



Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
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PRE-APPLICATION MEETING NOTES

DATE OF PRE-APPLICATION MEETING: 04/07/21

MEETING TYPE: Video Conference call

SUBJECT PROPERTY ADDRESS: 31544 NE Corral Creek Road

MAP and Lot IDs: R3222 - 2500, 2700, 2800 and 2900

ZONING DISTRICT: (County) EFU-20

REQUESTOR'S NAME/BUSINESS: Kaitlin La Bonte/DOWL

REQUESTOR'S CONTACT INFORMATION: Phone: 971-280-8641 Email: kberger@dowl.com

REQUEST DESCRIPTION: Comprehensive Plan Map Amendment to expand Urban Reserve Area on four parcels totaling 90.6 acres

PARTICIPANTS

APPLICANT	CITY STAFF
Kaitlin La Bonte	Doug Rux (Host) –CDD
Todd Mobley	Patrick Davenport – CDD
Read Stapleton	Brett Musick- ENG
Matthew Robinson	Stephanie Armstrong – Yamhill County
Ken Katzaroff	
Mike Robinson	

APPLICANT'S IMAGE



QUESTIONS SUBMITTED BY THE APPLICANT

1. Please confirm all required applications, fees, and submittal items to accomplish the project as proposed.

- Confirm with County for their fees and application intake process.
- City fee = \$2,389 + 5% of the permit amount; same application delivered to City and County concurrently.
- City requires two hard copies and one digital copy of all application materials; ensure title report is dated no less than 60 days from application submittal.
- Bobbie Morgan @ City Hall front desk will invoice applicant after submitting application

Link to application: <https://www.newbergoregon.gov/planning/page/type-iii-application-quasi-judicial-review>

2. Please confirm all Comprehensive Plan policies that the city will expect the applicant to address in the narrative submitted with the plan amendment.

Additional notes provided below; Address all Goals in the Comprehensive Plan, some may not be applicable but some are directly related to the inclusion rating requirements in OAR 660-021-0030 Housing Needs Analysis; Economic Opportunities Analysis; Buildable Lands Inventories

https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/4304/comprehensive_plan_march_1_2021.pdf

3. Please confirm applicable Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) criteria.

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3071>

OAR 660-021-0000 et. seq.

4. Please confirm if the city will expect the applicant to address applicable OAR/ ORS criteria in the narrative submitted with the plan amendment. Confirmed

5. Please confirm if the application should include findings of compliance with the procedures in the Newberg Urban Area Management Agreement. Patrick's response: Confirmed. However, is this Agreement capable of covering the procedure to amend the City's URA boundary? I don't see that it is; assuming the issue is being evaluated by legal counsels. Recommend the issue be resolved before submitting the application.

6. If County staff is in attendance, please confirm applicable Yamhill County Comprehensive Plan policies and Zoning Ordinance standards. Stephanie Armstrong; will send to applicant.

7. Please review land use review timelines.

File with County and City concurrently; "120-day Rule" in effect unless waived/extended by applicant. NUAMAC Review/public hearing (late June 2021 if submitted early May 2021); need to have preliminary orientation for Committee

Completeness Check and Agency Referrals

Planning Commission: City Council can refer at its discretion

City Council Hearing(s): Order adoption

County consideration

***This is an estimated timeline because the necessity of amending the NUAGMA has not yet been determined.**

8. Please review requirements for a traffic study and Transportation Planning Rule compliance.

TPR analysis will cover general area of facilities affected. See City ENG comments below.

9. Please confirm any special studies that will be required (natural resources, economics, etc.).

Follow the requirements in OAR660-21-0030; Results/Findings from HNA, EOA (estimated adoption date: Fall 2021); Infrastructure studies -coordinated with functional plans.

10. Please identify any known neighborhood concerns for the site or the general area.

Anticipate that Friends of Yamhill County and adjoining property owners will participate actively. The on-site soil classification for the subject properties seem to make it challenging to justify its prioritization (above other sites classified as exception lands).

11. Please identify any pending code changes that could affect the proposal.

Land Use decisions will still be processed under County development code requirements while in the URA but in accordance with the NUAGMA.

In the future, once annexed: Middle Housing –related Development Code amendments per HB 2001. Development Code amendments underway see Project website:

<https://www.newbergoregon.gov/cd/page/middle-housing>

12. Please identify any concerns or anticipated issues that would affect the ability to approve the project as described

1. Extend proposed URA boundary across all adjoining R/W sections (opposite side of road from subject property); include these rights of way in legal descriptions (title report and application)
2. Providing sufficient/acceptable evidence from the applicant findings on Prioritization of Lands
3. Aforementioned participation by the public.

TUALATIN VALLEY FIRE & RESCUE COMMENTS:

- Did not participate
 - Contact Ty Darby: Ty.Darby@tvfr.com

BUILDING SAFETY DIVISION COMMENTS:

- Did not participate
 - Contact: Jared Bradbury: Jared.Bradbury@newbergoregon.gov

ENGINEERING COMMENTS:

Transportation: The City will need to coordinate with the applicant's consultants regarding transportation. The applicant should submit a preliminary scope of the traffic study for review.

Wastewater: Please refer to the 2018 Wastewater Master Plan and the Addendum Riverfront Master Plan 2021 for information regarding wastewater service. The Addendum Riverfront Master Plan 2021 specifically addresses facilities adjacent to the properties proposed as urban reserve areas. Capacity issues at Fernwood Pump Station, subsequent collection system, and other relevant downstream deficiencies are described. Links to these reports are provided below:

https://www.newbergoregon.gov/sites/default/files/fileattachments/engineering/page/3292/1_newberg_wwm_p_report.pdf

https://www.newbergoregon.gov/sites/default/files/fileattachments/community_development/page/30781/w eb_referral_part_1.pdf

https://www.newbergoregon.gov/sites/default/files/fileattachments/community_development/page/30781/w eb_referral_part_2.pdf

The City's GIS shows an 8-inch gravity sewer main in N. Fairway Street. It is not continuous along that street. Access for tax lots R3222 02700, R3222 02800 is adjacent. Access for R3222 02500 and R3222 02900 is not adjacent. The applicant must assess capacity.

Water: Please refer to the 2017 Water Master Plan and the Addendum Riverfront Master Plan 2021 for information regarding water service.

https://www.newbergoregon.gov/sites/default/files/fileattachments/engineering/page/3234/newberg_water_master_plan_-_may_2017.pdf

https://www.newbergoregon.gov/sites/default/files/fileattachments/community_development/page/30761/newberg_cpta20-0003_water_master_plan_riverfront_-_dlcd_papa.pdf

The City's GIS system shows there is an existing 8-inch water line in N. Fairway Street. It is continuous along that street. Access for tax lots R3222 02700, R3222 02800 is adjacent. Access for R3222 02500 and R3222 02900 is not adjacent. The applicant must assess capacity for the demand created by a proposed development.

Stormwater: Please refer to the 2014 Stormwater Master Plan regarding drainage issues in the city and near the properties proposed as urban reserve areas.

https://www.newbergoregon.gov/sites/default/files/fileattachments/engineering/page/5231/final_newbergswmp_rev2015.02.02_e-version.pdf

An update of the current Stormwater Master Plan is scheduled for City Council on June 7, 2021. See link below:
https://www.newbergoregon.gov/sites/default/files/fileattachments/community_development/page/30791/newberg_cpta20-0005_stormwater_master_plan_5-13-21-dlcd_papa.pdf

If a proposed development creates a **net** impervious area of 500 square feet or more, stormwater treatment and quantity management will be required per 13.25.260. Please refer to NMC Chapter 13.25 STORMWATER MANAGEMENT for a full explanation. There are storm water collector lines in N. Fairway Street. They are not continuous along that street. The northern line is 12-inches, and the more southern line is 10-inches. Access is adjacent for all lots except R3222 02500. The applicant will assess capacity based on the stormwater management method proposed for a new development.

General Comment: The engineering pre-application notes provided are preliminary based on the information provided by the applicant and may not cover all the development issues or requirements for the project. When a complete application is received and a full review is conducted, it may be determined that additional requirements to meet the Municipal Code or the Public Works Design and Construction Standards exist.

The online GIS for The City of Newberg may be accessed using the link below:

<https://www.newbergoregon.gov/engineering/page/about-newberg-gis>

Additional References addressing public facility service issues for the proposed Urban Reserve Area

NUAMC Resolution 2006-16.pdf, Denial of URA

NUAMC Resolution 2007-19.pdf, Approval SE Transportation Plan

Ord2681.pdf, McClure property URA

- City of Newberg and Yamhill County 2007 Urban Reserve Area Justification and Findings Report
 - Table II-6 Cost of Providing Urban Services per Buildable Acre, pg. 59
 - Reference - Newberg Urban Reserve Area Public Services Analysis (Newberg Public Works and Planning & Building Department, 2007)

Ord2682.pdf, Approve Newberg Southeast Transportation Plan

Order0004.pdf, Deny URA

- Lancaster Engineering Transportation System Analysis

Ord2697.pdf, Yamhill County declined adoption of Newberg Southeast Transportation Plan, so it is decoupled from 2007 URA prior to approval. Yamhill County concerned about additional access to 99W in the vicinity of Benjamin Road. Without additional access, Yamhill County projects intersection failures at Providence Dr., Brutscher, and Springbrook roads.

Ord2698.pdf, City of Newberg Southeast Transportation Plan Repealed

1000 Friends Appeal.pdf, 2009

Jacobs Draft Memorandum, City of Newberg Division 38 Preliminary Study Area Analysis – Serviceability, December 18, 2018

Applicant's Questions.

7. Please review requirements for a traffic study and Transportation Rule compliance.

See comment above under the transportation section.

- Contact: Brett Musick brett.musick@newbergoregon.gov

PLANNING COMMENTS:

Review Process:

The review should follow processes provided in the Newberg Urban Area Growth Management Agreement. However, I do not see a provision for the process WRT revising the Urban Reserve Area **boundary**. If the Agreement needs to be revised, edits could simply state that the process for UGB amendments is the same for URA amendments. Evaluation of the Agreement's sufficiency is presumably underway by legal counsel and this issue was discussed (without resolution) during the pre-application meeting.

Presumed Process:

- **NUAMAC review and recommendation (Resolution); at least one meeting/public hearing**
- **NUAMAC forwards recommendation to County and City**
- **Concurrent County/City review by governing bodies; decision**

Amendments to Comprehensive Plan map on specific properties as proposed would (usually) be a Type 3 process. However, the Agreement **may** "override" this process but I don't see any reference to which process is to be followed when there is a conflict between the Agreement and the City Development Code. For instance, there are detailed noticing requirements in the City's Development Code and very limited Noticing requirements in the Agreement. I am not sure which noticing process to follow but "over-noticing" is usually always better than "under noticing".

Noticing Process for Type III Application types in the Newberg Development Code:

15.100.050 Type III procedure – Quasi-judicial hearing.

15.100.200 Compliance required.

15.100.210 Mailed notice.

15.100.230 Additional notice procedures for Type III quasi-judicial hearing.

15.100.260 Procedure for posted notice for Type II and III procedures.

15.100.270 Procedure for published notice on Type III and Type IV procedures.

OREGON ADMINISTRATIVE RULES (OAR)

OAR 660-021-0030 Determination of Urban Reserve

(1) Urban reserves shall include an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the urban growth boundary. Local governments designating urban reserves shall adopt findings specifying the particular number of years over which designated urban reserves are intended to provide a supply of land.

(2) Inclusion of land within an urban reserve shall be based upon the locational factors of Goal 14 and a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land. Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan Area Urban Growth Boundary, shall first study lands adjacent to, or nearby, the urban growth boundary for suitability for inclusion within urban reserves, as measured by the factors and criteria set forth in this section. Local governments shall then designate, for inclusion within urban reserves, that suitable land which satisfies the priorities in section (3) of this rule.

(3) Land found suitable for an urban reserve may be included within an urban reserve only according to the following priorities:

- (a) First priority goes to land adjacent to, or nearby, an urban growth boundary and identified in an acknowledged comprehensive plan as an exception area or nonresource land. First priority may include resource land that is completely surrounded by exception areas unless these are high value crop areas as defined in Goal 8 or prime or unique agricultural lands as defined by the United States Department of Agriculture;
- (b) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, second priority goes to land designated as marginal land pursuant to former ORS 197.247 (1991 edition);
- (c) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(4) Land of lower priority under section (3) of this rule may be included if land of higher priority is found to be inadequate to accommodate the amount of land estimated in section (1) of this rule for one or more of the following reasons:

- (a) Future urban services could not reasonably be provided to the higher priority area due to topographical or other physical constraints; or
- (b) Maximum efficiency of land uses within a proposed urban reserve requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

(5) Findings and conclusions concerning the results of the consideration required by this rule shall be adopted by the affected jurisdictions.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 195.145

04/21/21: Email thread between Kaitlin Labonte/Doug Rux/Matt Robinson/Patrick Davenport below:

DOWL and Schwabe have been discussing the implications of using the current accepted but not adopted HNA and EOA vs the out of date but adopted documents. We are proceeding with using the current data, but want to make sure we have a strong argument for why we are not using the adopted data. We would like to make sure we are clear on the history/timeline for the City's HNA and EOA processes and what the lands needs implications based on both sets of data.

Can you please confirm:

- What are the adopted versions of the EOA and HNA, and can you please share those? If the most recently adopted EOA is from 2006, I was able to get that one from your website. I will need to dig these up.
- What happened with the 2019 HNA process? Was it never accepted/adopted? The 2019 HNA was accepted by City Council. It is on our website at: <https://www.newbergoregon.gov/planning/page/2019-housing-needs-analysis>
- The most recent copies of the current HNA and EOA that we have are from December and November 2020 respectively. Are there more recent versions of these documents? If so, could you please share those as well? Yes. Here are the links to the documents.

EOA

https://www.newbergoregon.gov/sites/default/files/fileattachments/community_development/page/27751/res3728.pdf

HNA

https://www.newbergoregon.gov/sites/default/files/fileattachments/community_development/page/29851/res3718.pdf

Public-Semi Public Resolution is attached below.



Res3720.pdf

Public-Semi Public and the 2005 EOA attached:



Ord2626.pdf



Ord2635.pdf

04/08/21: Email thread between Matthew Robinson/Patrick Davenport RE Comprehensive Plan requirements

Hi Patrick,

Thank you again for taking the time to meet with us this afternoon [...] Per my review of the comp plan, as well as the previous 2007 URA Expansion, my understanding is the following would be applicable. Could you let me know if you believe I'm missing any that are relevant to this request?

- A – Citizen Involvement Goal **Yes.** A few sentences describing the process avails opportunity for public involvement
- B – Land Use Planning Goal, policy 2 **Yes.** A few sentences "...revised as needed". The need has arisen via an external request (this application) and the Findings justifying approval of the request verify the necessity to amend Plan/Map.
- C – Agricultural Lands Goal, policies 1 and 2 **Agree.** However, these Policies are written in broad terms. Also, reference additional findings per OAR660-029-0030 on prioritization attributes for Exception/Non Resource vs Resource land /prime
- D – Wooded Areas Goal, policies 1 and 2 **Yes.** Although the URA expansion area contains wooded areas but I don't know the quality of the onsite trees at this time. Presumably, compact and orderly urban development patterns conserve wooded rural areas elsewhere.
- E – Air, Water, and Land Resource Quality Goal, policies 3 and 4 **Yes and perhaps add Policy 2 – by designating this land for long term/future urban development (not adjacent to river) assists in preserving said river...**
- G – Open Space, Scenic, Natural, Historic and Recreational Resources, Goals 1 and 2, policies 1a, 1g, 2a, 2b, 4h **1a- Assumption that minimum required open space will be provided when the subject property is eventually developed...?; 1g – there are no designated wetlands on the subject properties?; 2a and 2b: high quality development would be proposed to compliment the character of existing urban development? Designating this area for long term development will not disrupt the River's viewshed?; 4h Wooded area on site has potential to serve as small park?**
- H – Economy Goal: May be a general statement – adding URA supports the overall economic base (more people = more customers...?) Although a Comp Designation is not going to be added per this exercise.
- I – Housing Goal, policies 1a, 1b, 2a, 3k, 3m, 3x **Similar to Economy, since no Comp Plan designation is part of this maybe an overall statement addressing the Goal is all that's necessary?**
- J - Urban Design Goal: **Not directly applicable**
- K – Transportation
 - Goal 2, policy a **TPR analysis provides foundation guidance for prioritization...?**
 - Goal 4, policy a, b, h **Yes.** The IAMP does not cover/affect the subject properties per a few other Policies in Goal 4
- Public Facilities Goal, policies 1a, 1d, 2c **Yes– Serve-ability, can serve/will serve the prioritization findings will show; seems like adding URA adjacent to existing city limits should assist in meeting the overall Goal Statement**
- Energy Goal, policies 1a **Yes.** seems like adding URA adjacent to existing city limits should assist in meeting the intent of this Policy
- Urbanization Goals 1 and 2, policies 1a, 1d, 1f, 1h, 1i **1a and 1d Not sure how these are applicable; 1b seems slightly applicable as an inverse (it's within Newberg's area of influence but not in UGB yet but adjacent to city limits 1f – UGB synonymous with URA? Cover the opposite side of the R/W from the subject properties as well.; 1h not sure it's directly applicable yet, but the request contributes to the requirement for orderly growth and avoids "leapfrogging and urban sprawl"**
- As Chapter V, section A (BLI) and section B (Housing/residential land needs) **Yes and Does the EOA need mentioning? The Prioritization seems to be the key for this. I see a relatively large amount of URA land sitting out there already. \$64K question to answer: Why add more URA when there's a lot already out there and the subject property has relatively good soils thereon..."**

