

Community Development Department  
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132  
503-537-1240 ▪ Fax 503-537-1272 ▪ [www.newbergoregon.gov](http://www.newbergoregon.gov)

PLANNING COMMISSION STAFF REPORT  
RIVERFRONT MASTER PLAN ANNEXATIONS

HEARING DATE: September 9, 2021

FILE NO: ANX21-0002

REQUEST: Annex 29.38 acres consisting of five parcels, plus the area of the adjacent right-of-way, into the Newberg city limits

LOCATION: 1609 NE Waterfront Street, 712 NE Fourteenth Street, 1610 NE Waterfront Street, and two parcels south of E Fourteenth Street that have no addresses

TAX LOT: R3230-00401, R3230-00100, R3230-00200, R3229-02700, R3229-02800

APPLICANTS: Tamara L. Goedel, Gary T. Baker Revocable Trust, Earl L. & Nancy L. Stonebrink, and City of Newberg

OWNERS: Tamara L. Goedel, Gary T. Baker Revocable Trust, Earl L. & Nancy L. Stonebrink, and City of Newberg

PLAN DISTRICT: MDR/RD (R3230-00401), COM/RD and P/RD (R3230-00100), COM/RD (R3230-00200), and P/RD (R3229-02700, R3229-02800)

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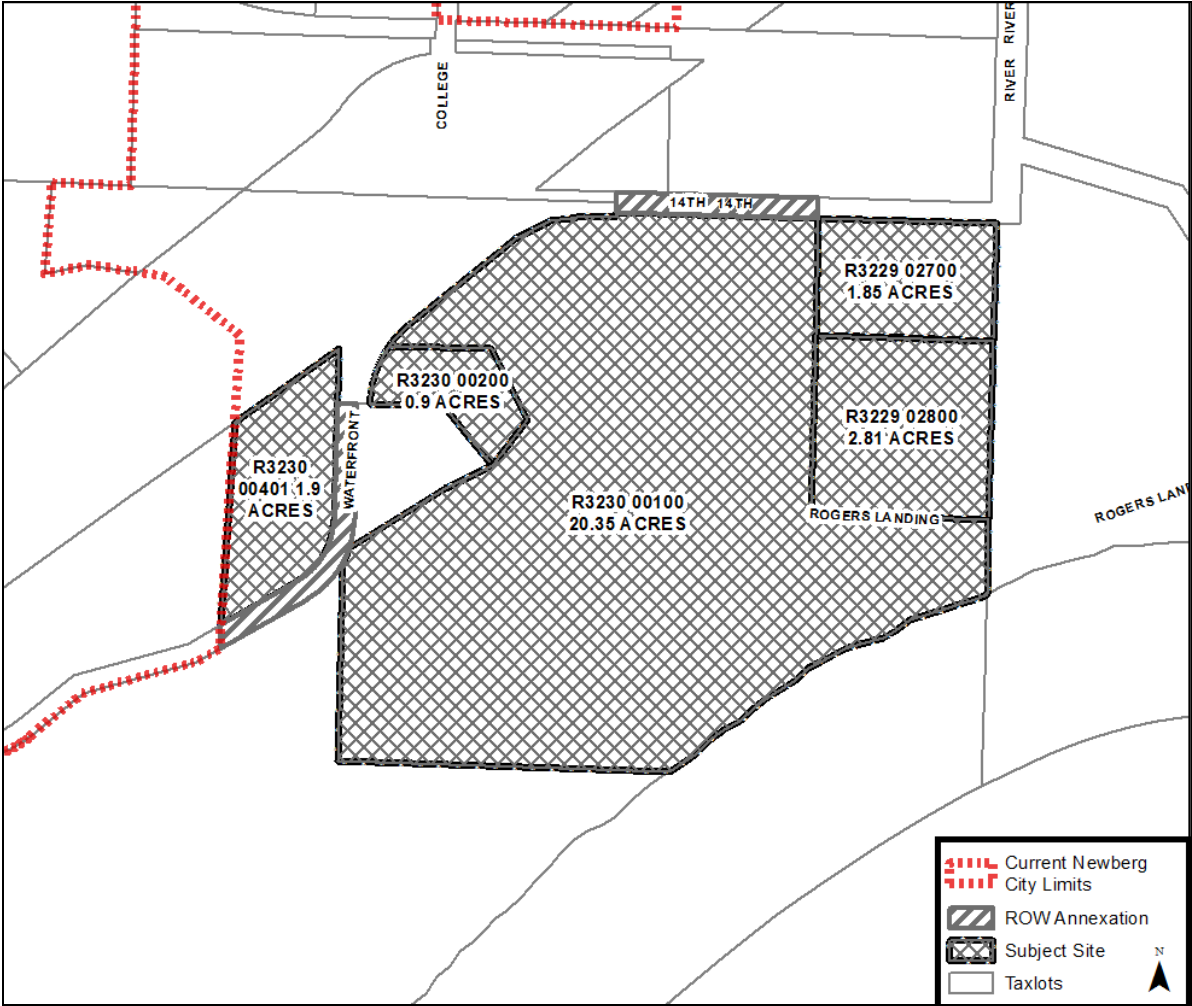
**ATTACHMENTS:**

Planning Commission Resolution 2021-375 with:  
Exhibit "A": Legal Descriptions and Maps  
Exhibit "B": Findings  
Exhibit "C": Zoning Designations

1. Comprehensive Plan Map
2. Zoning Map
3. Aerial Photo
4. Application

**DESCRIPTION OF APPLICATION:** The proposed annexation is for approximately 29.38 acres consisting of properties plus the area of the adjacent right-of-way, located at 1609 NE Waterfront Street, 712 NE Fourteenth Street, 1610 NE Waterfront Street, and two parcels south of E Fourteenth Street that have no addresses. The properties are located within the Newberg Urban Growth Boundary (UGB) and within the Newberg Riverfront District. The sites currently have a combination of Newberg MDR/RD, COM/RD, and P/RD comprehensive plan map designations (Attachment 1). The annexation would change the zoning of the properties from Yamhill County VLDR-5, HI, MR-2, and PWS to Newberg R-2/RD, C-4/RD and CF/RD, with a Riverfront District overlay upon approval of annexation (Attachment 2). An aerial is included as Attachment 3. The full application is included as Attachment 4.

**LOCATION MAP**



**Figure 1. Location Map**

- A. SITES INFORMATION:**
  - 1. Location: 1609 NE Waterfront Street, 712 NE Fourteenth Street, 1610 NE Waterfront Street, and two parcels south of E Fourteenth Street that have no addresses.

2. Size: approximately 29.38 acres
3. Topography: The subject properties slope from north to south
4. Current Land Uses: Residential, Storage Buildings, Vacant Land
5. Natural Features: Three parcels have a portion or entirety of the sites designated with a Stream Corridor Overlay or Flood Hazard Overlay (R3230-00100, R3229-02700, and R3229-02800)
6. Adjacent Land Uses:
  - a. North: Newberg-Dundee Bypass and undeveloped area (former mill site)
  - b. East: Rogers Landing Park
  - c. South: Willamette River
  - d. West: Former Newberg Landfill, and an approved subdivision site (Riverrun Phase 3)
7. Access and Transportation: The properties have access to NE Waterfront Street and E Fourteenth Street.
8. Utilities: There are existing public water, sanitary sewer, and stormwater water available in S River Street and S College Street that can be extended to serve the proposed annexation sites.

**B. PROCESS:** An annexation request is a Type III application and follows the procedures in Newberg Development Code 15.100. The Planning Commission will hold a quasi-judicial hearing on the application. The Commission makes a recommendation on the application based on the criteria listed in the attached findings. The Planning Commission's recommendation is forwarded to the City Council, who will hold a hearing and render a final decision on the application. State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex properties without a public vote when the properties meet certain requirements. Important dates related to this application are as follows:

- 7/7/21: The Community Development Director deemed the application complete.
- 8/2/21: The applicant mailed notice to the property owners within 500 feet of the sites.
- 8/2/21: The applicant posted the sites.
- 8/25/21: The *Newberg Graphic* published the notice of the Planning Commission hearing.
- 9/9/21: The Planning Commission will hold a quasi-judicial hearing to consider the applications.

**C. AGENCY COMMENTS:** The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments:

- **City of Newberg Public Works, Engineering Division:** Reviewed, Comment. "Right-of-way dedications along with public improvements for transportation, water,

wastewater and stormwater will be required as part of future development of these properties.”

- **City of Newberg Public Works, Maintenance:** Reviewed, no conflict.
- **City of Newberg Public Works Director:** Reviewed, no conflict.
- **City of Newberg Building Official:** Reviewed, no conflict.
- **City of Newberg Police:** Reviewed, no conflict.
- **City of Newberg Public Works Wastewater Treatment Plant:** Reviewed, no conflict.
- **City of Newberg Finance:** Reviewed, no conflict.
- **Zipty Fiber:** Reviewed, no conflict.
- **Oregon Department of Transportation Rail Division:** “ODOT Rail has no comment on the annexation, however (sic) please plan on comment for development phases in regards to the River Rd and College St rail crossings if bike/ped and vehicle traffic from development will increase AADT at these rail crossings. Thank you for the opportunity to comment.”
- **Tualatin Valley Fire & Rescue:** Reviewed, no conflict.
- **Yamhill County:** Reviewed, Comment. “Our office has no objection to the proposed annexations provided that all the roads inside the areas to be annexed, and all roads south of Highway 99W that serve the planned Riverfront area, have their maintenance taken over by the city of Newberg. As we have previously discussed there are presently over a mile of roads inside Newberg city limits that are maintained by Yamhill County. Those roads inside the city limits should be maintained by the city of Newberg.

Please consider Yamhill County a party to these proceedings and provide us with notice of future hearings.”

Staff response to comments.

Public Works, Engineering Division – The City recognizes that as development occurs public improvements for transportation, water, wastewater and stormwater will be required. The proposed annexation is not required to make these improvements at this time, but will be required to make improvements when development is proposed.

Oregon Department of Transportation Rail Division – The City recognizes the future rail crossing improvements on S River Street and S College Street. The proposed annexations themselves are not proposing development and increasing bike/pedestrian and vehicle traffic. As development is proposed, after annexation, improvements for the rail crossings will be evaluated with corresponding development applications.

Based on the Yamhill County comments staff identified the following:

The Yamhill County Transportation System Plan (November 5, 2015) contains in the Executive Summary “Management Systems and Tools

The County has several management systems and tools in place to support decision-making about expenditures for capital improvements and maintenance for the County’s roadway system:

...

Road ownership transfer - the County follows a policy that encourages the expeditious transfer of jurisdiction of roadways to incorporated cities in conjunction with annexation.”

In the body the Transportation System Plan is the following language:

#### “Section 8 Management System and Tools

##### Project Prioritization Process

The County’s Road Maintenance/Reconstruction Prioritization Policy is used to identify annual road maintenance and reconstruction improvements to protect public safety and property, make effective use of available funds, and preserve the County’s investment in its transportation system. It was adopted by the Yamhill County Board of Commissioners on May 14, 2008 by board order. The policy includes eight implementation strategies:

...

Encourage annexation to a city for local roads within urban and urban reserve areas.”

#### “Road Ownership Transfer

The County follows a policy established in the previous Yamhill County TSP<sup>29</sup> for the transfer of road ownership from the County to the cities. The policy encourages the expeditious transfer of jurisdiction of roadways to incorporated cities in conjunction with annexation. Developers who propose annexation and have frontage on a road that does not meet city road standards have the primary responsibility for upgrading the road to city standards. Roads must be upgraded at the time of annexation or the developer must sign with the city an agreement to upgrade the road at the time of development. The policy also requires the transfer or an agreement to transfer jurisdiction of county roadways within urban growth boundaries at the time of annexation. Although the terms of the agreement may vary from case-to-case, the County adheres to this policy and will continue to do so in the future.”

The City of Newberg responded on June 18, 2021 to a County initial inquiry on June 17, 2021 on roadway jurisdictional transfer related to the Riverfront Master Plan area and the proposed Newberg Urban Renewal Plan. The City inquired about clarification on what roadways were under County jurisdiction. The City again inquired on July 23, 2021 as part of this annexation application on clarification on what roadways were under County jurisdiction. Information the City has dates to a paper map from 1999 that is out of date.

The proposed annexation area has two roads that are believed to be County roads. Those are E Fourteenth Street and NE Waterfront Street. The frontages of the annexations include approximately 436.35 feet on E Fourteenth Street and approximately 620.75 feet on NE Waterfront Street. These roads are not improved to Newberg’s standards for Right-of-way width, and roadway cross-section improvements (travel lanes, bike lanes, curbs, gutters, planter strips and sidewalks). The roadways were paved, in part, in 2021 by the County along the frontage of R3230-00401, R3230-00100, and R3230-00200 (portion). The balance of the property frontages on these two roads with annexation property frontage are believed to be under the jurisdiction of the Oregon Department of Transportation as part of the improvements of the Newberg-Dundee Bypass.

The County additionally indicates “...and all roads south of Highway 99W that serve the planned Riverfront area, have their maintenance taken over by the city of Newberg.”

The City has requested a map clarifying what roadways the County is referring to. Roadways that are not abutting the subject annexation properties would be outside of the scope of a jurisdictional transfer related to the annexation applications. The City is willing to discuss these transfers. In the past the City has outreached to the County on E Weatherly Way since January 2018 inquiring about transfer of that roadway. Per the Intergovernmental Agreement between ODOT and the County the County needs to initiate that transfer. Once that is completed the County and City can discuss the jurisdictional transfer to the City.

S College Street from E Ninth to E Fourteenth may be another County Roadway according to the 1999 County map. A portion of this roadway is improved from the railroad tracks to E Fourteenth as part of the Newberg-Dundee Bypass construction to City standards and could be discussed for transfer. The balance of the roadway is sporadically improved to City standards.

S River Street from E Twelfth to E Fourteenth Street may be another County Roadway according to the 1999 County map. This roadway is not part of the proposed annexation properties. This section of roadway is not improved to City standards.

S Wyooski Street/NE Wyooski Road is another main access into the Riverfront area. This may be another County Roadway according to the 1999 County map. This roadway is not part of the proposed annexation properties. This section of roadway is not improved to City standards. The City also understands that with construction of the Newberg-Dundee Bypass ODOT provided funding to the County to overlay this road to address construction impacts according to past conversation with former County Engineer Bill Gilly. The City has inquired on a number of occasions when the funds were going to be used to overlay this roadway.

The Newberg Municipal Code annexation criteria also addresses roads.

15.250.030 Quasi-judicial annexation criteria.

Quasi-judicial annexation applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

B. An adequate level of urban services must be available, or made available, within three years' time of annexation, except as noted in subsection (E) of this section. An "adequate level of urban services" shall be defined as:

2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

The City will require roadway improvements at the time of development of the parcels that are being annexed.

Transfer of jurisdiction of roadways from the County to the City is a separate process from

the annexation. Until the City can gain a clear understanding of what roadways are under jurisdiction of the County and which roadways are directly applicable to the annexations and both the County and City go through the appropriate processes with the Newberg City Council and Yamhill County Board of Commissioners this issue cannot be fully addressed.

- D. PUBLIC COMMENTS:** As of the writing of this report, the city has received no written public comments.
- E. ANALYSIS:** This is an annexation request for 29.38 acres of properties, plus the area of the adjacent rights-of-way of the properties (see Figure 1). The sites and adjacent right-of-way are identified as being within the Newberg UGB. The properties have existing Newberg comprehensive plan designations of MDR/RD, COM/RD, and P/RD, which corresponds with the zoning of R-2, C-4, and CF with a Riverfront District overlay, respectively, per section 15.250.080 of the Newberg Development Code and the Riverfront Master Plan (see Table 1). The Riverfront District is a subdistrict overlay for the Riverfront Master Plan. Annexation of these properties will provide additional residential, commercial, and public development opportunities. See Attachment 1 and 2 for the Comprehensive Plan and Zoning Map Designations.

**Table 1: Property Ownership and Planning Status**

Property Owners	Tax Lots #	Property Sizes	Existing Comp Plan (Yamhill County)	Existing Zoning (Yamhill County)	Existing Comp Plan (Newberg)	Proposed Zoning (Newberg)
City of Newberg	R3229-02700	1.85 ac	P	PWS	P/RD	CF/RD
City of Newberg	R3229-02800	2.81 ac	P	PWS	P/RD	CF/RD
Baker	R3230-00100	20.35 ac	I/Q	HI AND MR-2	COM/RD AND P/RD	C-4/RD AND CF/RD
Stonebrink	R3230-00200	0.9 ac	VLDR	VLDR-5	COM/RD	C-4/RD
Goedel	R3230-00401	1.9 ac	VLDR	VLDR-5	MDR/RD	R-2/RD
<b>Total</b>		<b>29.38 ac</b>				

Adequate public utilities are available to serve the sites within three years – there are public water and wastewater lines located adjacent to the sites at the intersection of E Weatherly Way and S College Street. Additional water lines are located south to E Fourteenth Street and south of E Weatherly Way and S College Street. Additional water and wastewater line improvements identified in the City’s 2017 Water Master Plan and Addendum Riverfront Master Plan 2021, and 2018 Wastewater Master Plan and Addendum Riverfront Master Plan 2021. There is an existing stormwater system at the intersection of S College Street / E Fourteenth Street and NE Waterfront Street, as well as east of the properties. The properties are located along NE Waterfront Street and E Fourteenth Street, which are designated as a

local residential and minor collector street, respectively, in the City of Newberg Transportation System Plan. The proposal includes annexation of the adjacent NE Waterfront Street and E Fourteenth Street rights-of-way outside of ODOT jurisdiction. Street improvements and additional dedication to city standards will be required at the time of development.

State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg's (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex properties without a public vote when the properties meet certain requirements, including: being within the urban growth boundary; subject to the comprehensive plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. These properties meet those criteria as outlined in the findings in Exhibit "C" and will not be sent to a public vote. The City Council will make the final local decision on this application for annexation.

- F. PRELIMINARY STAFF RECOMMENDATION:** The preliminary staff recommendation is made in the absence of public hearing testimony and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

*Move to adopt Planning Commission Resolution 2021-375, which recommends that the City Council approve the requested annexation.*





## ***PLANNING COMMISSION RESOLUTION 2021-375***

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**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF APPROXIMATELY 29.38 ACRES CONSISTING OF PROPERTIES, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY VLDR-5, HI, MR-2, AND PWS TO NEWBERG R-2, C-4, AND CF (RIVERFRONT DISTRICT) FOR THE PROPERTIES LOCATED AT 1609 NE WATERFRONT STREET, 712 NE FOURTEENTH STREET, 1610 NE WATERFRONT STREET, AND THE TWO PARCELS SOUTH OF E FOURTEENTH STREET THAT HAVE NO ADDRESSES, YAMHILL COUNTY TAX LOTS R3230-00401, R3230-00100, R3230-00200, R3229-02700, AND R3229-02800**

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### **RECITALS**

1. The four property owners, Goedel, Baker, Stonebrink, and City of Newberg, submitted applications to annex approximately 29.38 acres consisting of properties, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County VLDR-5, HI, MR-2, and PWS. There are five separate tax lots which are contiguous and located south of NE Waterfront Street and E Fourteenth Street, Yamhill County tax lots 3230-00401, R3230-00100, R3230-00200, R3229-02700, AND R3229-02800.
2. The properties already have a City of Newberg comprehensive plan designation of MDR/RD, COM/RD, and P/RD, which corresponds with the R-2/RD, C-4/RD, and CF/RD zone.
3. After proper notice, the Newberg Planning Commission held a public hearing on September 9, 2021, to consider the applications. The Commission considered testimony, and deliberated.
4. The Newberg Planning Commission finds that the applications meet the applicable Newberg Development Code criteria as shown in the findings in Exhibit "C".
5. State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex properties without a public vote when the properties meet certain requirements, including: being within the urban growth boundary; subject to the Comprehensive plan of the City; contiguous to city limits; and meeting the City's adopted Development Code criteria for annexation. These properties meet those criteria.

### **The Newberg Planning Commission resolves as follows:**

1. The Planning Commission recommends that the City Council annex the properties described and shown in Exhibit "A", along with a zone change to R-2, C-4, and CF with Riverfront District overlay as shown in Exhibit "C". Exhibits "A" and "C" are hereby adopted and by this reference incorporated.
2. This recommendation is based on the findings shown in Exhibit "B" and the findings that the properties meet ORS 222.111 criteria as set forth in Recital No. 5 above. Exhibit "B" is hereby adopted

and by this reference incorporated.

3. Street frontage improvements for R3230-00401, R3230-00100, and R3230-00200 will occur at the time of development on these tax lots in accordance with the Newberg Municipal Code and Newberg Public Works Design and Construction Standards.

**Adopted by the Newberg Planning Commission this September 9, 2021.**

ATTEST:

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Planning Commission Chair

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Planning Commission Secretary

**Exhibit “A” to Planning Commission Resolution No. 2021-375  
Legal Descriptions and Maps – Riverfront Annexation**

**Exhibit “B” to Planning Commission Resolution No. 2021-375  
Findings –File ANX21-0002**

**A. 15.250.020 Conditions for annexation.**

*The following conditions must be met prior to or concurrent with city processing of any annexation request:*

*A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.*

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

**Finding:** The properties, located at 1609 NE Waterfront Street, 712 NE Fourteenth Street, 1610 NE Waterfront Street, and south of E Fourteenth Street with no address, are located within the Newberg UGB and are contiguous to the Newberg city limits along the western border of Tax lot R3230-00401, the westernmost parcel. The legal description of the area to be annexed includes the adjacent NE Waterfront Street and E Fourteenth Street right-of-way, which provides for future continuity of the city limits. This criterion is met.

**B. 15.250.030 Quasi-judicial annexation criteria.**

*The following criteria shall apply to all annexation requests:*

*A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.*

**Finding:** The properties have a comprehensive plan map designation of MDR/RD, COM/RD, and P/RD. Section 15.250.080 of the Newberg Development Code (pasted in below) says that the comprehensive plan map designation of the properties at the time of annexation shall be used as a criterion to determine whether or not the proposed annexation request complies with the Newberg comprehensive plan. The annexation request complies with the requested MDR/RD, COM/RD, and P/RD comprehensive plan map designations for the properties and therefore complies with the comprehensive plan. This criterion is met.

*1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multifamily housing throughout the community. Such zoning 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 percent of the net size of the application.*

**Finding:** The subject property R3230-00401 is the only property with an MDR or HDR designation

and is 2.52 acres, under the 15 net acre threshold. Therefore, this criterion does not apply.

***B. An adequate level of urban services must be available, or made available, within three years' time of annexation, except as noted in subsection (E) of this section. An adequate level of urban services shall be defined as:***

***1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.***

**Finding:** As shown in the applicant's Project Description, the subject properties have adequate urban services identified in the Master Plans and with planned improvements in the Water and Wastewater Master Plans. This criterion is met.

***2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.***

**Finding:** E Fourteenth Street is classified as a Minor Collector street in the Newberg Transportation System Plan, and NE Waterfront Street is classified as a local residential street. Minor Collector classifications of street are designed to provide the primary connections between neighborhoods and the major road system, but generally span shorter distances than major collectors. Local residential streets serve lower volumes of traffic. Right-of-way dedication and street improvements will be completed with future development of the sites consistent with Minor Collector standards. Design capacities of NE Waterfront Street and E Fourteenth Street are adequate for the future commercial and public use, with the planned improvements discussed in the Transportation and Access section of the Project Description. The future development of the subject properties will warrant right-of-way dedication, and public improvements to the E Fourteenth Street and NE Waterfront Street public right-of-way, thus supporting the City's Transportation System Plan's intent to improve the roadways to urban standards. E Fourteenth Street will include bicycle lanes and sidewalks between S College Street and S River Street.

Street frontage improvements for R3230-00401, R3230-00100, and R3230-00200 will occur at the time of development on these tax lots in accordance with the Newberg Municipal Code and Newberg Public Works Design and Construction Standards.

Criterion B is met because an adequate level of urban services will be made available within three years of annexation.

**Transportation Planning Rule:** Annexation of the properties complies with the State Transportation Planning Rule (TPR) (OAR 660-012-0060) because it meets all of the requirements for an amendment to a zoning map that does not significantly affect an existing or planned transportation facility as permitted by Subsection (9) of the TPR. The new zoning of R-2/RD, C-

4/RD, and CF/RD will be consistent with the current comprehensive plan map designation of MDR/RD, COM/RD, and P/RD that were approved by Ordinance No. 2020-2868 that included the TPR analysis. The City of Newberg has an acknowledged TSP which includes these sites as planned future urbanizable land within the urban growth boundary.

*OAR 660-012-0060(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

*(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*

*(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*

*(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

*[Subsection (1) of OAR 660-012-0060]*

*(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.*

***C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in***

*relation to annexation proposals.*

**Finding:** The city sends the application information out to the Police Department, TVF&R, Chehalem Park and Recreation District (CPRD), and the Newberg School District, among other agencies, for comments prior to the staff report. The School District provided no comment. The Police Department commented no conflict. TVF&R commented no conflict. CPRD provided no comment.

There are no comments to suggest that city services could not support the addition of the 29.38 acres of properties to the city limits, and the sites are within Newberg's UGB. Future development of the sites helps fund city services because System Development Charges or permit fees fund services such as the School District and CPRD. It should be noted that the City of Newberg does not do future planning for the Parks District or the School District; however, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of annexation and urban growth boundary expansions, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

Criterion C is met.

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

**Finding:** The applicant submitted adequate information to allow the city to make findings that demonstrate compliance with the applicable criteria. This criterion is met.

***E. The city council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.***

**Finding:** This criterion is not applicable because adequate urban services are found to be available within the three-year time frame. It should also be noted that the City has an approved Riverfront Master Plan that was adopted legislatively by the City Council as part of Resolution 2019-3596 that outlines the urban services necessary to serve the annexed properties. The City Council has taken additional legislative actions to implement this Riverfront Master Plan through Ordinance, 2020-2868 for Comprehensive Plan and Development Code provisions, Ordinance 2021-2871 for Transportation, Ordinance 2021-2876 for Water, Ordinance 2021-2877 for Wastewater and Ordinance 2021-2881 for Stormwater. There is no need for an interim zone or overlay. The properties already have a Riverfront District Overlay applied.

***15.250.080 Comprehensive plan and zoning designations.***

*A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.*

*B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.*

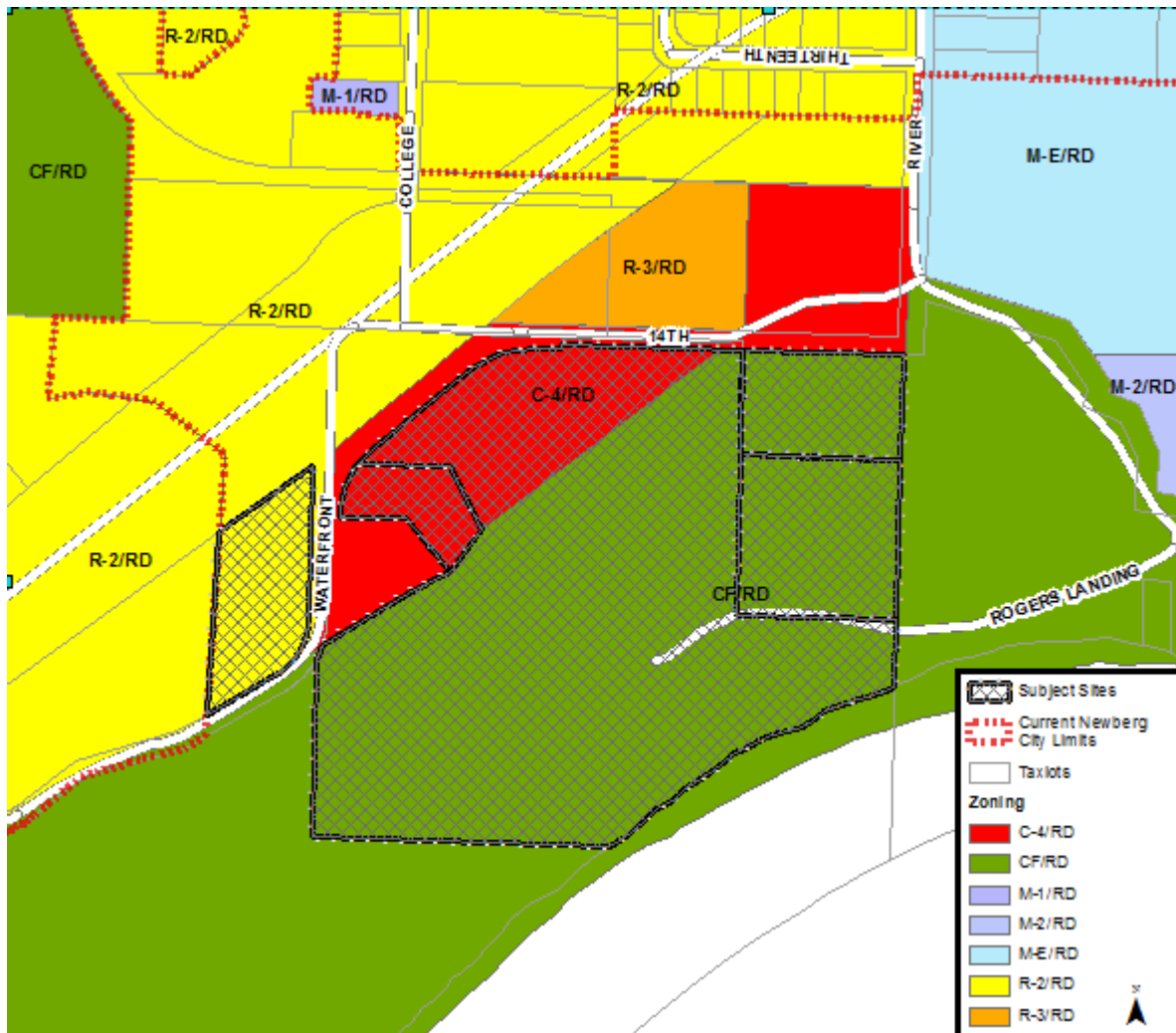
<i>Comprehensive Plan Classification</i>	<i>Appropriate Zoning Classification</i>
<i>OS</i>	<i>Any zoning classification</i>
<i>LDR</i>	<i>R-1</i>
<i>MDR</i>	<i>R-2, R-4</i>
<i>HDR</i>	<i>R-3, R-4</i>
<i>COM</i>	<i>C-1, C-2, or C-3 as determined by the director</i>
<i>MIX</i>	<i>C-2, M-1, M-2 or M-E as determined by the director</i>
<i>IND</i>	<i>M-1, M-2, M-3, M-4, or AI</i>
<i>PQ</i>	<i>Any zoning classification</i>
<i>P</i>	<i>CF</i>

**Finding:** The R-2/RD, C-4/RD, and CF/RD zone is the zoning classification that implements the MDR/RD, COM/RD, and P/RD (Medium Density Residential Riverfront District, Commercial Riverfront District, and Community Facilities District) comprehensive plan classification. The proposed uses for the sites therefore comply with the Newberg Comprehensive Plan and the designation on the Comprehensive Plan Map. They additionally conform with the Newberg Riverfront Master Plan. Criterion A and B are met.

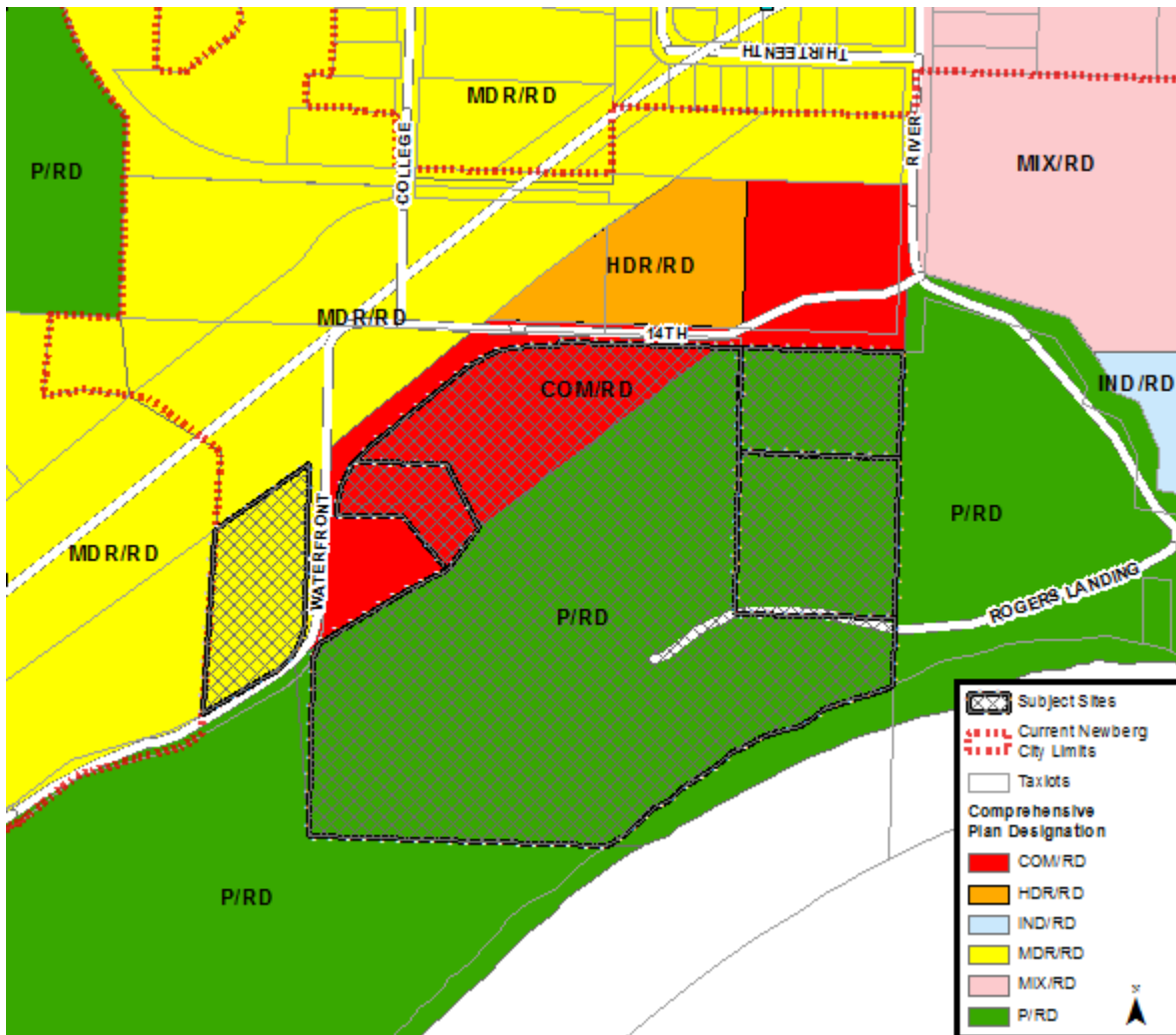
**C. Conclusion:** Based on the above-mentioned findings, the application meets the criteria of the Newberg Development Code for the annexation of the subject properties into the City of Newberg.



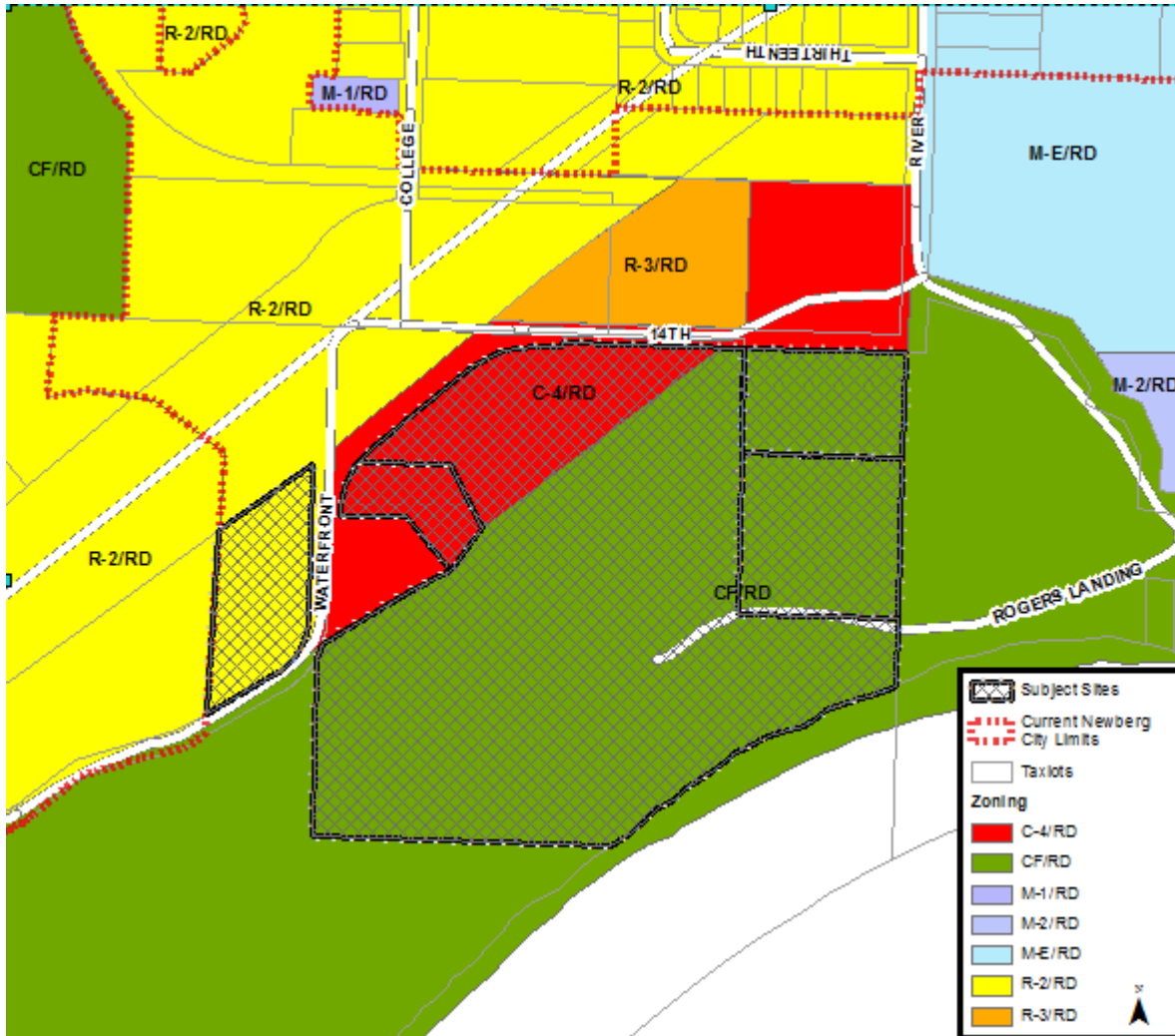
**Exhibit "C" to Planning Commission Resolution No. 2021-375  
Zoning Designations –File ANX21-0002**



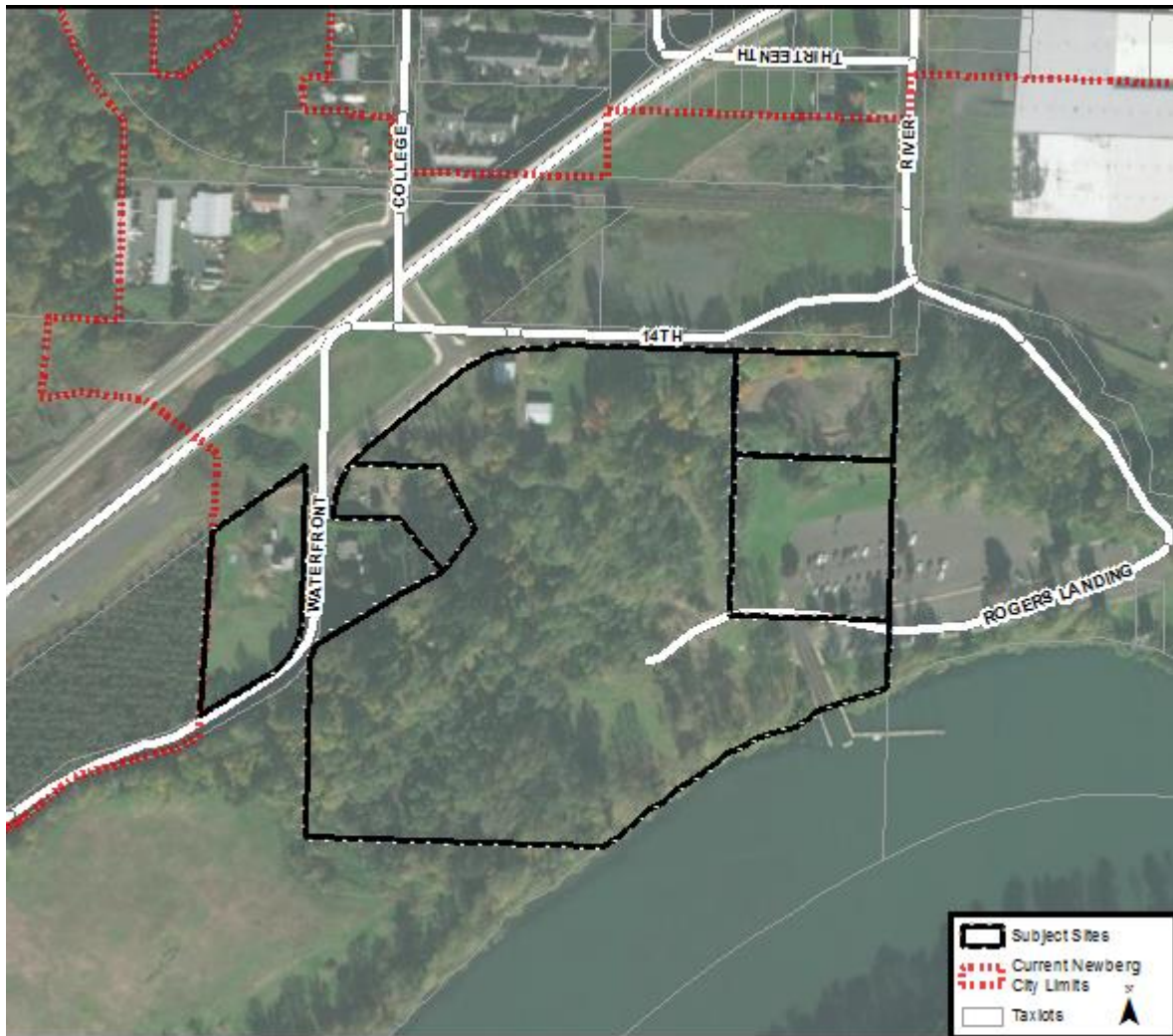
# Attachment 1: Comprehensive Plan Map



## Attachment 2: Zoning Map



### Attachment 3: Aerial Photo



## **Attachment 4: Application**