



ORDINANCE NO. 2021-2878

AN ORDINANCE ANNEXING 29.38 ACRES CONSISTING OF FIVE PARCELS, PLUS THE AREA OF THE ADJACENT RIGHT-OF-WAY, INTO THE NEWBERG CITY LIMITS AT 1609 NE WATERFRONT STREET, 712 NE FOURTEENTH STREET, 1610 NE WATERFRONT STREET, AND TWO PARCELS SOUTH OF NE FOURTEENTH STREET THAT HAVE NO ADDRESSES AND CHANGING THE ZONING FROM YAMHILL COUNTY VLDR5, HI, MR-2, AND PWS TO NEWBERG R-2/RD, C-4/RD, CF/RD, (R3230-00401, R3230-00100, R3230-00200, R3229-02700, R3229-02800)

RECITALS:

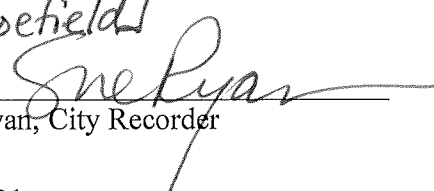
1. Tamara L. Goedel, Gary T. Baker Revocable Trust, Earl L. & Nancy L. Stonebrink, and City of Newberg submitted applications to annex five parcels containing 29.38 acres plus the area of the adjacent right-of-way into the City of Newberg and change the zoning from Yamhill County VLDR5, HI, MR-2, PWS to Newberg R-2/RD, C-4/RD, CF/RD, (R3230-00401, R3230-00100, R3230-00200, R3229-02700, R3229-02800). The properties are located directly east of the current Newberg city limits.
2. The properties have a Comprehensive Plan designation of MDR/RD (Medium Density Residential/Riverfront District), COM/RD (Commercial/Riverfront District), and P/RD (Park/Riverfront District), which corresponds with the R-2/RD, C-4/RD, and CF/RD zones.
3. The properties are located within the Newberg Urban Growth Boundary and are adjacent to the Newberg city limits. Adequate public services and utilities are or can be made available to serve the properties within three years.
4. The Newberg Planning Commission held a hearing on September 9, 2021, to consider the application. The Commission considered testimony, closed public testimony, and deliberated. The Planning Commission voted to approve Resolution No. 2021-375 recommending that the City Council approve the annexation request and concurrent zone change.
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 property without a public vote when the property meets certain requirements, including: being within the Urban Growth Boundary (UGB); subject to the Comprehensive Plan of the City; contiguous to city limits; and meeting the City's adopted Development Code criteria for annexation. This property meets those criteria.
6. After proper notice, including posting in the Newberg Graphic on September 23, 2021, and September 29, 2021, the Newberg City Council held a hearing on October 18, 2021, to consider the proposed annexations and concurrent zone changes. After the staff report and public testimony the City Council finds the proposal has met the required criteria for annexation.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The properties shown and described in Exhibit "A" are hereby annexed into the Newberg city limits, and the zoning of the properties is changed from Yamhill County VLDR5, HI, MR-2, and PWS to Newberg R-2/RD (Medium Density Residential/Riverfront District), C-4/RD (Commercial/Riverfront District), and CF/RD (Community Facility/Riverfront District) as shown in Exhibit "C". Exhibits "A" and "C" are hereby adopted and by this reference incorporated.
2. This decision is based on the findings shown in Exhibit "B". Exhibit "B" is hereby adopted and by reference incorporated. The property also meets the criteria established under ORS 222.111 as set forth in Recital #5 above.
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.

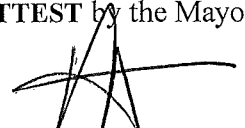
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 17, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of October, 2021, by the following votes: **AYE:** 6 **NAY:** 0 **ABSENT:** 1 **ABSTAIN:** 0

[Coefield]


Sue Ryan, City Recorder

ATTEST by the Mayor this 21st day of October, 2021.



Rick Rogers, Mayor

**Exhibit "A" to City Council Ordinance No. 2021-2875
Legal Descriptions and Maps – Riverfront - Goedel, Baker,
Stonebrink, City of Newberg Annexation**

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EXHIBIT 'A'

City of Newberg
Proposed Annexation
June 17, 2021

Tax Map 3-2-29
Tax Lot 2700

A tract of land situated in the northwest one quarter of Section 29, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being that tract of land described by deed and conveyed to the City of Newberg in Volume 140, Page 298, Yamhill County Deed Records, being described as follows.

Beginning at a 5/8" iron rod with yellow plastic cap stamped "Dunkel LS 1942" set in survey number 9443, Yamhill County Survey Records at the northwest corner of said Tract conveyed by deed in volume 140, Page 298 said point also being the southwest corner of a tract of land conveyed by deed in instrument number 2012-13407, Yamhill County Deed Records;

Thence South 90°00'00" East 350.00 feet along the South line of said Tract conveyed by deed in instrument number 2012-13407;

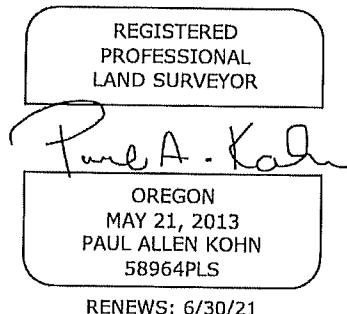
Thence leaving said South line South 00°00'00" East 250.00 feet along the East line of said Tract conveyed in Volume 140, Page 298;

Thence leaving said East line North 90°00'00" West 350.00 feet along the north line of that Tract of land conveyed in Volume 76, Page 1777, Yamhill County Deed Records ;

Thence leaving said North line North 00°00'00" West 250.00 feet along the West line of said Tract of land conveyed in Volume 140, Page 298 to the Point of Beginning.

Contains 2.00 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records.



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LAND SURVEYOR

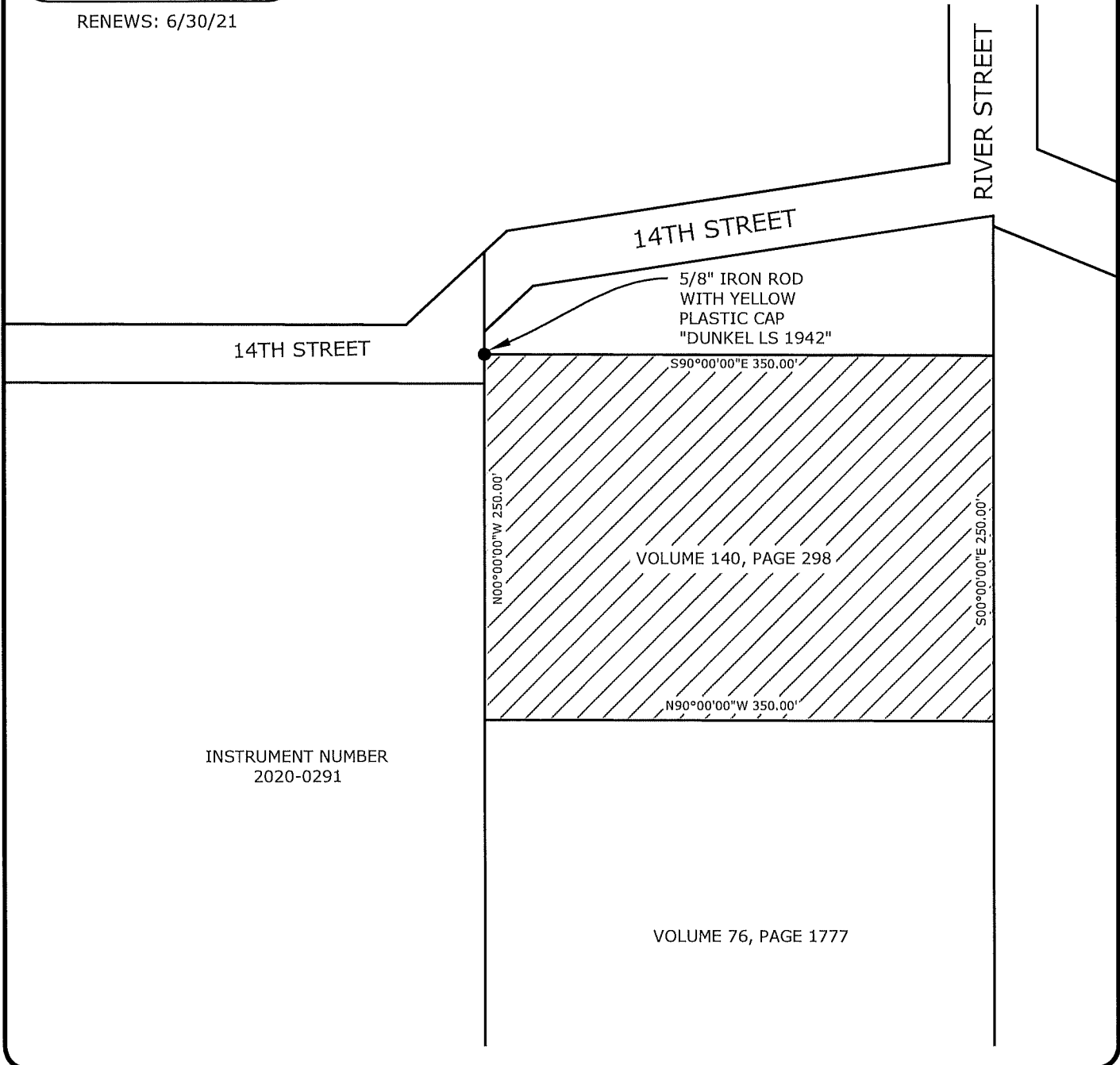
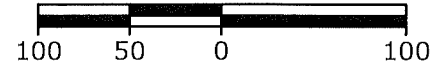
Paul A. Kohn

OREGON
MAY 21, 2013
PAUL ALLEN KOHN
58964PLS

RENEWS: 6/30/21

EXHIBIT 'B'

PROPOSED ANNEXATION
LOCATED IN THE NORTHWEST ONE QUARTER,
SECTION 29, TOWNSHIP 3 SOUTH,
RANGE 2 WEST, W.M.,
YAMHILL COUNTY OREGON



INSTRUMENT NUMBER
2020-0291

VOLUME 76, PAGE 1777

PLOTTED: 6/21/2021 6:37 AM

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Tigard, Oregon 97223
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EXHIBIT B

DATE
6/14/21
FIGURE
1

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EXHIBIT 'A'

City of Newberg
Proposed Annexation
June 17, 2021

Tax Map 3-2-29
Tax Lot 2800

A tract of land situated in the northwest one quarter of Section 29, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being that tract of land described by deed and conveyed to the City of Newberg in Volume 76, Page 1777, Yamhill County Deed Records, being described as follows.

Commencing at a 5/8" iron rod with yellow plastic cap stamped "Dunkel LS 1942" set in survey number 9443, Yamhill County Survey Records at the northwest corner of that tract of land conveyed by deed in volume 140, Page 298, Yamhill County Deed Records.

Thence South 00°00'00" West 250.00 feet to the point of Beginning, said point being at the northwest corner of said tract conveyed by deed in Volume 76, Page 1777;

Thence South 90°00'00" East 350.00 feet along the South line of said tract of land conveyed in Volume 140, Page 298;

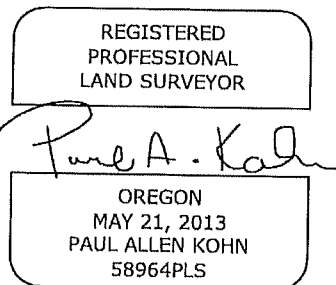
Thence leaving said South line South 00°00'00" East 350.00 feet along the East line of said tract of land conveyed by deed in Volume 76, Page 1777;

Thence leaving said East line North 90°00'00" West 350.00 feet along the South line of said tract of land conveyed by deed in Volume 76, Page 1777;

Thence leaving said South line North 00°00'00" West 350.00 feet along the West line of said tract of land to the Point of Beginning.

Contains 2.81 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records.



RENEWS: 6/30/21

EXHIBIT 'B'

PROPOSED ANNEXATION
LOCATED IN THE NORTHWEST ONE QUARTER,
SECTION 29, TOWNSHIP 3 SOUTH,
RANGE 2 WEST, W.M.,
YAMHILL COUNTY OREGON

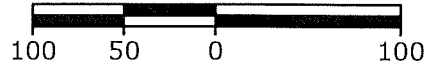
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PROFESSIONAL
LAND SURVEYOR

Paul A. Kohn

OREGON
MAY 21, 2013
PAUL ALLEN KOHN
58964PLS

RENEWS: 6/30/21

INSTRUMENT NUMBER
2012-13407



14TH STREET

5/8" IRON ROD
WITH YELLOW
PLASTIC CAP
"DUNKEL LS 1942"

S00°00'00"W 250.00'

VOLUME 140, PAGE 298

P.O.B.

S90°00'00"E 350.00'

N00°00'00"W 350.00'

VOLUME 76, PAGE 1777

S00°00'00"E 350.00'

N90°00'00"W 350.00'

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FIGURE
1

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EXHIBIT 'A'

City of Newberg
Proposed Annexation
June 17, 2021

Tax Map 3-2-30
Tax Lot 00100

A tract of land situated in the northwest one quarter of Section 29 and the northeast one quarter of section 30, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that tract of land described by deed and conveyed to Gary T. Baker in Instrument number 2020-02291, Yamhill County Deed Records and a portion of 14th Street, being described as follows.

Beginning at a 5/8" iron rod with yellow plastic cap stamped "Dunkel LS 1942" set in survey number 9443, Yamhill County Survey Records at the northwest corner of that tract of land conveyed by deed in volume 140, Page 298, Yamhill County Deed Records.

Thence North 00°00'00" West 70.21 feet to the northerly line of 14th Street;

Thence South 47°09'02" West 73.58 feet along said northerly line;

Thence North 89°49'00" West 362.77 feet along the northerly right of way line of 14th Street;

Thence leaving said northerly line South 00°11'00" West 52.00 feet to the southeasterly line of that tract of land conveyed in instrument number 2014-03880;

Thence along said southeasterly line the following courses and distances

North 89°49'00" West 61.66 feet;

Thence South 80°40'25" West 67.07 feet;

Thence South 61°44'33" West 77.06 feet;

Thence South 49°23'56" West 268.10 feet;

Thence 55.45 feet along the arc of a 205.00 foot radius curve concave southeasterly with a central angle of 15°29'55" which the long chord bears South 41°38'58" West 55.28 feet to the northerly line of that tract of land conveyed by deed in instrument number 2013-16151;

Thence North 89°37'37" East 218.54 feet along said northerly line to the northeasterly line of said tract;

Thence leaving said northerly line South 28°29'07" East 156.32 feet along said northeasterly line to the southeasterly line of said tract;

Thence leaving said northeasterly line South 35°09'56" West 113.90 feet along the southeasterly line of said tract;

Thence leaving said tract South 62°33'17" West 103.77 feet;

Thence South 56°59'58" West 218.27 feet to the easterly right of way line of Waterfront Street, County Road number 65, Yamhill County Road Records;

Thence 32.84 feet along the arc of a 184.77 foot radius curve concave northwesterly with a central angle of 10°10'58" which the long chord bears South 21°48'43" West 32.80 feet;

Thence leaving said easterly right of way line South 00°00'00" East 390.65 feet to the southerly line of said tract of land conveyed in instrument number 2020-02291;

Thence South 89°50'00" East 645.00 feet plus or minus along said southerly line to the top bank of the Willamette River;

Thence northeast along said top of bank to the easterly line of said tract of land conveyed by deed in instrument number 2020-02291;

Thence North 00°00'00" West 162.00 feet plus or minus to the southerly line of that tract of land conveyed by deed in Volume 76, Page 1777, Yamhill County Deed Records;

Thence North 90°00'00" West 350.00 feet along said southerly line;

Thence leaving said southerly line North 00°00'00" West 600.00 feet along the westerly line of those tracts of land conveyed by deed in volume 76, page 1777 and volume 140, page 298, Yamhill County Deed Records to the Point of Beginning.

Contains 21.09 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records.

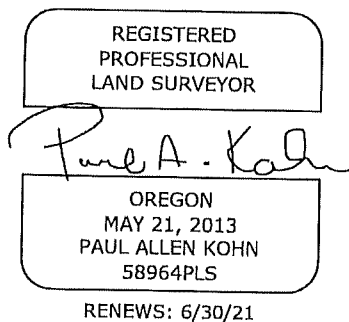


EXHIBIT 'B'

PROPOSED ANNEXATION
 LOCATED IN THE NORTHWEST ONE QUARTER,
 SECTION 29 AND THE NORTHEAST ONE QUARTER
 OF SECTION 30, TOWNSHIP 3 SOUTH,
 RANGE 2 WEST, W.M.,
 YAMHILL COUNTY OREGON

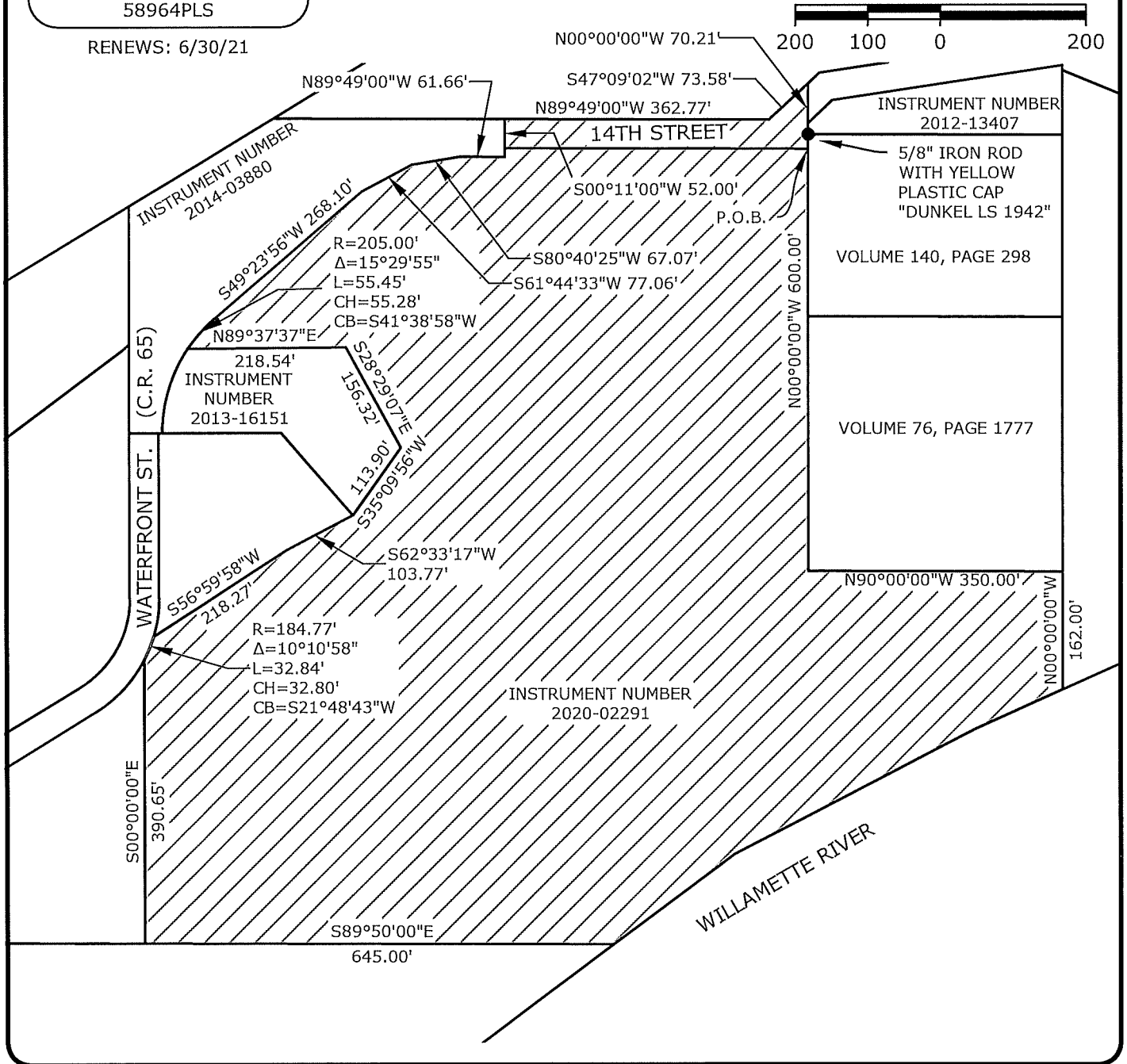


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Paul A. Kohn

OREGON
 MAY 21, 2013
 PAUL ALLEN KOHN
 58964PLS

RENEWS: 6/30/21



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DATE
 6/14/21
 FIGURE
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EXHIBIT 'A'

City of Newberg
Proposed Annexation
June 17, 2021

Tax Map 3-2-30
Tax Lot 00200

A tract of land situated in the northeast one quarter of Section 30, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being that tract of land described by deed and conveyed to Nancy L. and Earl L. Stonebrink in instrument number 2013-16151, Yamhill County Deed Records, being described as follows.

Commencing at a 5/8" iron rod with yellow plastic cap stamped "Dunkel LS 1942" set in survey number 9443, Yamhill County Survey Records at the northwest corner of said Tract conveyed by deed in instrument number 2013-16151;

Thence North 89°37'37" East 39.85 feet to the Point of Beginning being at the easterly line of that tract of land conveyed by deed in instrument number 2013-14300, Yamhill County Deed Records;

Thence North 89°37'37" East 218.54 feet along the northerly line of said tract of land conveyed in instrument number 2013-16151;

Thence South 28°29'07" East 156.32 feet along the northeasterly line of said tract of land conveyed in instrument number 2013-16151;

Thence South 35°09'56" West 113.90 feet along the southeasterly line of said tract of land conveyed in instrument number 2013-16151;

Thence North 41°12'13" West 150.17 feet along the northwesterly line of said tract of land conveyed in instrument number 2013-16151;

Thence North 89°57'52" West 163.41 feet along the southerly line of said tract of land conveyed in instrument number 2013-16151 to the easterly line of said tract of land conveyed by deed in instrument number 2013-14300;

Thence 122.95 feet along said easterly line and the arc of a 205.00 foot radius curve concave easterly with a central angle of 34°21'53" which the long chord bears North 16°43'04" East 121.12 feet to the Point of Beginning.

Contains 0.96 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records

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LAND SURVEYOR

Paul A. Kohn

OREGON
MAY 21, 2013
PAUL ALLEN KOHN
58964PLS

RENEWS: 6/30/21

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LAND SURVEYOR

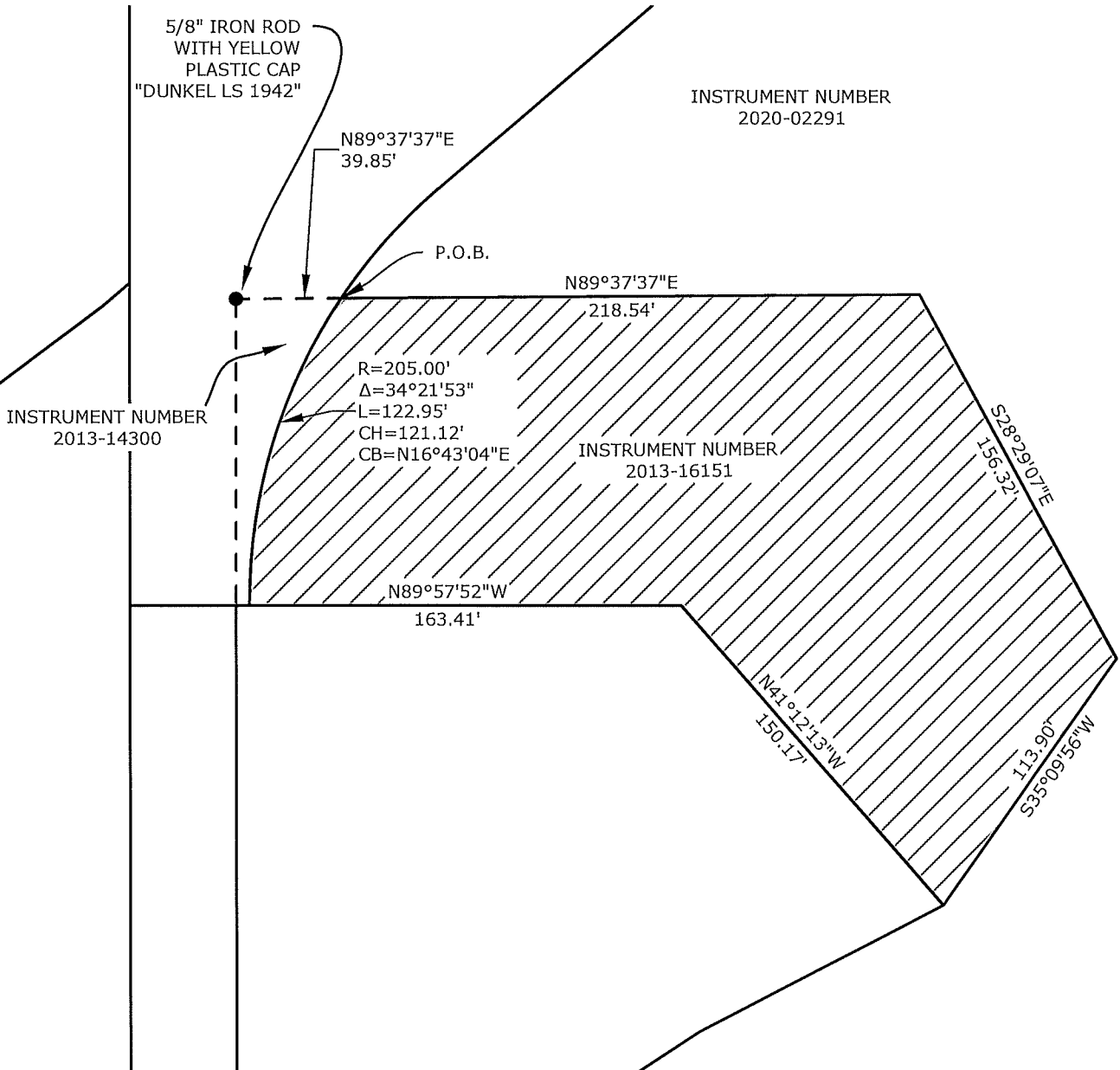
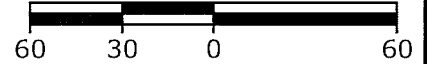
Paul A. Kohn

OREGON
MAY 21, 2013
PAUL ALLEN KOHN
58964PLS

RENEWS: 6/30/21

EXHIBIT 'B'

PROPOSED ANNEXATION
LOCATED IN THE NORTHEAST ONE QUARTER,
SECTION 30, TOWNSHIP 3 SOUTH,
RANGE 2 WEST, W.M.,
YAMHILL COUNTY OREGON



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EXHIBIT B

DATE
6/14/21
FIGURE
1

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EXHIBIT 'A'

City of Newberg
Proposed Annexation
June 17, 2021

Tax Map 3-2-30
Tax Lot 00401

A tract of land situated in the northeast one quarter of Section 30, Township 3 South, Range 2 West, Willamette Meridian, Yamhill County, Oregon and being that tract of land described by deed and conveyed to Tamera L. Goedel in Instrument number 2014-11065, Yamhill County Deed Records and a portion of Waterfront Street (County Road Number 65), being described as follows.

Beginning at a 5/8" iron rod set in survey number 6371, Yamhill County Survey Records at the southwest corner of said tract of land conveyed by deed in instrument number 2014-11065;

Thence North 02°45'14" East 412.15 feet along the westerly line of said tract conveyed by deed in instrument number 2014-11065 to the southeasterly line of that tract of land conveyed by deed in instrument number 2014-03054 and re-recorded as instrument number 2014-11220;

Thence leaving said westerly line North 53°02'53" East 238.80 feet along said southeasterly line;

Thence continuing along said southeasterly line North 49°23'56" East 13.68 feet to the westerly right of way line of Waterfront Street (County Road Number 65);

Thence leaving said southeasterly line South 00°00'00" East 121.88 feet along said westerly line;

Thence leaving said westerly line South 89°57'52" East 40.00 feet to the easterly right of way line of said Waterfront Street;

Thence South 00°00'00" East 226.57 feet along said easterly line;

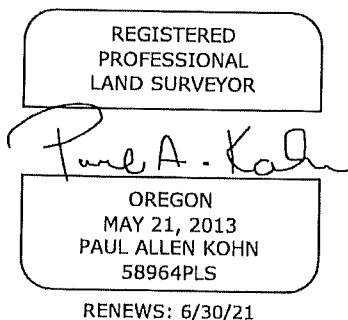
Thence 189.18 feet along the arc of a 184.77 foot radius curve concave northwesterly with a central angle of 58°39'41" which the long chord bears South 29°18'40" West 181.02 feet;

Thence South 58°21'33" West 205.33 feet along the southerly right of way line of said Waterfront Street

Thence North 02°45'14" East 49.97 feet to the Point of Beginning.

Contains 2.52 Acres more or less.

The Bearings are based on Survey Number 9443, Yamhill County Survey Records.



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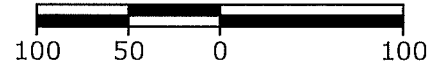
Paul A. Kohn

OREGON
MAY 21, 2013
PAUL ALLEN KOHN
58964PLS

RENEWS: 6/30/21

EXHIBIT 'B'

PROPOSED ANNEXATION
LOCATED IN THE NORTHEAST ONE QUARTER,
SECTION 30, TOWNSHIP 3 SOUTH,
RANGE 2 WEST, W.M.,
YAMHILL COUNTY OREGON



N49°23'56"E 13.68'

INSTRUMENT NUMBER
2014-03054
2014-11220

N53°02'53"E 238.80'

S00°00'00"E
121.88'

S89°57'52"E
40.00'

INSTRUMENT NUMBER
2013-16151

N02°45'14"E 412.15'

INSTRUMENT NUMBER
2014-11065

R=184.77'

Δ =58°39'41"

L=189.18'

CH=181.02'

CB=S29°18'40"W

S00°00'00"E 226.57'

INSTRUMENT NUMBER
2020-02291

5/8" IRON ROD

N02°45'14"E
49.97'

WATERFRONT STREET (C.R. 65)
S58°21'33"W 205.33'

PLOTTED: 6/21/2021 9:35 AM

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EXHIBIT B

DATE
6/14/21
FIGURE
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**Exhibit “B” to City Council Ordinance No. 2021-2878
Findings – File ANX21-0002 – Riverfront - Goedel, Baker,
Stonebrink, City of Newberg Annexation**

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 NE 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 NE 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: NE 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 NE 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 NE 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 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 regarding 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 City Council Ordinance No. 2021-2878
 Zoning Designations – File ANX21-0002 – Riverfront - Goedel, Baker,
 Stonebrink, City of Newberg Annexation**

