

# Newberg Urban Reserve Area Expansion

Yamhill County, Oregon

A Land Use Application For:  
**Comprehensive Plan Amendment – City of Newberg**  
**Comprehensive Plan Amendment – Yamhill County**

Submitted: May 2021

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- A. Application Forms and Draft Public Notice Materials
- B. Site Map
- C. Title Report
- D. Pre-application Conference Notes
- E. Neighborhood Meeting Documentation
- F. Conceptual Development Plan
- G. 2051 Buildable Lands Inventory & Lands Need Assessment
- H. Comparative Site Analysis
- I. TPR Compliance Memorandum
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## I. Introduction

### General Information

<b>Applicant and Owner:</b>	<b>Brian and Kathy Bellairs</b> 31544 NE Corral Creek Road Newberg, OR 97132
<b>Additional Owner:</b>	<b>Bestwick LLC</b> 20575 NE Fernwood Road Newberg, OR 97132
<b>Prepared by:</b>	<b>DOWL</b> 720 SW Washington Street; Suite 750 Portland, OR 97205 Contact: Read Stapleton, AICP Phone: 971.280.8646 Email: <a href="mailto:rstapleton@dowl.com">rstapleton@dowl.com</a>
<b>Legal Counsel:</b>	<b>Schwabe Williamson &amp; Wyatt</b> 1211 SW 5 <sup>th</sup> Avenue; Suite 1900 Portland, OR 97204 Contact: Michael Robinson, Kenneth Katzaroff Phone: 503.796.3756, 206.405.1985 Email: <a href="mailto:mrobinson@schwabe.com">mrobinson@schwabe.com</a> , <a href="mailto:kkatzaroff@schwabe.com">kkatzaroff@schwabe.com</a>
<b>Traffic Engineer:</b>	<b>Lancaster Mobley</b> 321 SW 4 <sup>th</sup> Avenue; Suite 400 Portland, OR 97204 Contact: Todd E. Mobley, PE Phone: 503.248.0313 Email: <a href="mailto:todd@lancastermobley.com">todd@lancastermobley.com</a>
<b>Site Location:</b>	31544 NE Corral Creek Road Newberg, OR 97132
<b>Tax Lot ID Numbers:</b>	R3222 02700, R3222 02500, R3222 2800, R3222 02900
<b>Zoning:</b>	Exclusive Farm Use (EF-20)
<b>Comprehensive Plan:</b>	Agriculture/Forestry Large Holding (AFLH)
<b>Site Area:</b>	±95.3 acres

## II. Project Summary

### Description of Proposal

Brian and Kathy Bellairs (applicant) are requesting approval of an amendment to the City of Newberg (City) and Yamhill County (County) Comprehensive Plans to expand the City's Urban Reserve Area (URA) to include an approximately 95.3 gross acre site generally located northwest of the intersection of NE Corral Creek Road and NE Fernwood Road. The parcels and public right-of-way comprising the proposed URA expansion site are identified in Table 1 below, as well as the site map included with this submittal as Exhibit B. Legal descriptions for the individual parcels are provided in the title report included with this submittal as Exhibit C.

**Table 1: Proposed URA Expansion Site Parcels**

Tax Lot	Owner	Area (ac.)	Use
R3222 02500	Bestwick LLC	10	Vacant
R3222 02700	Brian & Kathy Bellairs	59.5	Rural residential
R3222 02900	Bestwick LLC	2.99	Rural residential
R3222 02800	Bestwick LLC	18.1	Rural residential
Right-of-Way	Yamhill County	4.7	NE Fernwood Road, NE Corral Creek Road

The applicant held a pre-application conference with City and County staff on April 7, 2021. The provided pre-application notes are included with this submittal as Exhibit D. The applicant also held a virtual neighborhood meeting on May 4, 2021 for the purpose of reviewing and discussing the proposal with adjacent property owners and residents. Documentation of this neighborhood meeting is included with this submittal as Exhibit E.

As described further in this narrative and in supporting application materials, analysis of the City's land needs through 2051 revealed that the City does not currently have adequate lands within its existing URAs to satisfy a minimum 30-year land supply as required by state law and that an expansion is necessary. Given this fact and that a need for a URA expansion exists, the applicant's team proceeded to conduct an analysis of sites within one mile of the City's Urban Growth Boundary (UGB) to determine what site(s) best fit the state criteria for URA expansion. This analysis has concluded that the proposed approximately 95.3 gross acre expansion site best fits the criteria for expansion due to the following key factors:

- Adjacency to existing urbanized land thereby avoiding the need to "leapfrog" intervening agricultural land;
- Ample buildable acreage that is free from development constraints (steep slopes, landslide susceptibility, waterways);
- Capability of being serviced by existing City water, sanitary sewer, and stormwater utilities with certain upgrades;
- Composition of large parcels that are conducive to master planning efforts and compact and efficient urban development patterns;
- Relatively low estimated development costs per buildable acre (approximately \$38,389 per buildable acre) when compared to other areas studied (average of approximately \$74,559 per buildable acre).

- Unique opportunities to provide public park, open space, and recreational areas; and
- Minimal active agricultural/farm uses as defined by the Oregon Revised Statutes (ORS) 215.203(2)(a) and minimal Class I and II soils when compared to other resource lands analyzed in the Comparative Site Analysis (Exhibit H).

Applicable provisions of the Newberg Municipal Code, Goals and Policies of the Newberg and Yamhill County Comprehensive Plans, Oregon Statewide Planning Goals, Oregon Administrative Rules, and Oregon Revised Statutes are addressed herein with findings of compliance demonstrating the applicant's request is compliant with all local and state requirements for a URA expansion request.

## **URA Expansion Purpose and Need and Newberg Data Findings**

Per Oregon Administrative Rule (OAR) 660-021-0030(1), URAs are intended to provide cities with a supply of buildable lands to accommodate future growth. In particular, URAs provide an estimated land supply for at least 10 years (and not more than 30 years) beyond the 20 year supply provided within the Urban Growth Boundary (UGB). URAs aid in establishing future urbanization and growth patterns and guide a City's long-term future, protecting the URA from rural development and increased parcelization which could make future urban expansion challenging. Lands included within URAs are intended to remain rural in nature and cannot be urbanized until formally brought into a City's UGB.

The need for URA or UGB expansion is driven by population growth estimates. Per ORS 195.033(3) and for the purpose of land use planning, the Portland State University (PSU) Population Research Center's most current issued population forecasts are required to be used when projecting a City's land needs for future growth, including determining whether additional land is needed within a City's URA to maintain a minimum supply 10 years beyond that contained within a City's UGB.

The City's adopted future land needs data, provided in Section V (Land Need and Supply) of the City's Comprehensive Plan, was last updated in 2005. Therefore, the adopted land needs data relies on population forecasts that are now sixteen years old which have since been modified and updated by the PSU Population Research Center. In 2020, the City hired ECONorthwest to prepare updates to the City's Housing Needs Analysis (2021 HNA) and Economic Opportunity Analysis (2021 EOA), as well as a Public and Semi-Public Land Need Memorandum, which assessed the City's residential, employment<sup>1</sup>, and public and semi-public<sup>2</sup> land needs over this 20 year time period, or through the year 2041. These studies, completed between February and March of 2021, show that over this 20 year period, there is a land deficit within the City's UGB of approximately 245 gross acres, including 81 acres for residential land, 152 acres for industrial land, and 12 acres of industrial land for public and semi-public uses.

To determine the sufficiency of the City's current URAs to provide a supply of buildable land at least 10 years beyond 2041 pursuant to OAR 660-021-0030(1), DOWL completed the 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G). This analysis determined that the City's existing URAs consist of 557 gross acres of land, of which 320 acres are considered buildable. When subtracting 25 percent of this value for future public infrastructure and right-of-way, there are approximately 240 acres of net buildable land within the City's existing URAs<sup>3</sup>. When comparing the available supply with the land demand forecasts of the City's 2021 HNA and EOA, it was determined that there is a surplus of 75 acres within the existing URAs to meet the City's land needs for the 2021 to 2041 period. Therefore, the City's

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<sup>1</sup> Employment land includes both industrial and commercial designations.

<sup>2</sup> Semi-public uses include lands for churches, non-profit organizations, and related public institutions.

<sup>3</sup> Consistent with Newberg's Comprehensive Plan Policy I.1.b.

existing URAs can sufficiently meet estimated land demands through 2041, but do not satisfy the requirement for URAs to provide at least a 30-year supply of land for growth consistent with OAR 660-021-0030. As identified in the 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G) and shown in Table 2 below, DOWL calculated that approximately 475 gross acres are needed to meet demand in the 2041 to 2051 period.

**Table 2: City of Newberg Total Land Needs 2041-2051**

Use	Land Need (Gross Acres)
Residential Land Uses	242
Employment Land Uses	170
Public and Semi-Public Land Uses	62
<b>Total Land Need 2041-2051</b>	<b>475*</b>

*\*75 acres can be met by the City's existing URAs.*

Because there is a surplus of 75 gross acres within the existing URAs to meet the City's demands through 2041, it can be concluded that approximately 400 gross acres of buildable land will need to be added to the City's URA to meet demands through 2051. The applicant's proposed URA expansion site includes approximately 95.3 gross acres of land, which will bring the City closer towards compliance with the requirement to provide a minimum 30-year supply of land for growth within its URAs.

At the time of this submittal, the City's 2021 HNA, EOA, and Public and Semi-Public Lands Need Memorandum have been accepted by the Newberg City Council but have not been adopted or acknowledged in the City's Comprehensive Plan. The City's Comprehensive Plan, therefore, reflects a future land supply need that is not based on the PSU Population Research Center's most current issued population forecasts.

ORS 195.033(3) stipulates that:

***A local government with land use jurisdiction over land for which the center issues population forecasts under subsection (2) of this section shall apply the current final population forecast when changing the comprehensive plan or a land use regulation of the local government.***

Because the applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans, the current PSU Population Research Center population forecast numbers must be used as the basis for a decision on the applicant's proposed URA expansion pursuant to ORS 195.033(3). As such, this URA expansion request and supporting documentation is based on the current PSU Population Research Center population forecasts for Newberg.

## Existing Site Conditions

The proposed URA site consists of four parcels generally located northwest of the intersection of NE Corral Creek Road (minor collector) and NE Fernwood Road (minor collector) within unincorporated Yamhill County. All four parcels are currently zoned Exclusive Farm Use (EF-20) and have a County Comprehensive Plan designation of Agriculture/Forestry Large Holding (AFLH). Newberg's city limits and UGB are coterminous with the proposed URA expansion site's western boundary, with a single-family residential subdivision located immediately to the west (The Greens at Springbrook). As identified in Table 3 below, various other land uses and County zoning designations are located north, south, and east of the proposed URA expansion site. A site vicinity map is also included as Figure 1 within this narrative. A zoning map is included as Figure 2.



**Table 3: Surrounding Uses**

	<b>Zoning</b>	<b>Use</b>
North	EF-20 (County)	Vacant land, Schaad Park (Chehalem Park & Recreation District)
South	EF-20 (County)	Agricultural uses
East	VLDR-2.5 (County), AF-10 (County)	Rural residential, agricultural uses
West	R-1/SP (City)	Single-family residential (The Greens at Springbrook subdivision)

The site contains three residences but is otherwise largely vacant, with minimal active agricultural/farm uses. The site generally slopes toward the west, with a high point in the site's northeast corner adjacent to NE Corral Creek Road, and a low point in the far northwest corner adjacent to Schaad Park and Eagle Street. The site contains scattered vegetation and trees, and is comprised of a mixture of Class I, II, III, and IV soils. A preliminary reconnaissance of the site's wetlands was completed by Pacific Habitat Resources in December 2020, which found the presence of potential wetlands, as shown on the site's Conceptual Development Plan (Exhibit F)<sup>4</sup>.

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<sup>4</sup> A complete wetland delineation was not completed at this time. The location of potential wetlands is approximate and will require a complete delineation to verify their presence.

Figure 1: Vicinity Map

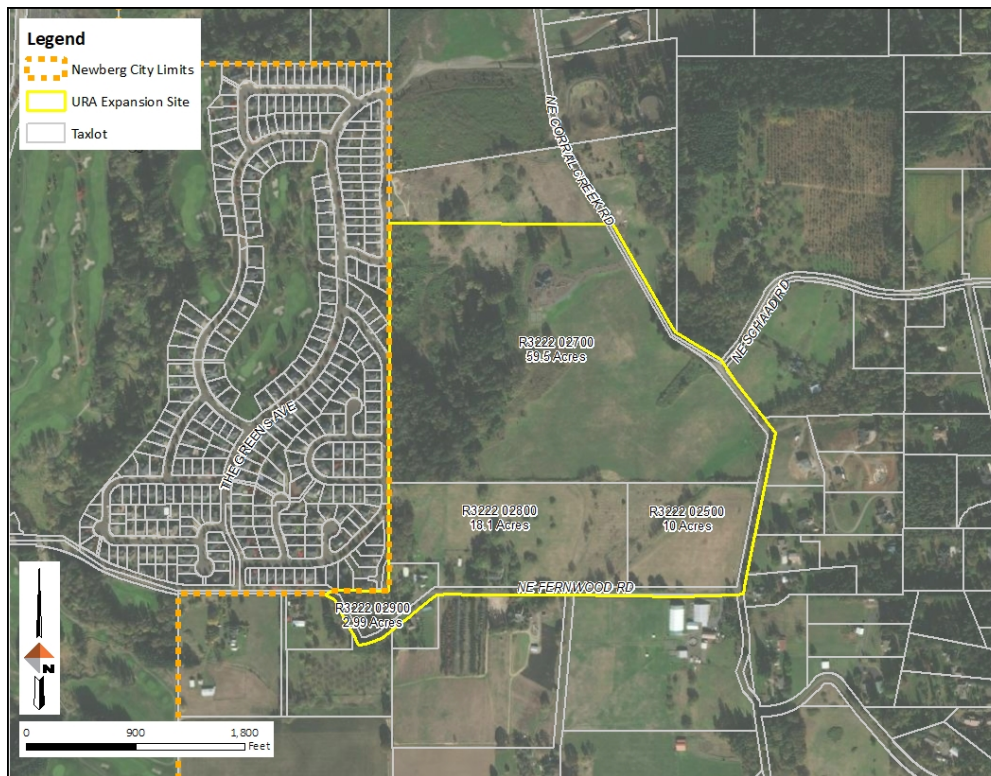
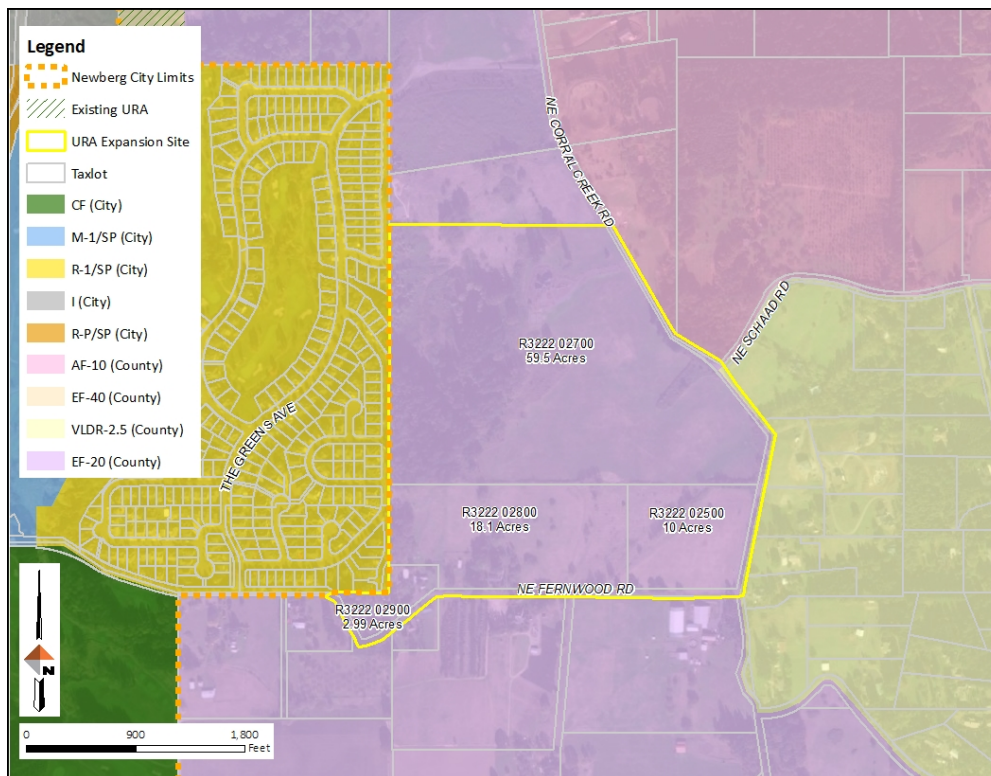


Figure 2: Zoning Map



### III. Newberg Municipal Code

The applicable City of Newberg Municipal Code (NMC) provisions are set forth below with findings demonstrating the project's consistency with these provisions.

#### 15.100 Land Use Processes and Procedures

##### 15.100.050 Type III procedure – Quasi-judicial hearing.

- A. All Type III decisions shall be heard and decided by the planning commission. The planning commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.

**Response:** As identified in response to NMC 15.100.050(B)(7) below, the applicant's proposed URA expansion request is not subject to the City's standard Type III quasi-judicial procedure but is instead subject to a joint quasi-judicial procedure involving the City, County, and the Newberg Urban Area Management Commission (NUAMC). Consistent with past URA expansions, including the 2007 URA expansion, NUAMC will make a recommendation on adoption, which will then be referred to the City Council. City Council's decision will then be referred to the Board of County Commissioners, whose decision will be the last decision that is subject to appeal. A hearing in front of the City's Planning Commission, while not prohibited, is not strictly required by this procedure.

- B. Type III actions include, but are not limited to:

7. Comprehensive plan map amendments: This action is a recommendation to the city council.

**Response:** As the applicant is proposing to expand the City's URA, which requires amendments to both the City and County Comprehensive Plan Maps, it is subject to the Newberg Urban Area Growth Management Agreement (NUAGMA). Further, the proposed URA expansion site is located within the Newberg Area of Influence, which is described in the NUAGMA as follows:

***An area of land designated by the City of Newberg and Yamhill County that extends one mile outside Newberg's Urban Growth Boundary wherein the County will give the City an opportunity to participate in land use actions to be taken by the County.***

Therefore, the applicant's request to expand the City's URA is not subject to the City's standard Type III quasi-judicial procedure but is instead subject to a joint quasi-judicial procedure involving the City, County, and the NUAMC. As provided for in Section VI of the NUAGMA, it is the responsibility of the NUAMC to hold hearings, make findings, and present its decision to the City and County governing bodies.

Consistent with past URA expansions, including the 2007 URA expansion, the applicant's proposed URA expansion request to amend both the City and County Comprehensive Plans will be submitted to both the City and County separately. Once submitted, the City and the County will coordinate to draft a single staff report and refer the application to the NUAMC, who will then hold a public hearing and make a recommendation on

adoption. That recommendation will be referred to the City Council for a public hearing, who will adopt its own decision. The City Council's decision will be referred to the Board of County Commissioners, who will hold its own hearing before adopting a decision. Per OAR 660-018-0021, the County's decision will be the last decision that is subject to appeal. If the City and County do not agree on action of the URA expansion request, then the two governing bodies will meet in an attempt to resolve any differences.

#### **15.100.200 Compliance required.**

**Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article. [...]**

**Response:** As identified in response to NMC 15.100.050(B)(7), the applicant's proposed URA expansion request is not subject to the City's standard Type III quasi-judicial procedure but is instead subject to a joint quasi-judicial procedure involving the City, County, and the NUAMC. However, public notice will be provided in accordance with the requirements of this article. Mailed notice, posted notice, and published notice will be provided. Draft versions of the mailed and posted notice are included as a part of Exhibit A with this submittal.

#### **15.302 Districts and Their Amendment**

##### **15.302.030 Procedures for comprehensive plan map and zoning map amendments.**

###### **A. Type III Plan and Zoning Map Amendments – One Parcel or Small Group of Parcels.**

- 1. Property owners or the city may initiate a map amendment for one parcel or a small group of parcels under the Type III procedure. May be initiated by a resolution of the planning commission or city council. Unlike other Type III procedures, the decision of the planning commission on a Type III plan map amendment shall be in the form of a recommendation to the city council. The city council shall hold another new hearing and make a final decision.**

**Response:** As identified in response to NMC 15.100.050(B)(7), the applicant's proposed URA expansion request is not subject to the City's standard Type III quasi-judicial procedure but is instead subject to a joint quasi-judicial procedure involving the City, County, and the NUAMC. This URA expansion request is being initiated by Brian and Kathy Bellairs and consists of four (4) separate parcels and adjoining rights-of-way totaling approximately 95.3 gross acres. As identified in response to NMC 15.100.050(A), while not prohibited, a hearing in front of the City's Planning Commission is not strictly required. Consistent with past URA expansions, including the 2007 URA expansion, NUAMC will make a recommendation on adoption, which will then be referred to the City Council. City Council's decision will then be referred to the Board of County Commissioners, whose decision will be the last decision that is subject to appeal.

The City's applicable approval criteria as established by NMC 15.302.030(A)(3)(a-c) are addressed with findings of compliance below demonstrating the applicant's proposed URA expansion request is consistent with these provisions.

2. **Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the city council for good cause shall grant permission to do so.**
3. **Amendment Criteria. The owner 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;**

**Response:** The applicant's proposed comprehensive plan amendment to expand the City's URA promotes the objectives and goals of the Newberg Comprehensive Plan and this code as demonstrated through the findings of compliance with the Newberg Municipal Code (Section III), Newberg Comprehensive Plan (Section IV), Yamhill County Comprehensive Plan (Section V), the Oregon Statewide Planning Goals (Section VI), the Oregon Administrative Rules (Section VII), and the Oregon Revised Statutes (Section VIII). As demonstrated in subsequent sections of this narrative, as well as the various supporting documents included with this submittal, the proposed expansion of the City's URA is consistent with a demonstrated need for additional buildable land to meet the City's projected population forecasts for the 2041 to 2051 period. This criterion is met.

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

**Response:** As identified in the Serviceability Memorandum (Exhibit J), the proposed URA expansion site was determined to be serviceable by existing public water, sanitary sewer, and stormwater facilities with certain upgrades as identified below. This criterion is met.

**Water:** Approximately 68 acres of the proposed URA expansion site is within Pressure Zone 1, which can be served by the Corral Creek Reservoir. A connection to the existing 24-inch water main, located just north of the site, could provide water service to the northern portions of the site. A connection to the existing 8-inch water main within Hook Drive and Fairway Street could serve the western and southern portions of the site. The remaining higher elevation portions of the site are within Pressure Zone 2, which would require upgrades to the Corral Creek Reservoir.

**Sanitary Sewer:** The proposed URA expansion site is serviceable by gravity sewer lines as the site generally slopes to the southwest toward NE Fernwood Road. The site would connect to the Fernwood Pump station located approximately 1,300 feet to the west. As identified in the City's Utility Master Plan, upgrades to the Fernwood Pump Station and the gravity sewer mains downstream of the pump station are required, as the pump station and mains are already at capacity. A preferred alternative for these upgrades is identified in the Utility Master Plan.

**Stormwater:** The proposed URA expansion site is serviceable by a gravity stormwater conveyance system. The on-site stormwater conveyance system could discharge to the 12-inch stormwater main within NE Fernwood Road, which eventually outfalls into Spring Brook.



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

**Response:** Compliance with the Transportation Planning Rule (TPR) is demonstrated in the TPR Compliance Memorandum (Exhibit I), prepared by the applicant's consulting traffic engineer, Lancaster Mobley. Findings of compliance with OAR 660-012-0060 are also included within Section VII of this narrative. As demonstrated within the TPR Compliance Memorandum and through this narrative, there is no significant affect to the transportation system as a result of the applicant's proposed URA expansion and the TPR is satisfied. This criterion is met.

- 4. The property owner who desired to have their property reclassified has the burden of establishing that the requested classification meets the requirements of this section. As part of the application, the property owner requesting a change shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.**

**Response:** As identified in response to NMC 15.302.030(A)(3) and demonstrated throughout this narrative, the approval criteria for a comprehensive plan amendment are met. The property owners will file the applicable waiver as necessary.

- 5. A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection, which is functioning at a poor level of service. A traffic study may be required by the director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards.**

**Response:** As demonstrated in the TPR Compliance Memorandum (Exhibit I) and in response to OAR 660-012-0060 (the TPR) within Section VII of this narrative, the applicant's proposed URA expansion will not significantly affect the transportation system within the vicinity of the proposed URA expansion site. A complete traffic study that thoroughly analyzes possible impacts from the site to certain transportation facilities will be required at the time when the City's UGB is amended to include the site, or when the site is annexed into the City. A complete traffic study will provide an in-depth examination of the impacts of the development of the site, conditions at the applicable planning horizon, and identification of specific improvements that may be required to mitigate the impact of the site's development on the transportation system.

## **IV. Newberg Comprehensive Plan**

Applicable goals and policies of the Newberg Comprehensive Plan are set forth below with findings demonstrating the project's consistency with these goals and policies.

## II. Goals and 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.

**Response:** The applicant's proposed URA expansion is subject to a quasi-judicial procedure to amend the City and County Comprehensive Plans, which requires public notification and at least three public hearings before the NUAMC, City Council, and the Board of County Commissioners, which will provide the general public an opportunity to comment and testify on the applicant's proposal. The public hearing notice of the action and decision, and the hearings on this proposal before the NUAMC, City Council, and the Board of County Commissioners are all recognized as opportunities for citizen participation. The applicable procedure for this application is described in response to NMC 15.100.050(B)(7) within Section III of this narrative.

Additionally, the applicant held virtual neighborhood meeting on May 4, 2021 and invited over 200 project neighbors to this meeting for the purpose of reviewing and discussing the proposal. This meeting was attended by over 50 neighboring property owners and residents, and included a presentation describing the applicant's proposed URA expansion request, as well as a question and answer session intended to address any questions or concerns raised by neighbors. Documentation of this neighborhood meeting is included with this submittal as Exhibit E. Various questions asked by neighbors, and the answers provided, are summarized below:

- ***Assuming the proposed URA expansion is approved, what other steps are required before the site could be developed as shown in the conceptual development plan?***

Assuming the applicant's proposed URA expansion request is approved, various other steps would be required before the site could be developed with urban uses. These other steps include an amendment to expand the City's UGB that would need to include the site, annexation of the site into the City, and any necessary land use actions approvals from the City (such as approval of subdivision or site plan reviews). Following land use approval(s), the City would need to complete a review of any construction documents before building permits could be issued and construction could start.

- ***While the development plan is conceptual, is it anticipated that recreational facilities will be available to the general public?***

While the development plan is conceptual in nature, the applicant intends that the site's future development will include various recreational features and open space areas, including a possible pickleball park. The applicant intends to donate approximately 2 acres of land for use as a pickleball park to the Chehalem Park & Recreation District for use by the general public. Further, NMC Title 15 (Development Code) maintains requirements for recreational facilities, outdoor living areas, and open space areas for various types of development. Depending on the types of development eventually proposed for the site,

additional recreational facilities and open space areas may be made available for public use.

- ***When will a complete transportation impact analysis occur that analyzes the site's impacts on the adjacent transportation network?***

Because the applicant's request at this time is only to expand the City's URA and no zone changes or specific development requests are being made, specific impacts on adjacent transportation facilities have not been analyzed at this time. It is anticipated that a complete analysis of the site's impacts on the adjacent transportation network, including the Newberg-Dundee Bypass and Hwy 99W, will be completed with subsequent applications, including inclusion in the City's UGB, annexation into the City, and any necessary land use actions (such as approval of subdivision or site plan reviews). These future analyses will also help determine improvements and upgrades necessary to adjacent facilities in order to facilitate the site's development.

Because this request requires amendments to acknowledged Comprehensive Plans, compliance with OAR 660-012 (the "Transportation Planning Rule") is required. The applicant's consulting traffic engineer, Lancaster Mobley, has prepared a TPR Compliance Memorandum in support of the applicant's proposed URA expansion, which demonstrates compliance with OAR 660-012.

- ***Assuming the proposed URA expansion is approved, would the site be eligible for inclusion within the City's UGB before land within the City's existing URAs?***

If the applicant's proposed URA expansion is approved, the site would then be eligible for consideration for a City UGB expansion. However, the site would not be prioritized for inclusion in the UGB compared to any other land within the City's URA and the City would have to make a determination at that time as to whether or not this site should be included in the UGB before or in conjunction with other URA lands.

- ***Is it anticipated that future development on the site will include roadway connections to The Greens at Springbrook subdivision?***

While the development plan is conceptual in nature, it is assumed that the site's future development will include a roadway connection to The Greens at Springbrook subdivision. This connection will provide safer and more complete access to this subdivision, as well as a more complete vehicular network in this area. Currently, this subdivision only maintains a single access with NE Fernwood Road, which provides concerns for emergency access, and creates additional barriers for efficient pedestrian and bicycle traffic circulation.

- ***Will identified natural resources within the site be protected?***

The City and County have acknowledged Comprehensive Plans that maintain protections for air, water, and land resource quality, including any natural resources identified within the site. Because the development plan is conceptual nature, and the site's natural areas have not been thoroughly evaluated at this point, specific impacts are not known at this



time. Future development of the site, whether for urban or rural uses, will be required to comply with applicable City and County requirements, and any impacts to natural resources may require additional state and federal permit approvals as necessary, as well as mitigation. A complete evaluation of the site's natural resources will occur prior to any development being formally proposed on the site.

- ***Are properties immediately adjacent to the City's UGB prioritized for inclusion within URAs?***

While this is typically the case, the prioritization of land for inclusion within a URA is dependent on a number of factors, including soil types and agricultural productivity, adjacency to urbanized land, ability to be served by public utilities, transportation connections, topographical constraints, and anticipated development costs. As a result, not all land immediately adjacent to the City's UGB may be suitable for inclusion within the UGB, and therefore, may not be prioritized for inclusion within the URA. It is the applicant's belief that the proposed URA expansion site is the optimal location for an expansion of the City's URA based on the previously identified factors, as well as the results of a comparative site analysis which analyzed all land within a one mile radius of the City's current UGB.

## **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 resource needs.

**Policies:**

2. **The Comprehensive Plan and implementing ordinances shall be reviewed continually and revised as needed. Major reviews shall be conducted during the State periodic review process.**

**Response:** The applicant's request to expand the City's URA is based on a demonstrated need for additional buildable land to satisfy urban growth projections through 2051. As the City considers future urban growth boundary expansion decisions through periodic updates, consistent with this policy, it is important for the City make such decisions with appropriate supply of land for 30-years of growth per OAR 660-021-0030(1). The proposed URA expansion will provide a broader array of growth options for the City to consider when it elects to proceed with its next UGB update.

## **C. Agricultural Lands**

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

**Policies:**

1. **The conversion of urbanizable land from agricultural to urban land uses shall be orderly and efficient.**
2. **Agriculture is a part of our heritage, uniqueness, culture and future. Inclusion of lands in agricultural use within the Urban Growth Boundary is recognition of a commitment to future urbanization, as such lands are necessary to meet long-**

**range population and economic needs, based on criteria outlined in the statewide Urbanization Goal. Urbanization of agricultural land shall be carefully considered and balanced with the needs of the community as a whole.**

**Response:** The Comparative Site Analysis (Exhibit H) applied the criteria of OAR 660-021-0030(2-5) and assessed all land within an approximately one mile radius from the City's current UGB to determine suitability for URA expansion sites. This analysis concluded that the East A study area, which contains the proposed URA expansion site, is one of the most appropriate areas for a URA expansion due to numerous factors when compared to the other studied areas, including minimal amounts of Class I soils (less than 25 percent), large areas free of development constraints (such as steep slopes and landslide susceptibility), a large average parcel size that is conducive to master planning efforts, and minimal active agricultural uses. As demonstrated in the findings of the Comparative Site Analysis, the applicant has applied an appropriate and rigorous analysis of potential alternative expansion sites, consistent with state provisions designed to minimize urban encroachment into productive agricultural lands.

#### **D. Wooded Areas**

**Goal:** To retain and protect wooded areas.

**Policies:**

- 1. The City shall encourage the preservation of wooded areas for wildlife habitat and limited recreational uses.**
- 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.**

**Response:** The western portion of the proposed URA expansion site contains a large stand of Douglas Fir trees. While the proposed URA expansion will not directly result in development, it is possible that, if the site is ultimately slated for urban development, some of these trees may ultimately be removed for site grading for future development. Further analysis, including an arborist study for tree health and protection capability, will be conducted prior to removal of trees on the site.

More generally, the analysis conducted with the Comparative Site Analysis (Exhibit H) determined that alternative sites considered for expansion, such as the East B, Southeast B, and Southwest D study areas, contain larger amounts of wooded areas. Certain wooded areas in these study areas are adjacent to creeks and streams that serve as tributaries to the Willamette River. Adjacent wooded areas enhance the functional value and water quality of these waterways and the riparian habitat areas adjacent to them. As demonstrated throughout this narrative and supporting documentation, the applicant's proposed URA expansion site can promote compact and efficient urban development due to its adjacency to existing urbanized land.

Thus, by directing urban uses toward the proposed URA expansion site, and away from other, more expansive wooded areas, the proposed URA expansion promotes the goal of retaining and protecting wooded areas for the community and region as a whole.

## **E. Air, Water, and Land Resource Quality**

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

**Policies:**

- 2. Water quality in the Willamette River and tributary streams shall be protected.**
- 3. As public sanitary sewer systems become available, all development shall connect to the public system. To encourage economic development, the City may permit subsurface sewerage disposal where the system meets State and County requirements and where unique circumstances exist.**
- 4. The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.**

**Response:** The City has an acknowledged Comprehensive Plan that complies with this goal and subsequent policies and maintains protections for air, water, and land resource quality. Expanding the City's URA to include the proposed URA expansion site will not preclude compliance with this goal and policies. Future development requests will be required to comply with applicable City requirements prior to approval.

As demonstrated through this narrative and the Serviceability Memorandum (Exhibit J), the proposed URA expansion site is adjacent to, and can be served by, extensions of the existing public sanitary sewer system with certain upgrades. Connections to the existing public stormwater conveyance system within NE Fernwood Road are also feasible, and future on-site stormwater management and treatment systems will comply with City requirements for post-development flow rates and management and treatment facilities will be selected and designed per City requirements.

Because the proposed URA expansion site can be served by the public sanitary sewer system, and stormwater can be properly treated and conveyed to established discharge points, water quality in the Willamette River and its tributary system will be protected. Further, the proposed URA expansion site is not within the Willamette River Greenway and is directing urbanization away from the Willamette River. By doing so, potential impacts to the Willamette River and its tributary system are minimized and the proposed URA expansion will assist in its long-term preservation as a resource for the community and region.

## **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.**

**Policies:**

- 1. Open Space & Natural Resources Policies**

- a. The City shall ensure that as development continues, adequate land shall be retained in permanent open space use.**

**Response:** The Conceptual Development Plan (Exhibit F) demonstrates that the proposed URA expansion site can accommodate protections for permanent open spaces, including possible wetland resources, while also providing ample buildable acreage that can help meet the City's identified future land needs for the 2041 to 2051 period.

Further, NMC Title 15 (Development Code) maintains requirements for recreational facilities, outdoor living areas, and open space areas for various types of development. NMC 15.240 (Planned Unit Developments) requires that sufficient usable recreation facilities, outdoor living area, and open space areas be accessible for use by residents of the proposed development. NMC 15.420 (Landscaping and Outdoor Areas) maintains provisions for minimum usable outdoor recreation space on a per-unit basis for proposed residential developments. Per NMC 15.220 (Site Design Review), multifamily residential projects are required to use a minimum amount of certain design elements, which includes options such as playground equipment, "outdoor" rooms created by well-defined spaces between buildings, and preservation of existing natural features. Future development within the proposed URA expansion site will be required to meet applicable provisions of Title 15, in support of this goal.

- g. The City shall coordinate with State and Federal agencies to protect identified wetland areas. The National Wetlands Maps prepared by the U.S. Fish and Wildlife Service in 1981 provides an initial inventory of wetlands in Newberg.**

**Response:** Per the U.S. Fish and Wildlife Service National Wetlands Inventory, a portion of an approximately 1.49 acre freshwater forested/shrub wetland is shown to exist within the proposed URA expansion site. Further, the applicant has contracted with a professional wetland scientist who has completed a preliminary reconnaissance of the proposed URA expansion site to determine the approximate location of possible on-site wetlands, which are shown on the Conceptual Development Plan (Exhibit F). A formal delineation will be necessary to determine the extent and precise location of these wetlands. If wetlands are determined to be present within the site with a future delineation, they will be subject to City, state, and federal requirements, and any proposed impacts will require permitting and mitigation.

#### **4. Recreation Policies**

- h. Public and private recreational development will be encouraged on sites suitable for the proposed uses.**

**Response:** The proposed URA expansion site is within the Chehalem Park & Recreation District (CPRD), which provides park and recreation areas and services for the far eastern areas of the County, including the City and the proposed URA expansion site. Per the NUAGMA, CPRD and the County are responsible for providing park and recreation services within the City's URA. The proposed URA expansion site is immediately adjacent to an existing CPRD park, Schaad Park, which provides passive and active recreational opportunities.

The site is also within one mile of various other facilities, including the Chehalem Glenn Golf Course, Spring Meadow Park, and the Bob & Crystal Rilee Park Equestrian Trails on Parrett Mountain. The Conceptual Development Plan (Exhibit F) demonstrates that the proposed URA expansion site can accommodate additional active recreational opportunities, including a possible public pickleball park, as well as protected open space and natural resource areas for passive recreational activities.

Further, NMC Title 15 (Development Code) maintains requirements for recreational facilities, outdoor living areas, and open space areas for various types of development. NMC 15.240 (Planned Unit Developments) requires sufficient accessible and usable recreation facilities, outdoor living areas, and open space areas accessible for use by residents of the proposed development. NMC 15.420 (Landscaping and Outdoor Areas) maintains provisions for minimum usable outdoor recreation space on a per-unit basis for proposed residential developments. Per NMC 15.220 (Site Design Review), multifamily residential projects are required to use a minimum amount of certain design elements, which includes options such as playground equipment, “outdoor” rooms created by well-defined spaces between buildings, and preservation of existing natural features. Future development within the proposed URA expansion site will be required to meet applicable provisions of Title 15, in support of this goal.

## H. The Economy

**Goal:** To develop a diverse and stable economic base.

**Response:** As established throughout this narrative and demonstrated through the 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G), the City has an identified land need of approximately 400 buildable acres within its URA to ensure that the City’s URA provides sufficient land for a minimum of a 30-year growth horizon per OAR 660-021-0030(1). The proposed URA expansion site provides approximately 95.3 gross acres of land that assists the City in meeting this requirement, which will contribute to the future economic growth of the City and the region as a whole. The Conceptual Development Plan (Exhibit F) demonstrates a variety of housing types can be provided, including single-family detached homes, duplexes, triplexes, cottage clusters, townhomes, and multi-family residential (apartments), as well as commercial (employment) land. A greater variety of housing options offers increased opportunities for renters and homeownership across multiple price levels, which is conducive to attracting new industries and maintaining a stable economic base in support of this goal.

## 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.

**Policies:**

### 1. Density Policies

- a. **Density rather than housing type shall be the most important development criteria and shall be used to classify different types of residential areas on the plan.**
- b. **Target densities shall be as follows:**

Classification	Units per Gross Acre*
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

\*Includes a 25 percent allowance for streets, walkways and other right-of-way, utilities, small open spaces, preservation of resources, and similar features.

**Response:** The Conceptual Development Plan (Exhibit F) demonstrates that the proposed URA expansion site can accommodate a variety of housing types that will allow the site to meet the City's target densities upon its conversion to urban uses. Additionally, greater variety of housing options, including single-family detached, duplexes, triplexes, cottage clusters, townhomes, and multi-family residential (apartments) offers increased opportunities for renters and homeownership across multiple income levels. An increased supply of housing will help combat housing shortages throughout the region, and a variety of housing product types, including single family attached and multi-family housing, will ensure a greater variety of housing price points in the City.

## **2. Location Policies**

- a. **Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.**

**Response:** The proposed URA expansion site is anchored by two existing minor arterials, NE Corral Creek Road and NE Fernwood Road. As identified on the Conceptual Development Plan (Exhibit F), higher density residential uses are envisioned along these arterials and can take access from them without having to direct traffic onto lower designation streets that primarily serve low density neighborhoods. Commercial uses are envisioned immediately northwest of the intersection of these roads to serve these higher density areas. Additionally, the Conceptual Development Plan also demonstrates that the site can accommodate additional active recreational opportunities, including a possible public pickleball park, as well as protected open space and natural resource areas for passive recreational activities to the benefit of nearby residential areas.

## **3. Mix Policies**

- k. **The City shall encourage an adequate supply of multi-family housing dispersed throughout the City to meet the needs of renters.**

- m. Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.**

**Response:** The Conceptual Development Plan (Exhibit F) demonstrates the proposed URA expansion site can provide a range of needed housing types, including missing middle housing such as cottage clusters, duplexes, triplexes, and townhomes, which offer greater housing opportunities for renters and homeownership across multiple price levels, consistent with this policy. Housing types such as triplexes and cottage clusters offer design benefits and provide greater density as compared to traditional single-family housing types. These product types can also provide opportunities for shared communal and open space areas that provide an increased sense of community for residents.

The Conceptual Development Plan also demonstrates a seamless transition from established urbanized lands to the west, with single-family residential uses taking access from existing streets (North Fairway Street and North Eagle Street), which is conducive to compact and efficient urban development and an orderly and efficient transition from urban to rural land uses that avoids “leapfrogging” intervening agricultural land.

- x. Where large parcels or groups of parcels are to be brought into the urban growth boundary and designated low or medium density residential, the City shall apply a mixture of residential designations, to include some HDR-designated lands, consistent with the policy of distributing multi-family housing throughout the community. Such designations shall be applied to portions of the property that are most suitable for high density development.**

**For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.**

**Response:** The proposed URA expansion site is approximately 95.3 gross acres. As identified in the Conceptual Development Plan (Exhibit F), the site can provide for a range of low, medium, and high density housing types and residential zoning designations. As previously identified, the site is bordered by two existing minor arterials, NE Corral Creek Road and NE Fernwood Road, which can support urban levels of development and provide direct access to higher density uses

## **K. Transportation**

**Goal 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.**

**Policies:**

- a. Transportation improvements should be used to guide urban development and should be designed to serve anticipated future needs.**

**Response:** The proposed URA expansion site is bordered by two existing minor arterials, NE Corral Creek Road and NE Fernwood Road. The Conceptual Development Plan demonstrates



that the site can provide an efficient and compact internal road network that guides the site's urban development and integrates with existing facilities. Future development of the site will also be subject to the City's Transportation Utility Fee (TUF) which provides funds in support of City-wide transportation projects and needed improvements.

Further, future development of the proposed URA expansion site will provide existing development to the west (The Greens at Springbrook) with a secondary access to NE Corral Creek Road that will ensure a safer and more complete vehicular network in this area. Additional access to this subdivision has been considered and addressed in multiple past planning efforts but has not been implemented.

For example, the Greens at Springbrook is specifically identified in Volume 1 of the TSP as an area that has "especially constrained connectivity and access to the surrounding transportation system." The TSP also references an access road that would extend The Greens Avenue eastward from the subdivision to NE Corral Creek Road. This road is listed as Project E19 within "Technical Memorandum 8", a technical memorandum that was integrated with Volume 2 of the TSP. While this facility was ultimately not included as a future road improvement in the TSP due to a determination that it was unlikely to receive public funding, it was contemplated as a means to address the recognized access constraints at The Greens at Springbrook subdivision.

Additionally, The Greens at Springbrook subdivision approval (S-44-04/ADJ-128-04/V-43-04) included condition of approval 1(g)(ii), which required the construction of an emergency access road in the location of Project E19 per the following:

***Provide a design and cross section for the emergency access road to Corral Creek Road. The road shall be an all-weather surface at least 24 feet wide. The road will be within dedicated public right-of-way 54-65 feet wide. The road will include a paved or concreted pedestrian/bike path. Each entrance shall be gated for emergency vehicle access only with a design approved by the Newberg Fire Marshal. This access road shall be constructed prior to final plat for Phase 1.***

While a gravel emergency access road connecting The Greens Avenue to NE Corral Creek Road currently exists, the road is poorly maintained, is not at least 24 feet wide for its entire alignment and does not include a paved or concreted pedestrian/bike path. A connection through the proposed URA expansion site to NE Corral Creek Road will provide an improved all-weather paved surface for all vehicle types, as well as sidewalks and bicycle lanes for pedestrian use, which will ultimately better meet the intent of this condition of approval to the benefit of The Greens at Springbrook subdivision.

**Goal 4: Minimize the impact of regional traffic on the local transportation system.**

**Policies:**

- a. Enhance the efficiency of the existing collector/arterial street system to move local traffic off the regional system.
- b. Provide for alternate routes for regional traffic.



**Response:** As demonstrated in the TPR Compliance Memorandum (Exhibit I) and in response to OAR 660-012-0060 (the TPR) within Section VII of this narrative, the applicant's proposed URA expansion will not significantly affect the transportation system within the vicinity of the proposed URA expansion site. A complete traffic study that thoroughly analyzes possible impacts from the site to certain transportation facilities will be required at the time when the City's UGB is amended to include the site, or when the site is annexed into the City. A complete traffic study will provide an in-depth examination of the impacts of the development of the site, conditions at the applicable planning horizon, and identification of specific improvements and enhancements to the existing transportation system that may be required to mitigate the impact of the site's development on existing facilities.

Future applications, including comprehensive plan amendments to amend the City's UGB, as well as annexation, will be required to demonstrate compliance with applicable goals and policies of the City's Comprehensive Plan, including the above policies.

- h. For the purposes of compliance with the Transportation Planning Rule, OAR 660-12-0060 and in order to support the goal exception that Yamhill County took to advance construction of the Bypass, the City of Newberg acknowledges that reliance upon the full Bypass as a planned improvement to support comprehensive plan amendments or changes is premature. (Ordinance 2008-2708, December 1, 2008, Ordinance 2011-2734, March 7, 2011; Ordinance 2016-2810, December 19, 2016) The Phase 1 Bypass is considered a planned improvement for the 20-year planning horizon and may be relied upon for planning purposes. The City of Newberg will continue to work with ODOT on improvements to the local transportation system in accordance with post-Phase 1 Bypass impacts. This may include adopting alternative mobility standards for Oregon 99W and Oregon 219. For purposes of the Newberg TSP, alternative mobility standards are consistent with the planned function of Oregon 99W through Newberg as a lower speed local arterial intended to provide access to businesses and residences and a more pedestrian friendly environment. Alternative mobility standards may continue to be necessary on Oregon 99W and Oregon 219 until the full Bypass can be completed.**

**Response:** As demonstrated in the TPR Compliance Memorandum (Exhibit I) and in response to OAR 660-012-0060 (the TPR) within Section VII of this narrative, the applicant's proposed URA expansion will not significantly affect the transportation system within the vicinity of the proposed URA expansion site. The TPR Compliance Memorandum does not rely upon the full Newberg-Dundee Bypass to support the applicant's proposed URA expansion request, in support of this policy. The proposed URA expansion will not directly result in the generation of any additional trips or potential trips. As such, the TPR is satisfied without relying on the full buildout of the Bypass.

A complete traffic study that thoroughly analyzes possible impacts from the site to certain transportation facilities will be required at the time when the City's UGB is amended to include the site, or when the site is annexed into the City. A complete traffic study will provide an in-depth examination of the impacts of the development of the site, conditions at the applicable planning horizon, and identification of specific improvements that may be required to mitigate the impact of the site's development on the transportation

system. As noted in the TPR Compliance Memorandum, Phase 2 of the Bypass is currently in the design phase and is not funded for construction. Whether or not potential future applications for the site, including amendments of the City's UGB to include the site or annexation into the City, can rely on Phase 2 of the Bypass in support of their approval, will be dependent on the status of the Bypass at the time these applications are initiated.

## **L. Public Facilities and Services**

**Goal:** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

**Policies:**

### **1. All Facilities & Services Policies**

- 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.
- d. Services shall be planned to meet anticipated community needs.

### **2. Wastewater, Stormwater and Water Policies**

- c. Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present wastewater system.

**Response:** As identified throughout this narrative, as well as in the Serviceability Memorandum (Exhibit J), the proposed URA expansion site is serviceable by existing public water, sanitary sewer, and stormwater facilities, with certain upgrades. Further, the Comparative Site Analysis (Exhibit H) demonstrates that development costs per acre for the East A study area, which contains the proposed URA expansion site, requires only moderate new utility infrastructure to be served and can be provided at a relatively low cost per buildable acre (approximately \$38,389 per buildable acre) when compared to other areas studied (average of approximately \$74,559 per buildable acre), due in part to the area's adjacency to existing urban development and services. The proposed URA expansion site's serviceability and adjacency to existing urbanized areas and services will, therefore, facilitate more orderly and efficient urbanization and development of public facilities to serve as a framework for urban development.

## **M. Energy**

**Goal:** To conserve energy through efficient land use patterns and energy-related policies and ordinances.

**Policies:**

### **1. Planning Policies**

- a. The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

**Response:** As demonstrated in the Serviceability Memorandum (Exhibit J) the proposed URA expansion site is serviceable by existing public water, sanitary sewer, and stormwater facilities, with certain upgrades. As identified in the Comparative Site Analysis (Exhibit H) the East A study area requires only moderate new utility infrastructure to be served and could be provided at a relatively low cost per buildable acre (approximately \$38,389 per buildable acre) when compared to other areas studied (average of approximately \$74,559 per buildable acre). These factors, in conjunction with the site's immediate adjacency to existing urbanized areas to the west, ensure that an orderly and efficient transition from urban to rural land uses can be preserved upon the site's eventual conversion to urban uses. Given the site's large size, and that it is made up of only four separate parcels, master planning is more feasible on the site than in other more fragmented areas and can result in more desirable land use and development patterns. The Conceptual Development Plan (Exhibit F) shows that compact urban development is possible, demonstrating the site can seamlessly transition from urbanized areas to the west, while also providing a variety of residential use types and additional commercial land that would provide opportunities for retail goods and services and employment.

## **N. Urbanization**

### **Goals:**

- 1. To provide for the orderly and efficient transition from rural to urban land uses.**
- 2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.**

### **Policies:**

#### **1. Urban Growth Boundary and Urban Reserve Area Policies**

- b. The City shall oppose urban development outside the City limits but within the Newberg Area Influence.**

**Response:** The Newberg Area of Influence is described in the NUAGMA as an area of land that extends one mile outside the City's UGB and includes the proposed URA expansion site. The applicant's request to expand the City's URA does not alter the site's zoning designation and does not convert the site's agricultural lands to an urban use. The applicant's request to expand the City's URA is the first step in a process that may lead to the site's eventual conversion to urban uses. An expansion of the City's UGB, as well as annexation to the City, would be required before urbanization could occur.

The Comparative Site Analysis (Exhibit H) applied the criteria of OAR 660-021-0030(2-5) and assessed all land within an approximately one mile radius from the City's current UGB to determine suitability for URA expansion sites. This analysis concluded that the East A study, which contains the proposed URA expansion site, is one of the most appropriate areas for a URA expansion due to numerous factors when compared to the other studied areas, including minimal amounts of Class 1 soils (less than 25 percent), large areas free of development constraints (such as steep slopes and landslide susceptibility), a large average parcel size that is conducive to master planning efforts (approximately 15 acres, many of which are vacant), and minimal active agricultural uses.

- 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 LCDC Goal 14 and the Urban Growth Management.

**Response:** As established throughout this narrative and demonstrated through the 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G), the City needs approximately 400 buildable acres within its URA to ensure that the City's URA provides sufficient land for a minimum of a 30-year growth horizon per OAR 660-021-0030(1). OAR 660-021-0030(2-5) establishes criteria determining and prioritizing land (such as agricultural lands) for inclusion in a URA, which are addressed with findings of compliance in Section VII of this narrative.

The Comparative Site Analysis (Exhibit H) applied the criteria of OAR 660-021-0030(2-5) and assessed all land within an approximately one mile radius from the City's current UGB to determine suitability for URA expansion sites. This analysis concluded that the East A study, which contains the proposed URA expansion site, is one of the most appropriate areas for a URA expansion due to numerous factors when compared to the other studied areas, including minimal amounts of Class 1 soils (less than 25 percent), large areas free of development constraints (such as steep slopes and landslide susceptibility), a large average parcel size that is conducive to master planning efforts (approximately 15 acres, many of which are vacant), and minimal active agricultural uses. Further, the East A study area requires only moderate new utility infrastructure to be served and could be provided at a relatively low cost per buildable acre (approximately \$38,389 per buildable acre) as compared to other areas studied (average of approximately \$74,559 per buildable acre). These factors, in conjunction with the site's immediate adjacency to existing urbanized areas to the west, ensure that an orderly and efficient transition from urban to rural land uses can be preserved upon the site's eventual conversion to urban uses, consistent with Goal 14 rules for urbanization.

## V. Land Need and Supply

### F. Summary of Land Needs

Table V-14 Summarizes the future land needs for the Newberg Urban Area.

Table V-14. Future Land Needs and Supply, Newberg Urban Area

Plan Designation	Buildable Acres Need 2005-2025	Buildable Acres in UGB (2004)	Surplus (Deficit) for 2005-2025	Buildable Acres Need 2026-2040	Buildable Acres in URA (2004)	Surplus (Deficit) 2026-2040
LDR	612	359	(253)	735		
MDR	173	142	(31)	191		
HDR	89	13	(76)	83		
COM	111	105	(6)	109		
IND	50	99	49	37		
IND (Large Site)	100	60	(40)	120		
P	85	0	(85)	115		
I, PQ, or other Inst.	164	0	(164)	233		
Total	1,384	778	(606)	1,623	467	(1,156)

**Response:** The City's adopted future land needs data, identified in Table V-14 above, is not based on the current PSU Population Research Center population forecasts. Because the applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans, the current PSU Population Research Center population forecast numbers must be used as the basis for a decision on the applicant's proposed URA expansion request pursuant to ORS 195.033(3). Accordingly, this URA expansion request and supporting documentation are based on the current PSU Population Research Center population forecasts for the City.

## V. Yamhill County Comprehensive Plan

Applicable goals and policies of the Yamhill County Comprehensive Plan are set forth below with findings demonstrating the project's consistency with these goals and policies.

### Section I. Urban Growth and Change and Economic Development

#### A. Urban Area Development

**Goal Statement 1** – To encourage the containment of growth within existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use.

**Policies:**

- D. Yamhill County will coordinate with the City of Newberg to adopt an Urban Reserve Area (URA). The URA identifies high priority lands to include with the Newberg UGB to meet long-term urban growth needs to the year 2030. Interim rural development within the Urban Reserve Area will be regulated with tools such as corridor plans, shadow plats, clustering and redevelopment plans to ensure that long term options for urban development are protected.

**Response:** As established throughout this narrative and demonstrated through in the 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G), Newberg has an identified land need of approximately 400 buildable acres within its URA to ensure that the City's URA provides sufficient land for a minimum of a 30-year growth horizon per OAR 660-021-0030(1). OAR 660-021-0030(2-5) establishes criteria determining and prioritizing land for

inclusion in a URA. Compliance findings relative to these provisions are provided in Section VII of this narrative and demonstrate the suitability of the applicant's proposed URA expansion site. The applicant's request to expand the City's URA will assist the City and County in meeting this identified need. If included in the URA, the proposed URA expansion site will be regulated by the City and County Comprehensive Plans, including the NUAGMA, to ensure that long term options for urban development are protected in compliance with this goal.

As identified in the response to NMC 15.100.050(B)(7) previously in Section III of this narrative, the applicant's proposed URA expansion request is subject to a quasi-judicial procedure involving the City, County, and the NUAMC. This procedure will allow the County to directly coordinate with the City on the applicant's proposed URA expansion request.

#### **D. City Growth and Development**

##### **Policies:**

- A. All urban growth boundaries in the county will be delineated as shown on the plan map and no extension of urban land uses or city water and sewer services beyond the designated urban growth boundaries will be undertaken without concurrent amendments to both the respective city and county comprehensive plans.**

**Response:** The applicant's request to expand the City's URA does not alter the site's zoning and does not convert the site's agricultural lands to an urban use; no use is proposed or authorized. Water and sanitary sewer services are not proposed to be extended to the proposed URA expansion site at this time and would not be available for extension until the site is included into the Urban Growth Boundary and subsequently annexed into the City.

- B. Yamhill County will encourage major land uses or functional areas and domestic water supply and sanitary sewer service areas in the cities to develop progressively outward and to be extended on a staged basis until they become coextensive with and fully service the designated urban area.**

**Response:** The applicant's proposed URA expansion site is immediately adjacent to existing urbanized land to the west. As demonstrated in the Serviceability Memorandum (Exhibit J), the proposed URA expansion site was determined to be serviceable by existing public water, sanitary sewer, and stormwater facilities with certain upgrades. The Conceptual Development Plan (Exhibit F) also demonstrates a seamless transition from established urbanized lands to the west, ensuring the orderly and efficient extension of urban development within the City.

- F. An Urban Reserve Area is designated for the City of Newberg as shown on the Comprehensive Plan Map. The URA identifies high-priority land to include within the City of Newberg UGB on a phased basis to meet urban growth needs to the year 2030. Interim rural development with the designated Urban Reserve Area shall be regulated and reviewed as outlined in the City of Newberg/Yamhill**

**County Urban Growth Management Agreement to ensure that long term opportunities for urban development are protected.**

**Response:** If established as a URA, the applicant's proposed URA expansion site will be regulated by the City and County Comprehensive Plans, including the NUAGMA, to ensure that long term options for urban development are protected in compliance with this goal. As provided by the NUAGMA, interim rural development within the URA is regulated to ensure proposed development is conducive to future urban development patterns and does not constrain future urbanization.

**E. Housing**

**Goal Statement 1 – To assure the provisions of safe, sanitary and decent housing for all residents of the county at a reasonable cost.**

**Policies:**

- C. Yamhill County will provide opportunities for a variety of housing types in different residential environments, including single-family structures, conventional and modular type construction, and mobile homes to serve the housing needs of all components of the county population.**
- D. Yamhill County will encourage an adequate supply of new and rehabilitated housing units for rental or purchase by low- and moderate-income families and individuals through support of, and participation in, state and federal programs.**

**Response:** The Conceptual Development Plan (Exhibit F) demonstrates that the proposed URA expansion site can provide a range of needed housing types, including needed missing middle housing such as cottage clusters, duplexes, triplexes, and townhomes, which offer greater housing opportunities for renters and homeownership across multiple price levels, consistent with this goal. An increased supply of housing will help combat housing shortages throughout the region, and a variety of housing product types, including single family attached and multi-family housing will ensure greater variety of housing price points and increased affordability.

**Section II. The Land and Water**

**A. Agricultural Lands**

**Goal Statement 2 – To conserve Yamhill County's soil resources in a manner reflecting their suitability for forestry, agriculture and urban development and their sustained use for the purposes designated on the county plan map.**

**Policies:**

- A. Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.**

**Response:** OAR 660-021-0030(2-5) establishes criteria determining and prioritizing land (such as agricultural lands) for inclusion in a URA. As demonstrated in response to OAR 660-021-0030(3)(a-c) and through referenced documentation, the majority of nearby exception



land is unsuitable for inclusion in the City's URA as a result of identified topographical and physical constraints. While several exception lands could be reasonably provided with urban services (East A and Southeast C study areas) these lands would also require intervening resource land to be urbanized (East A study area) in order to efficiently serve these areas. Therefore, resource lands of lower soil capacity must be considered to meet the identified land needs for 2041 to 2051 period.

As identified in the Comparative Site Analysis (Exhibit H), the East A study area, which contains the proposed URA expansion site, is one of the most appropriate areas for a URA expansion due to numerous factors when compared to the other studied areas, including minimal amounts of Class 1 soils (less than 25 percent), large areas free of development constraints (such as steep slopes and landslide susceptibility), a large average parcel size that is conducive to master planning efforts (approximately 15 acres, many of which are vacant), and minimal active agricultural uses. Due to the reasons identified in response to OAR 660-021-0030(3)(c) and described in the Comparative Site Analysis, the applicant's proposal to expand the URA into the approximately 95.3 gross acre area has met the necessary test for expansion approval given the statutory prioritization of exception and non-agricultural lands for URA expansion decisions.

## E. Open Space

**Goal Statement 2 – To preserve and improve recreational and other open spaces in both urban and rural environments for all to enjoy.**

### **Policies:**

- A. Yamhill County will cooperate with all governmental and recreation agencies within the region to identify open space and scenic resources, to determine resident and non-resident recreation needs, and to formulate and implement measures for open space preservation.**

**Response:** The proposed URA expansion site is within CPRD, which provides park and recreation areas and services for the far eastern areas of the County, including the City and the proposed URA expansion site. Per the NUAGMA, CPRD and the County are responsible for providing park and recreation services within the City's URA. The proposed URA expansion site is immediately adjacent to an existing CPRD park, Schaad Park, which provides passive and active recreational opportunities. Additionally, the Conceptual Development Plan (Exhibit F) demonstrates that the site can accommodate additional active recreational opportunities, including a possible public pickleball park, as well as protected open space and natural resource areas for passive recreational activities to the benefit of nearby residential areas and the County as a whole.

Further, assuming the site's eventual annexation into the City and future development, NMC Title 15 (Development Code) includes requirements for recreational facilities, outdoor living areas, and open space areas for various types of development in support of this goal. NMC 15.240 (Planned Unit Developments) requires that sufficient usable recreation facilities, outdoor living area, and open space areas be accessible for use by residents of the proposed development. NMC 15.420 (Landscaping and Outdoor Areas) maintains provisions for minimum usable outdoor recreation space on a per-unit basis for



proposed residential developments. Per NMC 15.220 (Site Design Review), multifamily residential projects are required to use a minimum amount of certain design elements, which includes options such as playground equipment, “outdoor” rooms created by well-defined spaces between buildings, and preservation of existing natural features.

## **H. Outstanding Scenic Views and Sites**

**Goal Statement 1 – To protect outstanding scenic views and sites for future generations.**

**Policies:**

- A. Yamhill County will allow uses that may impact scenic resources in the county, subject to the protection offered by the Statewide Land Use Planning Goals, Yamhill County Comprehensive Plan and zoning provisions, particularly site design review, solid waste enforcement, and any other measures as may be adopted to protect the scenic attractiveness of the county.**

**Response:** Due to the proposed URA expansion site’s location on the western slopes of Parrett Mountain, with elevations exceeding 300 feet, the site provides territorial views of Newberg, greater Yamhill County, and the Willamette Valley. As demonstrated on the Conceptual Development Plan (Exhibit F), the site can accommodate a variety of park and open space areas which will preserve these views for the public. Additionally, the City has an acknowledged Comprehensive Plan that also maintains protections for scenic resources within its jurisdiction. The expansion of the City’s URA to include the applicant’s proposed URA expansion site does not alter these protections, or those provided by the County. Future development, whether urban or rural in nature, will comply with existing protections maintained by the City and County as applicable.

## **Section III. Transportation, Communication, and Public Utilities**

### **A. Transportation**

**Goal Statement 1 – To provide and encourage an efficient, safe, convenient and economic transportation and communication system, including road, rail, waterways, public transit and air, to serve the needs of existing and projected urban and rural development within the county, as well as to accommodate the regional movement of people and goods and the transfer of energy, recognizing the economic, social and energy impacts of the various modes of transportation.**

**Policies:**

- B. All transportation-related decisions will be made in consideration of land use impacts including but not limited to adjacent land use patterns, both existing and planned, and their designated uses and densities.**

**Response:** The proposed URA expansion site is bordered by two existing minor arterials, NE Corral Creek Road and NE Fernwood Road. The Conceptual Development Plan (Exhibit F) demonstrates that the site can provide an efficient and compact internal road network that guides the site’s urban development and utilizes the aforementioned existing facilities in its design. Further, the site will provide existing development to the west (The

Greens at Springbrook) with a secondary access to NE Corral Creek Road that will ensure a safer and more complete vehicular network in this area.

## Section IV. Public Land, Facilities, and Services

### A. Public Facilities and Services

**Goal Statement 1** – To develop a timely, orderly and efficient arrangement of public services and facilities to serve as a framework for urban and rural development, including public lands and buildings, parks and recreation areas and facilities, schools, police and fire protection, domestic water supply, sanitary and storm sewerage and other drainage facilities, and power, gas and telephone services.

**Policies:**

- A. Yamhill County will coordinate with the cities within its jurisdiction to provide an orderly phasing of water, sanitary sewerage, storm drainage and other public services and facilities within the urban growth boundaries.

**Response:** As the proposed URA expansion site is not within the UGB, this policy does directly apply to the applicant's request. However, as identified throughout this narrative, as well as in the Serviceability Memorandum (Exhibit J), the proposed URA expansion site was determined to be serviceable by existing public water, sanitary sewer, and stormwater facilities, assuming certain upgrades. Further, the Comparative Site Analysis (Exhibit H) demonstrates that development costs per acre for the East A study area, which contains the proposed URA expansion site, requires only moderate new utility infrastructure to be served and could be provided at a relatively low cost per buildable acre (approximately \$38,389 per buildable acre) when compared to other areas studied (average of approximately \$74,559 per buildable acre), due in part to the area's (and the proposed URA expansion site's) adjacency to existing urban development and services.

The proposed URA expansion site's serviceability and adjacency to existing urbanized areas and services will, therefore, facilitate more timely, orderly, and efficient arrangement of public facilities to serve as a framework for urban development.

### B. Parks and Recreation

**Goal Statement 1** – To provide adequate recreational opportunities in both the rural and urban environments to meet existing and projected needs.

**Policies:**

- D. Yamhill County will encourage the location of urban parks in scenic areas which are easily accessible to much of the urban population and which can be developed to provide recreation opportunities for a variety of age and interest groups.

**Response:** The proposed URA expansion site is within CPRD, which provides park and recreation areas and services for the far eastern areas of the County, including the City and the proposed URA expansion site. Per the NUAGMA, CPRD and the County are responsible for providing park and recreation services within the City's URA. The proposed URA

expansion site is immediately adjacent to an existing CPRD park, Schaad Park, which provides passive and active recreational opportunities. The site is also within one mile of various other facilities, including the Chehalem Glenn Golf Course, Spring Meadow Park, and the Bob & Crystal Rilee Park Equestrian Trails on Parrett Mountain. The Conceptual Development Plan (Exhibit F) demonstrates that the proposed URA expansion site can accommodate additional active recreational opportunities, including a possible pickleball park, as well as protected open space and natural resource areas for passive recreational activities.

## Section VII. Implementation, Evaluation, and Review

### A. Citizen Involvement

#### Policies:

- A. Yamhill County will continue to implement an ongoing citizen involvement program that provides county residents opportunity to be involved in all phases of the planning process.

**Response:** The applicant's proposed URA expansion is subject to a quasi-judicial procedure to amend the City and County Comprehensive Plans, which requires public notification and public hearings before the NUAMC, City Council, and the Board of County Commissioners, which will provide the general public an opportunity to comment and testify on the applicant's proposal. This process has been established by the NUAGMA, the City, and the County, and has been determined to be consistent with the Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this proposal before the NUAMC, City Council, and the Board of County Commissioners all provide opportunities for citizen participation. The applicable procedure for this application is described in response to NMC 15.100.050(B)(7) within Section III of this narrative.

Additionally, the applicant held a virtual neighborhood meeting on May 4, 2021 and invited over 200 project neighbors to this meeting for the purpose of reviewing and discussing the proposal. This meeting was attended by over 50 neighboring property owners and residents, and included a presentation describing the applicant's proposed URA expansion request, as well as a question and answer session intended to address any questions or concerns raised by neighbors. Various questions asked by neighbors, and the answers given, are identified in response to Newberg Comprehensive Plan Goal A (Citizen Involvement) within Section IV of this narrative. Documentation of this neighborhood meeting is included with this submittal as Exhibit E.

## VI. Oregon Statewide Planning Goals

Applicable Statewide Planning Goals are set forth below with findings demonstrating the project's consistency with each applicable Goal. Goals 7, 13, 15, 16, 17, 18, and 19 are not applicable to the proposed comprehensive plan amendment.

### Goal 1: Citizen Involvement

To ensure opportunities for citizens to be involved in the development of public policies and all phases of the planning process.

**Response:** The applicant's proposed URA expansion is subject to a quasi-judicial procedure to amend the City and County Comprehensive Plans, which requires public notification and public hearings before NUAMC, City Council, and Board of County Commissioners. The public hearing notice of action and decision, and the hearings on this proposal before the NUAMC, City Council, and the Board of County Commissioners all provide opportunities for citizen participation. The applicable procedure for this application is described in response to NMC 15.100.050(B)(7) within Section III of this narrative.

Additionally, the applicant held a virtual neighborhood meeting on May 4, 2021 and invited over 200 project neighbors to this meeting for the purpose of reviewing and discussing the proposal. This meeting was attended by over 50 neighboring property owners and residents, and included a presentation describing the applicant's proposed URA expansion request, as well as a question and answer session intended to address any questions or concerns raised by neighbors. Various questions asked by neighbors, and the answers given, are identified in response to Newberg Comprehensive Plan Goal A (Citizen Involvement) within Section IV of this narrative. Documentation of this neighborhood meeting is included with this submittal as Exhibit E.

## **Goal 2: Land Use Planning**

**To maintain a transparent land use planning process in which decisions are based on factual information and reviewed in accordance with implementing ordinances.**

**Response:** The procedure to expand the City's URA requires a comprehensive plan amendment to both the City and County's acknowledged Comprehensive Plans. This process requires the applicant to demonstrate consistency with the goals and policies of these Comprehensive Plans, as well as the NMC, the Statewide Planning Goals, the OAR, and the ORS so that the NUAMC, the City, and the County may make a decision based on findings of fact. This process includes public notice and review in addition to at least three public hearings (NUAMC, Newberg, and Yamhill County), all of which help to ensure transparency in the decision making process.

The applicant's request to expand the City's URA is based on a demonstrated need for additional buildable land through 2051 as discussed throughout this narrative and supporting documentation. Applicable provisions of the NMC, goals and policies of the City and County Comprehensive Plans, Statewide Planning Goals, the OAR, and the ORS are addressed throughout this narrative and supporting materials to demonstrate compliance with all local and state requirements for a URA expansion request.

Further, as identified in response to NMC 15.100.050(B)(7) previously in Section III of this narrative, the applicant's proposed URA expansion request is subject to a quasi-judicial procedure involving the City, County, and the NUAMC. This procedure will allow the City and County, as the affected governmental entities, to directly coordinate on the applicant's proposed URA expansion request.

## **Goal 3: Agricultural Lands**

**To preserve and maintain agricultural lands and to support agriculture through farm zoning.**

**Response:** As established throughout this narrative and demonstrated through the 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G), the City has an identified land need of approximately 400 buildable acres within its URA to ensure that the City's URA provides sufficient land for a minimum of a 30-year growth horizon per OAR 660-021-0030(1). OAR 660-021-0030(2-5) establishes criteria determining and prioritizing land (such as agricultural lands) for inclusion in a URA. As demonstrated in response to OAR 660-021-0030(3)(a-c) and through referenced documentation, the majority of nearby exception land is unsuitable for inclusion in the City's URA as a result of identified topographical and physical constraints. Several exception lands could be reasonably provided with urban services (East A and Southeast C study areas) but would require intervening resource land to be urbanized (East A study area) in order to efficiently serve these areas. Therefore, resource lands of lower soil capacity must be considered to meet the identified land needs for 2041 to 2051 period.

As identified in the Comparative Site Analysis (Exhibit H), the East A study area is highly suitable for a URA expansion. Due to the reasons identified in response to OAR 660-021-0030(3)(c), the applicant's proposed URA expansion site, which is within East A, should be prioritized for URA expansion to bring the City closer to its necessary land capacity to satisfy the 2051 growth projection. The proposed URA expansion site best fits the criteria for expansion due to the following key factors:

- Adjacency to existing urbanized land thereby avoiding the need to "leapfrog" intervening agricultural land;
- Ample buildable acreage that is free from development constraints (steep slopes, landslide susceptibility, waterways);
- Capability of being served by existing City water, sanitary sewer, and stormwater utilities with certain upgrades;
- Composition of large parcels that are conducive to master planning efforts and compact and efficient urban development patterns;
- Relatively low estimated development costs per buildable acre (approximately \$38,389) when compared to other areas studied (average of approximately \$74,559 per buildable acre).
- Unique opportunities to provide public park, open space, and recreational areas; and
- Minimal active agricultural/farm uses as defined by ORS 215.203(2)(a) and minimal Class I and II soils as compared to other resource lands analyzed in the Comparative Site Analysis (Exhibit H).

## **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

**To protect and maintain unique scenic, open space and natural areas.**

**Response:** Both the City and County have acknowledged Comprehensive Plans that maintain protections for Goal 5 resources. Historic resources are inventoried by both the City and County and are not shown to exist on the proposed URA expansion site. The applicant's

proposed URA expansion will not alter protections that currently exist within the NMC and the Yamhill County Zoning Ordinance (YCZO). Future development, whether urban or rural in nature, will have to comply with Goal 5 and existing protections maintained by both the City and County, depending on future jurisdiction. As previously identified, the applicant has completed a preliminary reconnaissance to determine the approximate location of possible on-site wetlands, which are shown on the Conceptual Development Plan (Exhibit F). A formal delineation will be necessary to determine the extent and precise location of these wetlands prior to any future development activity. In addition, the Conceptual Development Plan demonstrates that the proposed URA expansion site may accommodate protections for possible wetland resources, open space, and park areas, while also providing ample buildable acreage that can meet the City's identified future land needs for the 2041 to 2051 period.

### **Goal 6: Air, Water and Land Resource Quality**

**To maintain and improve the quality of air, land, and water resources consistent with state and federal regulations.**

**Response:** The City and County have acknowledged Comprehensive Plans that comply with this Goal and protections are maintained for air, water, and land resources consistent with state and federal regulations. The applicant's proposed URA expansion will not alter protections that currently exist within the NMC or the YCZO. Future development, whether urban or rural in nature, will comply with Goal 6 and existing protections maintained by the City and County as applicable. As previously identified, the applicant has completed a preliminary reconnaissance to determine the approximate location of possible on-site wetlands, which are shown on the Conceptual Development Plan (Exhibit F). A formal delineation will be necessary to determine the extent and precise location of these wetlands prior to development. The Conceptual Development Plan demonstrates that the proposed URA expansion site can accommodate protections for possible wetland resources, open space, and park areas, while also providing ample buildable acreage that can meet the City's identified future land needs for the 2041 to 2051 period.

As demonstrated through this narrative and the Serviceability Memorandum (Exhibit J), the proposed URA expansion site is adjacent to, and can be served by, extensions of the existing public sanitary sewer system with certain upgrades. Connections to the existing public stormwater conveyance system within NE Fernwood Road are also feasible, and future on-site stormwater management and treatment systems will comply with City' requirements for post-development flow rates and management and treatment facilities will be selected and designed per City requirements. Proper conveyance of sanitary sewage and treatment and discharge of stormwater runoff will contribute to maintaining and improving the quality of air, land, and water resources in the region.

### **Goal 8: Recreational Needs**

**To maintain a park and open space system that serves the community and project demand.**

**Response:** The City and County have acknowledged Comprehensive Plans that comply with this goal. The proposed URA expansion site is within the CPRD, which provides park and recreation areas and services for the far eastern areas of the County, including the City and the

proposed URA expansion site. Per the NUAGMA, CPRD and the County are responsible for providing park and recreation services within the City's URA. The proposed URA expansion site is immediately adjacent to an existing CPRD park, Schaad Park, which provides passive and active recreational opportunities. The site is also within one mile of various other facilities, including the Chehalem Glenn Golf Course, Spring Meadow Park, and the Bob & Crystal Rilee Park Equestrian Trails on Parrett Mountain. The Conceptual Development Plan (Exhibit F) demonstrates that the proposed URA site can accommodate additional recreation opportunities, including a possible pickleball park, as well as protected open space and natural resource areas. The applicant's proposal to expand the City's URA does not impede CPRD's ability to plan and implement additional recreational areas and services.

### **Goal 9: Economic Development**

**To inventory commercial and industrial lands, identify future demand, and plan for ways to meet that demand.**

**Response:** The City has an identified need of approximately 400 additional gross acres of buildable land for the 2041 to 2051 period to maintain compliance with OAR 660-021-0030(1), which requires the City to maintain sufficient land for a minimum of a 30-year growth horizon, per the 2051 Buildable Lands Inventory & Lands Need Assessment Analysis (Exhibit G). The proposed URA expansion site provides approximately 95.3 gross acres of land that assists the City in meeting this requirement and contributing to the future economic growth of the region. The Conceptual Development Plan (Exhibit F) demonstrates a variety of housing types, including missing middle housing such as single-family detached homes, duplexes, triplex, cottage clusters, townhomes, and multi-family residential (apartments), as well as commercial (employment) land, that can be provided by the URA expansion site to meet future regional demands and provide greater housing opportunities for renters and homeownership across multiple price levels.

### **Goal 10: Housing**

**Top plan for and accommodate needed housing types based on residential land inventories.**

**Response:** Per the 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G), the City has an identified need of approximately 400 additional gross acres of buildable land for the 2041 to 2051 period to maintain compliance with OAR 660-021-0030(1), which requires the City to maintain sufficient land for a minimum of a 30-year growth horizon; this includes a land need of approximately 242 gross acres of residential land as shown in Table 2 previously. The applicant's proposed URA expansion site provides approximately 95.3 gross acres of land that assists the City in meeting the identified residential land need for the 2041 to 2051 period. The Conceptual Development Plan (Exhibit F) demonstrates the proposed URA expansion site can provide a range of needed housing types, including needed missing middle housing such as cottage clusters, duplexes, triplexes, and townhomes, which offer greater housing opportunities for renters and homeownership across multiple price levels, consistent with Goal 10.



### **Goal 11: Public Facilities and Services**

**To plan, develop, and maintain public facilities and services that serve the needs of the community in an orderly and efficient manner.**

**Response:** The City has acknowledged public facilities plans that address water, wastewater, transportation, and stormwater services that will assist in guiding future development of the proposed URA expansion site to meet the City's long-term needs. As identified throughout this narrative, as well as in the Serviceability Memorandum (Exhibit J), the proposed URA expansion site was determined to be serviceable by existing public water, sanitary sewer, and stormwater facilities, with certain upgrades. Further, the Comparative Site Analysis (Exhibit H) demonstrates that development costs per acre for the East A study area, which contains the proposed URA expansion site, requires only moderate new utility infrastructure to be served and could be provided at a relatively low cost per buildable acre (approximately \$38,389 per buildable acre), when compared to other areas studied (average of approximately \$74,559 per buildable acre), due in part to the area's adjacency to existing urban development and services. The proposed URA expansion site's serviceability and adjacency to existing urbanized areas and services will, therefore, facilitate more orderly and efficient urbanization and development of public facilities in support of Goal 11.

### **Goal 12: Transportation**

**To provide a safe, convenient, and economic transportation system.**

**Response:** For instances involving comprehensive plan amendments, Goal 12 is implemented by the Transportation Planning Rule (TPR) per OAR 660-0012. As demonstrated in the TPR Compliance Memorandum (Exhibit I) and in response to OAR 660-012-0060 within Section VII of this narrative, the applicant's proposed URA expansion will not significantly affect the transportation system within the vicinity of the proposed URA expansion site. A complete traffic study that thoroughly analyzes possible impacts from the site on transportation facilities will be required at the time when the City's UGB is amended to include the site, or when the site is annexed into the City. A complete traffic study will provide an in-depth examination of the impacts of the development of the site, conditions at the applicable planning horizon, and identification of specific improvements and enhancements to the existing transportation system that may be required to mitigate the impact of the site's development on existing facilities.

Further, the proposed URA expansion site will provide existing development to the west (The Greens at Springbrook) with a secondary access to NE Corral Creek Road that will ensure a safer and more complete vehicular network in this area. While a gravel emergency access road connecting The Greens Avenue to NE Corral Creek Road currently exists, the road is poorly maintained, is not at least 24 feet wide for its entire alignment and does not include pedestrian and bike connections. A connection through the proposed URA expansion site to NE Corral Creek Road will provide an improved all-weather paved surface for all vehicle types, as well as sidewalks and bicycle lanes for pedestrian use, to the benefit of The Greens at Springbrook.



## **Goal 14: Urbanization**

**To provide for an orderly and efficient transition from rural to urban land use; to accommodate urban populations and employment inside urban growth boundaries, to preserve rural character outside urban growth boundaries, and to preserve small town character.**

**Response:** The applicant's request to expand the City's URA does not alter the site's zoning designation and does not convert the site's agricultural lands to an urban use. The applicant's request to expand the City's URA is the first step in a process that may lead to the site's eventual conversion to urban uses. An expansion of the City's UGB, as well as annexation to the City, would be required before urbanization could occur. Prior to urbanization, the site's rural character will be preserved in compliance with Goal 14.

As established throughout this narrative and demonstrated through the 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G), which was prepared using the current PSU Population Research Center population forecasts in compliance with ORS 195.033(3), the City has an identified land need of approximately 400 more buildable acres within its URA to ensure that the City's URA provides sufficient land for a minimum of a 30-year growth horizon per OAR 660-021-0030(1). OAR 660-021-0030(2-5) establishes criteria determining and prioritizing land (such as agricultural lands) for inclusion in a URA, which are addressed with findings of compliance in Section VII of this narrative. The Comparative Site Analysis (Exhibit H) applied the criteria of OAR 660-021-0030(2-5) and assessed all land within an approximately one mile radius from the City's current UGB to determine suitability for URA expansion sites. This analysis concluded that the East A study area, which contains the proposed URA expansion site, is one of the most appropriate areas for a URA expansion due to numerous factors when compared to the other studied areas, including minimal amounts of Class 1 soils (less than 25 percent), large areas free of development constraints (such as steep slopes and landslide susceptibility), a large average parcel size that is conducive to master planning efforts (approximately 15 acres, many of which are vacant), and minimal active agricultural uses. Further, the East A study requires only moderate new utility infrastructure to be served and could be provided at a relatively low cost per buildable acre (approximately \$38,389 per buildable acre) when compared to other areas studied (average of approximately \$74,559 per buildable acre). These factors, in conjunction with the site's immediate adjacency to existing urbanized areas to the west, ensure that an orderly and efficient transition from urban to rural land uses can be preserved upon the site's eventual conversion to urban uses, consistent with Goal 14 rules for urbanization.

## **VII. Oregon Administrative Rules**

Applicable provisions of the Oregon Administrative Rules (OAR) are set forth below with findings demonstrating the project's consistency with these provisions.

### **Chapter 660 – Land Conservation and Development Department**

#### **Division 12 – Transportation Planning**

##### **660-012-0060 Plan and Land Use Regulation Amendments**

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
  - (b) Change standards implementing a functional classification system; or**
  - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
    - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
    - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
    - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**Response:** As demonstrated in the TPR Compliance Memorandum (Exhibit I), which includes findings of compliance with OAR 660-012-0060, the applicant's proposed URA expansion will not significantly affect the transportation system within the vicinity of the proposed URA expansion site. The applicant's proposed URA expansion will not impact or alter the functional classification of any existing or planned facility and does not propose to change any functional classification standards. As the proposed URA expansion will not result in the generation of any trips or potential increase in trips, there is no "significant affect" to the transportation system and the TPR is satisfied.

A complete traffic study that thoroughly analyzes possible impacts from the site to certain transportation facilities will be required at the time when the City's UGB is amended to include the site, or when the site is annexed into the City. A complete traffic study will provide an in-depth examination of the impacts of the development of the site, conditions at the applicable planning horizon, and identification of specific improvements and enhancements to the existing transportation system that may be required to mitigate the impact of the site's development on existing facilities.

## **Division 18 – Post-Acknowledgement Amendments**

### **660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation**

- (1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department’s Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.**

**Response:** The applicant is requesting an amendment to both the City and County Comprehensive Plans to expand the City’s URA. The City will be required to provide notice to the Department of Land Conservation and Development (DLCD) at least 35 days prior to the first evidentiary hearing before the NUAMC.

- (2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:**
  - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;**
  - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;**
  - (d) The date set for the first evidentiary hearing;**
  - (e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and**
  - (f) Any staff report on this proposed change or information that describes when the staff report will be available and how a copy may be obtained.**

**Response:** The applicant is requesting an amendment to both the City and County Comprehensive Plans to expand the City’s URA. The submittal to DLCD shall include the materials identified above.

- (3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.**

**Response:** The applicant is requesting an amendment to both the City and County Comprehensive Plans to expand the City’s URA, which involves changes to both Comprehensive Plan Maps. The submittal to DLCD shall include the materials as identified by OAR 660-018-0020(2)(b). A goal exception is not proposed with the applicant’s proposed URA expansion.

- (4) If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals [...]**

**Response:** The applicant's proposed URA expansion is not amending the City and County Comprehensive Plans for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals.

- (5) For purposes of computation of time for the 35-day notice under this rule and OAR 660-018-0035(1)(c), the proposed change is considered to have been "submitted" on the day that paper copies or an electronic file of the applicable notice forms and other documents required by section (2) this rule are received or, if mailed, on the date of mailing. The materials must be mailed to or received by the department at its Salem office.**

**Response:** The applicant is requesting an amendment to both the City and County Comprehensive Plans to expand the City's URA. The City will be required to provide notice to DLCD at least 35 days prior to the first evidentiary hearing before NUAMC. The applicant's proposed URA expansion shall be considered submitted on the day that paper copies or an electronic file are either mailed or received by DLCD at its Salem office.

#### **660-018-0021 Joint Submittal of Notices and Changes**

- (1) Where two or more local governments are required by plan provisions, coordination agreements, statutes or goals to agree on and mutually adopt a change to a comprehensive plan or land use regulation, the local governments shall jointly submit the notice required in OAR 660-018-0020 and, if the change is adopted, the decision and materials required by OAR 660-018-0040. Notice of such proposed changes must be jointly submitted at least 35 days prior to the first evidentiary hearing. For purposes of notice and appeal, the date of the decision is the date of the last local government's adoption of the change.**
- (2) For purposes of this rule, a change to a comprehensive plan or land use regulation that requires two or more local governments to agree on and mutually adopt the change includes, but is not limited to, the establishment or amendment of an urban growth boundary or urban reserve by a city and county in the manner specified in Goal 14.**

**Response:** The applicant's proposed URA expansion requires an amendment to both the City and County Comprehensive Plans, which requires their mutual participation and agreement per the NUAGMA. The City and County shall, therefore, jointly submit the notice required by OAR 660-018-0020, and OAR 660-018-0040 if the proposed URA expansion is adopted. Notice shall be provided at least 35 days prior to the first evidentiary hearing before NUAMC.

#### **660-018-0022 Exemptions to Notice Requirements Under OAR 660-018-0020**

- (1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change under OAR 660-018-0020 is not required.**

- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline under OAR 660-018-0020, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.
- (3) A local government must submit any adopted change to an acknowledged comprehensive plan or land use regulation to the department within 20 days after the decision to adopt the change, as required by OAR 660-018-0040, regardless of the reason for not submitting the proposed change in advance, as provided in ORS 197.615(1) and (2).
- (4) Notwithstanding the requirements of ORS 197.830(2) to have appeared before the local government in the proceedings concerning the proposal, if a local government does not provide any notice described in OAR 660-018-0020, regardless of the reason for not providing the notice, the director or any other person may appeal the decision to the board under ORS 197.830 to 197.845, except as provided in ORS 197.620(3).

**Response:** The applicant's proposed URA expansion is subject to numerous goals, commission rules, and land use statutes and is not requested for an emergency situation beyond the control of the City or County. The exemptions provided by OAR 660-018-022 are, therefore, not applicable.

#### **660-018-0025 Requests for Department Notice of Proposed Changes**

- (1) Within 15 days of receipt of a notice of a proposed change to an acknowledged comprehensive plan or a land use regulation described under OAR 660-018-0020, the department shall provide notice of the proposed change to persons that have requested notice of such changes. The notice shall be provided using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method.
- (2) The department shall notify persons that are generally interested in proposed changes to acknowledged comprehensive plans by posting notices received under OAR 660-018-0020 on a weekly basis on the department website using the Internet or a similar electronic method.

**Response:** The applicant's proposed URA expansion requires an amendment to the City and County Comprehensive Plans. DLCD shall provide notice of the proposed change to interested persons that have requested notice of such changes.

#### **660-018-0040 Submittal of Adopted Change**

- (1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation it shall submit the decision to the department, with the appropriate notice forms provided by the department, within 20 days. [...]

**Response:** The applicant's proposed URA expansion requires an amendment to the City and County Comprehensive Plans. If the proposed URA expansion is adopted, the City will be required to submit the decision to DLCD within 20 days.

#### **660-018-0050 Notice to Other Parties of Adopted Changes**

- (1) Notice of an adopted change to a comprehensive plan or land use regulation to persons other than the department is governed by ORS 197.615(4) and (5), which require that on the same day the local government submits the decision to the director the local government shall mail or otherwise deliver notice of the decision to persons that:**
  - (a) Participated in the local government proceedings that led to the decision to adopt the change to the acknowledged comprehensive plan or the land use regulation; and**
  - (b) Requested in writing that the local government provide them with notice of the change to the acknowledged comprehensive plan or the land use regulation.**

**Response:** The applicant's proposed URA expansion requires an amendment to the City and County Comprehensive Plans. If the proposed URA expansion is adopted, notice of the decision shall be delivered to interested persons that participated in the proceedings and/or requested in writing to the City and/or County that notice be provided to them.

#### **660-018-0055 Notice by the Department of Local Adoption**

- (1) Within five working days of the receipt of a local government notice of adoption of a change to a comprehensive plan or a land use regulation described under OAR 660-018-0040, the department shall provide notice of the decision and an explanation of the requirements for appealing the land use decision under ORS 197.830 to 197.845, to persons that have requested notice from the director of such adopted changes. The notice shall be provided using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method.**
- (2) The department shall notify persons that are generally interested in changes to acknowledged comprehensive plans by posting notices received under OAR 660-018-0040 periodically on the department website using the Internet or a similar electronic method.**

**Response:** The applicant's proposed URA expansion requires an amendment to the City and County Comprehensive Plans. If the proposed URA expansion is adopted, DLCD will be required to provide notice of the decision and an explanation of the requirements for appealing the decision under ORS 197.830-845 to persons that have requested notice of such adopted changes. DLCD shall periodically post notice, including that of the proposed URA expansion if it is adopted, on the DLCD website as required by OAR 660-018-0055(2).

#### **Division 21 – Urban Reserves**

##### **660-021-0020 Authority to Establish Urban Reserve**

- (1) Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan area urban growth boundary, may designate urban reserves under the requirements of this division, in coordination with special districts listed in OAR 660-021-0050(2) and other affected local governments, including neighboring cities within two miles of the urban growth boundary. Where urban reserves are adopted or amended, they shall be shown on all applicable comprehensive plan and zoning maps, and plan policies and land use regulations shall be adopted to guide the management of these reserves in accordance with the requirements of this division.**

**Response:** The City of Newberg, in cooperation with Yamhill County, has designated URAs for the City under the requirements of this division. The applicant is requesting an amendment



to the City and County Comprehensive Plans to expand the City's URA. Therefore, compliance with OAR 660-021 is required.

#### **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.**

**Response:** In 2020, the City hired ECONorthwest to prepare updates to the City's HNA and EOA, as well as a Public and Semi-Public Land Need Memorandum which addressed the City's residential, employment, and public and semi-public land needs over a 20 year time period. These analyses are based on the current PSU Population Research Center's population forecasts, which are required to be used for the purpose of land use planning per ORS 195.033(3). These studies showed that in the 2021 to 2041 period there is a land deficit within Newberg's UGB of approximately 245 gross acres, including 81 acres for residential land, 152 for industrial land, and 12 acres for public and semi-public purposes.

Per Newberg Comprehensive Plan Policy N.1.h, the City's designated URA shall provide a 30 to 50 year land supply to meet projected growth as required by this division. The 2051 Buildable Lands Inventory & Lands Need Assessment (Exhibit G) assessed the sufficiency of the City's current URA to provide a supply of buildable land at least 10 years beyond 2041, or through 2051, and found that the City's existing URA contains 557 gross acres of land, of which 320 acres are considered buildable. Accounting for subtractions of 25 percent of this value for future public infrastructure and right-of-way<sup>5</sup>, there are approximately 240 acres of net buildable land within the City's existing URA. When comparing the results of Newberg's 2021 HNA, EOA, and Public and Semi-Public Lands Need Memorandum, it was determined that there is a surplus of 75 acres within the existing URA that can meet land demands through 2041, but that additional land is needed to meet demand through 2051 to maintain a minimum 30 year supply as required by this division and the City's Comprehensive Plan. The 2051 Buildable Lands Inventory & Lands Need Assessment determined a need for approximately 475 acres of buildable land, as identified previously in Table 2, of which 75 acres of this demand can be met through the surplus within the existing URA.

The applicant's proposed URA expansion site provides approximately 95.3 gross acres of land that assists the City in meeting the identified residential land need for the 2041 to 2051 period. Therefore, an expansion of the City's URA is justified in order to provide a minimum 30 year supply of buildable land through the year 2051.

- (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**

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<sup>5</sup> Consistent with Newberg Comprehensive Plan Policy I.1.b



**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.**

**Response:** The Comparative Site Analysis (Exhibit H), in accordance with this division, considered all areas adjacent to or near the City's current UGB in its analysis to determine suitability for inclusion with the City's URA. The study areas extend approximately one mile from the City's current UGB and include all adjacent exception areas as well as agricultural (resource) land. The study areas were divided into subareas (A, B, C, D) based on topographic features. The study areas include:

- North Study Area (subareas A and B)
- Northeast Study Area (subareas A and B)
- East Study Area (subareas A and B)
- Southeast Study Area (subareas A and B)
- Southwest Study Area (subareas A, B, and C)
- Northwest Study Area (subareas A, C, and D)

The Comparative Site Analysis analyzed land within these study areas for suitability based on the priorities identified by OAR 660-021-0030(3) and the locational factors of Goal 14. Each study area was categorized as exception or resource land based on County zoning designations and as required by OAR 660-021-0010. Further, provision of urban services (such as water, stormwater, and sanitary sewer services) and associated cost estimates per acre, as well as topographical constraints (such as water bodies, steep slopes, and geological hazards), existing rural development patterns and parcelization, and net buildable area, were considered in this analysis.

The applicant's proposed URA expansion site is within the East study area (subarea A). The provisions of OAR 660-021-0030(3-5) are addressed with findings of compliance below demonstrating the applicant's proposed URA expansion site is the most suitable site for URA expansion given the applicable criteria.

**(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;**

**Response:** As required by this provision, the Comparative Site Analysis (Exhibit H) analyzed all land within one mile of the City's current UGB. This study area was divided into six (6) areas, which were further divided into subareas based on topographic features. In total, the entire study area consisted of 15 subareas, as identified in response to OAR 660-0201-

0030(2). These subareas consisted of both exception lands as well as resource lands<sup>6</sup>. As identified in the Comparative Site Analysis, exception lands within one mile of the City's UGB are highly constrained and provide few opportunities to provide urban services at a reasonable cost. Constraints identified by the Comparative Site Analysis include:

- Steep slopes and rapid changes in elevation (North A, North B, East B)
- High landslide susceptibility (North A, North B, Northeast A, Southeast A)
- Water courses, floodplains (North A, North B, East A, East B, Northeast A, Southeast A, Southeast B, Southeast C, Southwest A, Southwest B, Southwest C, Southwest D)
- Rural development patterns, including highly parcelized lands (Northeast B, Southeast A, Southwest A, Southwest B, Southwest C, Southwest D, Northwest A, Northwest B)
- Intervening resource lands required for urbanization (East A, Southeast C)

These topographical and physical constraints make the provision of utilities difficult and costly in most of the exception lands, with the Comparative Site Analysis concluding that the majority of nearby exception land is unsuitable for inclusion in the City's URA as result. Several exception lands could be reasonably provided with urban services (East A and Southeast C study areas) but would require intervening resource land to be urbanized (East A) in order to efficiently serve these areas. Furthermore, it was determined that the two exception areas that could reasonably be served (East A and Southeast C study areas) would only yield approximately 109 gross acres of buildable land, which is well short of the City's identified need of approximately 400 gross acres. Therefore, per OAR 660-021-030(3)(c), resource lands of lower soil capability must be considered to meet the City's identified land needs for the 30 year planning horizon.

**(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);**

**Response:** Yamhill County does not have lands designated as marginal lands. Therefore, OAR 660-021-030(3)(b) does not apply.

**(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.**

**Response:** As identified in response to OAR 660-021-0030(3)(a), the majority of nearby exception land is unsuitable for inclusion in the City's URA as a result of identified topographical and physical constraints. The Comparative Site Analysis (Exhibit H) identified two subareas of exception land (East A and Southeast C study areas) that could be reasonably served but

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<sup>6</sup> Per OAR 660-021-0010, exception lands are rural lands for which an exception to statewide planning goals 3 or 4, or both, has been acknowledged.

would require the inclusion of intervening resource land (East A study area). In addition, these areas would only yield approximately 109 gross acres of buildable land, which is well short of the City's identified need of approximately 400 gross acres for the 2041 to 2051 period.

Therefore, the City must consider resource lands of lower soil capacity to meet the identified land needs for 2041 to 2051 period. The Comparative Site Analysis analyzed resource land found in the North, Northwest, Northeast, East, and Southeast study areas. Certain areas of resource land are affected by the same topographical and physical constraints previously identified, including:

- Steep slopes and rapid changes in elevation (North A, North B)
- High landslide susceptibility (North A, North B)
- Water courses, floodplains (North A, North B, Southeast C)
- Rural development patterns, including highly parcelized lands (North A)
- Intervening resource lands required for urbanization (Southeast C)

These topographical and physical constraints limit the provision of utilities and urban services as previously described in response to OAR 660-021-0030(3)(a). As a result, they should not be considered for inclusion in the URA, regardless of the classification of their soils. Further the Northwest study area, which includes subareas A and B, are comprised almost entirely of Class I soils. Class I soils are highly fertile and have few limitations that restrict their use, generally having a slow rate of surface water runoff, and allowing for a wide range of crops. Therefore, the Northwest study areas are the lowest priority resource lands and should not be considered for inclusion in the URA unless all exception lands and resource lands of lower soil capability classifications have proven insufficient to meet the City's identified land needs.

In terms of soil capability classification, the resource areas of the Northeast B, East A, Southeast B, and Southeast C study areas were considered next. The Comparative Site Analysis concluded the following:

- The Northeast B study area may be suitable as a URA due to low infrastructure costs (approximately \$34,700 per buildable acre). However, this subarea should not be a high priority choice due to limited buildable area (65 acres), existing agricultural uses, and the presence of Class I soils throughout.
- The entire East A study area was found suitable as a URA. The East A study area contains a high quantity of buildable land (approximately 340 acres), generally comprised of large lots and large vacant areas, which is more conducive to master planning efforts. The East A study area also contains large areas that lack Class I soils. Finally, the infrastructure requirements and estimated cost of urban services per buildable acre is relatively low compared to the other study areas (approximately \$38,000).
- The Southeast C study area was found suitable as a URA due to a low cost of urban services (approximately \$26,000 per buildable acre). However, intervening

exception land (Southeast C study area) and resource land (East A study area) would be required to efficiently provide urban services to this area.

- The Southeast B study area has moderate costs for urban services (approximately \$47,000 per buildable acre), but the 158 acres of buildable land is occupied primarily by active agricultural uses.

The Comparative Site Analysis found that the East A study area is highly suitable for a URA expansion due to the reasons identified above. This study area could provide approximately 367 buildable acres, a large majority of the City's identified need of 400 acres for the 2041 to 2051 period. The East A study area contains a high quantity of continuous buildable land, comprised of relatively large lots and vacant areas, which means redevelopment could yield a sufficient number of dwelling units or employment land. Large lots also allow for more cohesive land use planning, and a high residential or commercial yield would make the provision of urban services more feasible. Because exception lands are largely unsuitable for URA expansion, resource areas of the East A study area should be considered for URA expansion.

The applicant's proposed URA expansion site is within the East A study area, which is particularly suitable for URA expansion as it contains few Class I soils and contains large tracts of undeveloped and largely vacant land. The site contains approximately 95.3 gross acres of land that will assist the City in meeting its identified need for the 2041 to 2051 period. Further, the proposed URA expansion site contains minimal active agricultural uses. Urban services and utilities can be reasonably accommodated as demonstrated throughout this narrative and in the Serviceability Memorandum (Exhibit J), and its location adjacent to existing urbanized land can provide for orderly and efficient transition from urban to rural land uses upon its eventual conversion to urban uses. Finally, the Conceptual Development Plan (Exhibit F) demonstrates that master planning efforts can yield a variety of housing types, including single-family detached homes, duplexes, triplex, cottage clusters, townhomes, and multi-family residential (apartments), as well as commercial (employment) land, which can assist the City in meeting future regional demands and provide greater housing opportunities for renters and homeownership across multiple price levels. Therefore, within the East A study area, the applicant's proposed URA expansion site should be prioritized for expansion of the City's URA that is necessary to meet its identified land needs for the 2041 to 2051 period.

**(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.**

**Response:** As demonstrated in response to OAR 660-021-0030(3)(a-c) and through referenced documents, the majority of URA-adjacent exception land is unsuitable for inclusion in the City's URA as a result of identified topographical and physical constraints. Several exception lands could be reasonably provided with urban services (East A and Southeast C study areas) but would require intervening resource land to be urbanized (East A study

area) in order to efficiently serve these areas. Therefore, the City must consider resource lands of lower soil capacity to meet the identified land needs for 2041 to 2051 period. As identified in the Comparative Site Analysis (Exhibit H), the East A study area is highly suitable for a URA expansion. Due to the reasons identified in response to OAR 660-021-0030(3)(c), the applicant's proposed URA expansion site, which is within the East A study area, should be prioritized for inclusion within the City's URA to bring the City closer to its identified URA land need through 2051.

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

**Response:** The applicant's proposed URA expansion requires an amendment to the City and County Comprehensive Plans. If NUAMC, the City, and County concur with the findings of compliance provided through this narrative, findings and conclusions concerning the applicant's proposed URA expansion shall be adopted by both the City and County as required by this rule.

**660-021-0040 Urban Reserve Area Planning and Zoning**

**(1) Until included in the urban growth boundary, lands in urban reserves shall continue to be planned and zoned for rural uses in accordance with the requirements of this rule and the applicable statutes and goals, but in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the urban growth boundary.**

**Response:** The applicant's request to expand the City's URA does not alter the site's zoning designation and does not convert the site's agricultural lands to an urban use. The applicant's request to expand the City's URA is the first step in a process that may lead to the site's eventual conversion to urban uses. An expansion of the City's UGB, as well as annexation to the City, would be required before urbanization could occur. Rural uses will continue to be ensured until the site is included in the City's UGB.

If established as a URA, the applicant's proposed URA expansion site will be regulated by the City and County Comprehensive Plans, including the NUAGMA, to ensure that long term options for urban development are protected in compliance with this goal. As provided by the NUAGMA, interim rural development within the URA is regulated to ensure proposed development is conducive to future urban development patterns and does not constrain future urbanization.

**660-021-0070 Adoption and Review of Urban Reserve**

**(1) Designation and amendment of urban reserves shall follow the applicable procedures of ORS 197.610 through 197.650.**

**Response:** The applicant's request to expand the City's URA shall follow the post-acknowledged plan amendment procedures per ORS 197.610-650; these statutes are addressed with findings of compliance in Section VIII of this narrative.

- (2) Disputes between jurisdictions regarding urban reserve boundaries, planning and regulation, or urban reserve agreements may be mediated by the department or commission upon request by an affected local government or special district.**

**Response:** If disputes between the City of Newberg and Yamhill County arise as a result of the applicant's request to expand the City's URA, DLCD may mediate these disputes as allowed by this provision.

## **Division 23 – Procedures and Requirements for Complying with Goal 5**

### **660-023-0250 Applicability**

- (2) The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996. OAR 660, division 16 applies to PAPAs initiated prior to September 1, 1996. For purposes of this section "initiated" means that the local government has deemed the PAPA application to be complete.**

**Response:** The applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans and will be initiated after September 1, 1996. However, as demonstrated in response to OAR 660-023-0250(3)(a-c) below and throughout this narrative, the applicant's request to expand the City's URA will not affect Goal 5 resources, and the requirements of this provision are not applicable.

- (3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:**

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;**

**Response:** The applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans but does not propose to create or amend a Goal 5 resource list, a portion of an acknowledged comprehensive plan, or a land use regulation adopted in order to protect a significant Goal 5 resource. Future development, whether urban or rural in nature, will have to comply with Goal 5 and existing protections maintained by both the City and County, depending on future jurisdiction.

- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or**

**Response:** The applicant's request to expand the City's URA does not alter the site's zoning designation and does not provide for new or additional uses. Future development, whether urban or rural in nature, will have to comply with Goal 5 and existing protections maintained by both the City and County, depending on future jurisdiction.

- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.**

**Response:** The applicant is not proposing to amend the City's UGB and is only proposing to expand the City's URA.

## **VIII. Oregon Revised Statutes**

Applicable provisions of the Oregon Revised Statutes (ORS) are set forth below with findings demonstrating the project's consistency with these provisions.

### **Chapter 195 – Local Government Planning Coordination**

#### **195.143 Coordination and concurrent process for designation of rural reserves and urban reserves.**

**(1) A county and a metropolitan service district must consider simultaneously the designation and establishment of:**

- (a) Rural reserves pursuant to ORS 195.141; and**
- (b) Urban reserves pursuant to ORS 195.145(1)(b).**

**Response:** The applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans. As identified by ORS 195.145(1), the City and County may cooperatively designate lands outside the current UGB as URA to provide a minimum amount of buildable land for a 30-year growth horizon per OAR 660-021-0030(1). This procedure is subject to the post-acknowledged plan amendment procedure pursuant to ORS 197.610-626. The provisions of ORS 197.610-626 are addressed with findings of compliance within this narrative.

#### **195.145 Urban Reserves; when required; limitation; rules.**

**(1) To ensure that the supply of land available for urbanization is maintained:**

- (a) Local governments may cooperatively designate lands outside urban growth boundaries as urban reserves subject to ORS 197.610 to 197.625 and 197.626. [...]**

**Response:** The applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans. As identified above, the City and County may cooperatively designate lands outside the current UGB as URA to provide a minimum amount of buildable land for a 30-year growth horizon per OAR 660-021-0030(1). This procedure is subject to the post-acknowledged plan amendment procedure pursuant to ORS 197.610-626. ORS 197.610-626 are addressed with findings of compliance within this narrative.

### **Chapter 197 – Comprehensive Land Use Planning I**

#### **197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.**

- (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least**



**20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing. [...]**

**Response:** The applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans. Therefore, the City and County shall jointly submit to DLCD the proposed amended plan maps identifying the URA expansion site at least 20 days prior to the first evidentiary hearing before NUAMC.

**197.612 Comprehensive plan or land use regulation changes to conform plan or regulations to new requirement in statute, goal or rule.**

**Response:** The applicant's proposed URA expansion is not amending the City and County Comprehensive Plans for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals.

**197.615 Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development**

**(1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the decision to the Director of the Department of Land Conservation and Development within 20 days after making the decision. [...]**

**Response:** The applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans. Therefore, the City and County shall jointly submit the decision to DLCD within 20 days after making the decision.

**197.620 Appeal of certain comprehensive plan or land use regulation decision-making.**

**Response:** The applicant's proposed URA expansion is subject to a quasi-judicial procedure to amend the City and County Comprehensive Plans. A legislative amendment is not proposed. Therefore, the provisions of this statute are not applicable.

**197.625 Acknowledgement of comprehensive plan or land use regulation changes; application prior to acknowledgement.**

**(1) A local decision adopting a change to an acknowledged comprehensive plan or a land use regulation is deemed to be acknowledged when the local government has complied with the requirements of ORS 197.610 and 197.615 and either: [...]**

**Response:** The applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans. Consistent with this provision, the requirements of ORS 197.610 and ORS 197.615 as well as the applicable provisions set forth by ORS 197.625 must be followed for acknowledgement of the proposed amendment.

**197.626 Submission of land use decisions that expand urban growth boundary or designate urban or rural reserves.**

- (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633 and subject to subsection (3) of this section: [...]**

**Response:** The applicant's proposed URA expansion requires an amendment to acknowledged Comprehensive Plans. Therefore, the City and County shall jointly submit to DLCD for review before the Commission the issued final land use decision in the manner provided for review of a work task under ORS 197.633 and subject to ORS 197.626(3).

## **IX. Conclusion**

As evidenced through this narrative and associated documents, the applicant's request for a comprehensive plan amendment to both the City of Newberg and Yamhill County Comprehensive Plans to expand the City's Urban Reserve Area is consistent with the applicable local and state regulations governing the allowance of this request. Therefore, the applicant respectfully requests City and County approval of this request.