2.87 acres going from MDR to HDR
- CPMA18-0006 – 1303 S River Street (Riverlands) – 1.56 acres going from COM to MDR

- CPMA19-0001/ZMA19-0001 – 502 S St. Paul Highway (Beaudry) – 1.11 acres going from MDR to IND
- CPMA20-0001/ZMA20-0001 - 717 N College Street - .08 acres from LDR to MDR and .49 acres from COM to MDR

The above changes to HDR, MDR, and IND acreage are utilized along with additional data found within the staff reports from these previous comprehensive plan updates to update the 2005 buildable lands data.

Data was drawn from the six previous comprehensive plan map and zoning map amendments. Below is the population excerpt for the next 20 years as provided by Portland State University’s Population Research Center. As illustrated below, the City of Newberg 2020 estimated population is 24,877 and is estimated to grow by 17,500 to a total of 42,377. The projected increase in population indicates a continued need for additional residential housing.

**Table 1: Population Forecast 2020-2060**

City	2020	2025	2030	2035	2040	2045	2050	2055	2060
Newberg	24,877	26,557	28,432	30,576	32,780	34,929	37,247	39,907	42,377
Change		+1,680	+1,857	+2,144	+2,204	+2,149	+2,318	+2,660	+2,470
% Increase		6.7%	6.9%	7.5%	7.2%	6.5%	6.6%	7.1%	6.1%

Source: Population Research Center, Portland State University, March 31, 2020. Proposed forecasts represent populations as of July 1 of each year

**Table 2: Buildable Residential Needs vs. Supply after Proposed Comp Plan Change 2020-2035**

Land Designation	Buildable Acres Needed	Buildable Acres Before Comp Plan Change	Building Acres After Comp Plan Change	Surplus/(Deficit) Before Comp Plan Change	Surplus/(Deficit) After Comp Plan Change
LDR	301	385	384.91	84	83.91
MDR	132	81.57	82.64	(50.43)	(49.36)
HDR	46	9	12.7	(37)	(33.33)



Total	479	475.57	480.25	(3.43)	(8.78)
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Table 2 utilizes the data from the six comprehensive map amendments, due to these data being the most up-to-date for residential buildable land. As illustrated in Table 2 there is still a deficit of 49.36 acres of MDR and 33.33 acres of HDR land after the Riverfront Master Plan amendment. The proposed amendment will only slightly decrease the need for MDR and slightly decrease the need for HDR. There will still be a demonstrated need for additional MDR and HDR land in Newberg. The decrease of MDR at a density of 9 du/ac totals 35.10 units. The addition of MDR from COM equals 44.74 units. The addition of HDR from COM at a density of 16.5 du/ac totals 61.01 units. **The overall increase in residential units in the Riverfront proposal is 70.74 units.** This does not take into consideration the COM/RD designation which will allow mixed commercial with commercial activities on the ground floor and residential above. There is no density minimum or maximum for residential on the COM/RD designation above the ground floor which needs to be commercial. Exhibit "A" provides additional information on the uses. Overall the Riverfront area proposed residential designations increases the number of potential residential units.

The above analysis is based on the 2005 Housing Needs Analysis (HNA). In 2019 the City Council accepted the 2019 HNA (it was not officially adopted as a precursor to a potential UGB expansion). The 2019 HNA identified an overall deficiency of 107 acres (20 acres LDR, 26 acres MDR, and 62 acres of HDR) of residential land. The City is in the process of updating the 2019 HNA for the Buildable Lands Inventory and population elements which will modify the 2019 numbers. This process will be completed in February 2021.

Efficient development of residentially zoned land located within the City can provide the opportunity for additional housing to meet the needs of the citizens of Newberg. The proposed Comprehensive Plan and Development Code amendments to implement the Riverfront Master Plan create the opportunity for a mix of housing types within the Riverfront Master Plan area. This will provide flexibility to accommodate a variety of housing types including those that can be utilized for affordable housing and rental housing and complies with the goal.

Amending the Comprehensive Plan Map, Zoning Map, and Development Code to reflect the intent of the Riverfront Master Plan includes the following code elements:

- Riverfront Commercial
- Mixed Employment
- Community Facilities
- Residential (R-2 & R-3)
- Implementation and regulation of the Riverfront Subdistrict Overlay design and development standards.

In addition to this analysis the Riverfront Master Plan includes the following data on residential development.

**Appendix B:** Estimates of Residential Capacity within Land Use Alternatives  
 UPDATED 8/12/2019 to include Updates to Alternative E

<i>Alternative E</i>				
<b>Land Use</b>	<b>Acres</b>	<b>Existing Residential Units</b>	<b>New Residential Units</b>	<b>Total Residential Units</b>
<i>Medium Density Residential*</i>	92.2	459	227	686
<i>High Density Residential*</i>	25.1	221	67	288
<i>Mixed Commercial**</i>	7.6	N/A	45	45
<i>Mixed Employment</i>	21.5	N/A	N/A	N/A
<i>Industrial</i>	94.5	N/A	N/A	N/A
<i>Parks &amp; Open Spaces</i>	164.5	N/A	N/A	N/A
<b>TOTAL</b>	<b>396</b>	<b>680</b>	<b>339</b>	<b>1,019</b>

**\*New residential units calculated based on the following current zoning regulations:**

- **MDR: R-2, averaging 9 units/gross acre**
- **HDR: R-3, averaging 16.5 units/gross acre**

**\*\*New residential Units for Mixed Commercial calculated as 1/3 of total acres based on HDR density of 16.5 units/gross acre**

Of the units estimated in MDR in the above calculation a is a 132 lot detached single family residential subdivision for which 17 building permits have been issued and homes are under construction. A 45 unit apartment project in HDR is under construction that was included in the Existing Residential Units calculation. The adopted CPMA20-0002/ZMA20-0002 per Ordinance No. 2020-2868 captured the future new MDR (227-132=95) 95 units, HDR residential units of 67 and the Mixed Commercial residential units of 45.

The 2016 Transportation System Plan – Addendum Riverfront Master Plan 2021 and accompanying Development Code amendment ensure an adequate transportation system to support the future housing within the Riverfront Master Plan area.

The Goal is met.

## **B. Newberg Comprehensive Plan**

### **II. GOALS AND POLICIES**

#### **G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES**

##### **GOALS:**

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

**Finding:** The proposed amendments will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources. A full response has been provided under the Statewide Goal 5 section above. The Riverfront Master Plan also envisions regional trail connections connecting Newberg's parks and nearby regional destinations. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

These Goals are met.

#### **I. HOUSING**

**GOAL:** To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

**Finding:** The 2019 Riverfront Master Plan proposal envisions the riverfront as an economically thriving area with a mix of residential, commercial, industrial, and employment uses and enhanced transportation connections between the Riverfront and Newberg's downtown. The adopted changes to the Comprehensive Plan and Map included as part of CPTA20-0001/CPMA20-0002/DCA20-0001/ZMA20-0002 increased medium- and high-density residential areas to provide more opportunities for affordable work-force housing. The analysis above under A. Statewide Planning Goals (the "Goals"), GOAL 10: HOUSING, To provide for the housing needs of citizens of the state, details how the proposed 2016 Transportation System Plan – Addendum Riverfront Master Plan 2021 and accompanying Development Code amendment ensures an adequate transportation system to support housing.

The Goal is met.

**OFFSITE WETLAND DETERMINATION REPORT**  
**OREGON DEPARTMENT OF STATE LANDS**

**BATCH**  
**WD#: 2017- 0020**

775 Summer Street NE, Suite 100, Salem OR 97301-1279 Phone: (503) 986-5200

At your request, an offsite wetland determination has been conducted on the property described below.

County: Yamhill

City: Newberg

Other Name & Address: Doug Rux, ACIP Community Development Director, City of Newberg, 414 E. 1<sup>st</sup> St., Newberg, OR 97132

Township: Range: Section: Q/O: Tax Lot(s): (see attached Table)

Project Name: River Front Plan

Site Address/Location: 1301 NE Wynooski Rd, Newberg, OR

- The National Wetlands Inventory or Local Wetlands Inventory shows a wetland/waterway on the property.
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetlands maps, the county soil survey and other information. An onsite investigation by a qualified professional is the only way to be certain that there are no wetlands.
- There may be wetlands/waterways on the property that are subject to the state Removal-Fill Law.
  - A state permit is required for  $\geq 50$  cubic yards of fill, removal, or ground alteration in the wetlands or waterways.
  - A state permit may be required for any amount of fill, removal, or other ground alteration in the Essential Salmonid Habitat and hydrologically associated wetlands.
- The proposed parcel division may create a lot that is largely wetland and thus create future development problems.
- A wetland delineation by a qualified wetland consultant is recommended prior to site development to determine to determine precise wetland boundaries. The wetland delineation report should be submitted to DSL for review and approval.
- A permit may be required by the Army Corps of Engineers: (503) 808-4373

**Note: This report is for the state Removal-Fill Law only. City or County permits may be required for the proposed activity.**

Comments: Based on a review of the available information, the aeration ponds were created within historic Hess Creek and would be considered jurisdictional by DSL if the ponds are unlined. A permit will be required for 50 cubic yards or greater of fill, removal or ground alteration within these ponds.

DSL recommends a wetland delineation for any project that impacts the aeration ponds, or is located within areas that have not been currently developed (see attached map). Please note that the current Hess Creek channel and the Willamette River are Essential Salmonid Habitat. Any impacts within these waterbodies or their associated wetlands will require a permit. Additionally, Best Management Practices for sediment and erosion control are recommended for any work adjacent to these areas.

Determination by:  Chris Stevenson Date: 1-27-17

This jurisdictional determination is valid for five years from the above date, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months from the above date.

**This is a preliminary jurisdictional determination and is advisory only.**

Copy To:  Other  Enclosures: email: Doug.Rux@newbergoregon.gov  
 James LaBar, Regional Solutions

# Wynoski Parcel

