

**NEWBERG AFFORDABLE HOUSING
LEGISLATION SUBCOMMITTEE**

Wednesday, December 8, 2010

4 p.m. to 6 p.m.

Newberg City Hall

Permit Center Conference Room

414 E. First Street, Newberg, OR

- I. Open meeting**
- II. Roll call**
- III. Proposed Amendments - Boarders**
- IV. Proposed Amendments - Annexation**
- V. Retention of Manufactured Housing Parks**
- VI. Other business**
- VII. Next meetings:**
 - Subcommittee: January 26, 2011, 4:00 p.m.
 - Full committee: February 23, 2011, 7:00 p.m.
- VIII.. Adjourn**

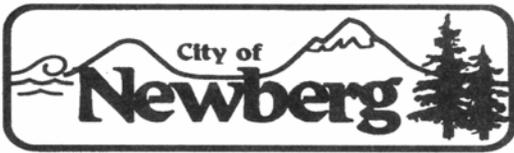
Attachments:

Memo

Proposed Amendments: Boarders

Proposed Amendments: Annexation

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MEMORANDUM

Date: December 1, 2010
To: Legislation Subcommittee
Affordable Housing Action Committee
From: Barton Brierley, AICP
Planning and Building Director
RE: December 8, 2010 Meeting

At your December 8, 2010 meeting, we will discuss three items: Boarders, Annexations, and Manufactured Dwelling Park Retention

I. Proposed Amendments - Boarders

Per the committees' request, we have drafted a proposed amendment regarding boarding. The proposed amendment would allow up to three additional people to live in a single family home under certain conditions. The conditions require a permit, require additional parking, and set a maximum occupancy limit of two persons per bedroom.

Current occupancy limits for a single family home are five unrelated persons, or an unlimited number of related persons. Below are a few examples of how the amendments would work.

Example 1: Under current law, a related family of six living in a four bedroom house cannot have any unrelated persons living with them. The draft would allow that family to have two unrelated boarders live with them. They would have to have three parking spaces instead of two, one of which could be on the street.

Example 2: Under current law a couple living in a three bedroom house can rent rooms to up to three college students (five total unrelated persons). Under the proposal, they potentially could rent to a fourth student (sixth person in that home), provided they had a permit and three parking spaces instead of two.

Example 3: Under current law, a related family of 10 (a couple with eight children) can occupy any size dwelling, but cannot have any unrelated persons living with them. The proposal potentially could allow them to have an additional person living there, but only if they have a six bedroom home and five parking spaces, which would be rare.

Some questions the committee should consider include:

- (1) Should a permit indeed be required, or should it simply be allowed provided the conditions are met?
- (2) Should a permit be required only if the number of boarders is 2 or more?

We request that the subcommittee make a recommendation to the full committee on the draft amendment.

II. Proposed Amendments – Annexation

Per the committee’s request, we have drafted a proposed “batch annexation” ordinance. The proposal would allow small annexations to be grouped and processed together. The proposal would set one time every two years where property owners could request to be included in the “batch.” Only properties less than a certain size (2, 3, or 5 acres?) would be eligible, and only properties where no comprehensive plan amendment also is requested. Staff would collect the applications up to a certain date, then send the full batch to the City Council for one hearing. If the City Council approves, the batch then would be sent to the May primary ballot under one measure.

The proposal also establishes a separate process for city initiated annexations, such as for island annexations or triple-majority annexations, that do not fit the typical property owner initiated application process. The island annexation process is modified to conform to recent changes in state law.

Some questions the committee should consider include:

- (1) What should be the maximum size of contiguous territory that could be included in a batch annexation? 2, 3, or 5 acres?
- (2) Should there be a fee to be included in a batch annexation?
- (3) Does the committee want to recommend any amendments to the charter’s annexation vote requirement for small annexations?

We request that the subcommittee make a recommendation to the full committee on the draft amendment.

III. Retention of Manufactured Housing Parks

The committee was assigned to consider the following task:

Action 2.2. Create an ordinance discouraging the conversion of existing manufactured dwelling parks.

Manufactured housing is particularly susceptible to being removed due to its inherent mobile nature. Land may become more valuable for commercial or other uses, prompting the owner to remove the housing. The City should at a minimum not adopt zone changes that would facilitate the removal of manufactured dwelling parks. In general, a more comprehensive ordinance should be developed to discourage conversion of parks. More specifically, the City should, as necessary: (1) provide resources to maintain existing manufactured dwelling parks; and, (2) help secure resources financial and educational resources for the conversion of existing parks where spaces are rented into resident-

owned parks.

At previous meetings, the committee chose to focus on positive incentives to keep manufactured home parks viable. One suggestion was to establish a maintenance fund that would help the park tenants if the park were ever turned over to them. We also met with manufactured housing park managers to discuss concepts.

Staff requests that the subcommittee give direction on how it wishes to pursue this topic. Some options include:

- (1) Draft language requiring a maintenance fund. This could be for all parks, only for new parks, or only for new homes in existing parks.
- (2) Recommend no specific action at this time, but simply that the city continue as a policy to support opportunities to retain and improve existing parks.
- (3) Other action.

Annexation Standards

The recommended action is as follows

Action 4.2E: Create an expedited annexation process for affordable housing projects.

One barrier to affordable housing projects is the time, expense, process, and uncertainty of the City's annexation process. The City could streamline this process, such as by allowing annexation of specified affordable housing projects without being subjected to a public vote under certain conditions. In these cases, the provision of affordable housing would need to be guaranteed through a development agreement or other method. Modifications to the public vote requirement would require an amendment to the Newberg Charter.

The ultimate process for considering changes thus depends on which level of law the committee would recommend changing. At the next meeting, we will look at current annexation laws and processes, look at the realm of possibilities, and decide which should undergo further consideration.

Some possibilities are:

1. No change to existing process. All annexations are reviewed by the Planning Commission and City Council, and are subject to public vote.
2. Only require Planning Commission review of annexations that require a comprehensive plan amendment or meet other thresholds.
3. Define some type of "minor annexation" that would qualify for an expedited annexation process. For example, a minor annexation could be under a certain size (2 acres?), only be in residential zones, and have consent of the owner.
4. Allow minor annexations without a public vote. This would require a charter amendment, which itself would be subject to a public vote.
5. Have the city initiate annexation for affordable housing projects, or for properties that could provide affordable housing.
6. Create an annexation plan. Have the annexation plan voted on. Any annexations subject to the plan then would have met the public vote requirement.
7. Simplify the application process, especially relating to concept development plans.

The committee may have other ideas.

Development Code Annexation Procedure Amendments
Affordable Housing Legislation Subcommittee
Draft 12/1/2010

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151.003 DEFINITIONS.

Boarder. A person that occupies a dwelling unit in addition to the family occupying that unit.

Part 5. ACCESSORY DWELLING UNITS AND BOARDERS

151.678.1 PURPOSE.

This section provides clear and objective standards for permitting ~~the establishment of~~ accessory dwelling units and boarders in existing and new single-family detached and single-family attached ~~detached single family~~ residences to achieve the following:

- (A) Increase the number of affordable housing units in the community.
- (B) Increase residential densities with minimal impact on the quality or character of existing neighborhoods.
- (C) Allow small and/or older households to retain large homes as residences.
- (D) Permit young households to achieve home ownership by using the rent from the accessory unit and boarders to offset mortgage costs.
- (E) Provide needed space for elderly family members, teenagers, and/or returning adult children.

This section is not intended to: 1) replace a private contract and 2) supersede any state or federal law.

151.678.2 ~~DEVELOPMENT STANDARDS.~~ ACCESSORY DWELLINGS.

- (A) Location. Accessory dwelling units are permitted as conditional uses in the R-1 zone and as outright permitted uses in the R-2 and R-3 zones.

(B) Limitations. An accessory dwelling unit is permitted providing there is compliance with all of the following standards:

(1) An accessory dwelling unit may be created within or as an addition to a detached single family structure or as a free-standing accessory building.

(2) An accessory dwelling unit may not exceed 50% of the size of the primary unit, up to a maximum of 1,000 square feet.

(3) The number of residents permitted to inhabit the accessory dwelling unit is regulated by the Uniform Building Code.

(4) In addition to the number of parking spaces required for the primary residence, as established in § 151.612, one on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered.

(5) The front door of the accessory dwelling unit shall not be located on the front facade of the primary residence unless the door is already existing.

(6) Second story windows 10 feet or less from the property line must be made of privacy glass.

(7) There shall be compliance with all of the development standards established in the base zone.

(8) Accessory dwelling units are prohibited for dwelling units that have boarders.

151.678.3 BOARDERS.

(A) Location. Boarders are permitted in any zone in a legal or legal non-conforming, single-family attached or single-family detached dwelling unit.

(B) Limitations for boarders. Boarders are permitted provided there is compliance with the following standards:

(1) The property owner shall obtain a permit in accordance with the provisions of §151.678.4 prior to any boarder occupying the dwelling unit.

(2) No more than three boarders shall occupy a dwelling unit.

(3) The maximum number of persons that occupy a dwelling unit with boarders shall not exceed two persons per bedroom. The total occupancy of the dwelling unit shall not exceed sixteen persons.

(4) Boarders are prohibited on lots that have an accessory dwelling unit.

(5) Any dwelling unit that has been permitted to allow boarders shall provide a minimum of one additional parking space in addition to the existing required on site parking for the dwelling unit. The one additional parking stall may be located either on site or curbside fronting the lot.

151.678.3 4 APPROVAL.

To obtain approval for ~~to create~~ an accessory dwelling unit or a boarder, the applicant must demonstrate compliance with all of the requirements of §§ 151.678.2 and 151.678.3. If the proposed use is outright permitted in the zone, the application shall be processed as a Type I procedure as regulated by § 151.044. If the proposed use is conditionally permitted in the zone, the application shall be processed as a Type III procedure as regulated by § 151.046 and subject to conditional use criteria identified in § 151.046.

Development Code Annexation Procedure Amendments

Affordable Housing Legislation Subcommittee

Draft 12/1/2010

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ANNEXATIONS

151.260 STATEMENT OF PURPOSE.

The city finds that annexation is the first step to converting future urbanizable lands to urbanizable land within the Newberg Urban Growth Boundary, and that as such it is an important part of the process of providing timely and orderly urban development. The city also recognizes that the development of lands at an urban density must include the provision of an adequate level of required urban services such as sewer, water, and roads. Policies and procedures adopted in this code are intended to carry out the directives of the citizens of Newberg and the Newberg comprehensive plan, and to insure that annexation of lands to the city is incorporated into the process of providing a timely and orderly conversion of lands to urban uses. The City Charter requires that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

151.261 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.

151.262 QUASI-JUDICIAL ANNEXATION CRITERIA.

Quasi-judicial annexations 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:

- (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.
- (B) An adequate level of urban services must be available, or made available, within three years time of annexation, except as noted in division (E) below. An adequate level of urban services shall be defined as:

(1) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

(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.

(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.

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

(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 division (B) above, but where annexation is needed to address a health hazard, to annex an island, to address sewer 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 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.

151.263 QUASI-JUDICIAL ANNEXATION PROCEDURES.

All quasi-judicial annexation requests approved by the City Council shall be referred to the voters in accordance with the requirements of this code and O.R.S. 222.

(A) Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even numbered years. Applications for annexation shall be filed with the Planning Division before 5:00 p.m. on October 1 for a primary ballot election in May and before 5:00 p.m. on April 1 for a general ballot election in November. An applicant may request that the Council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This division does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.

(B) The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the Director receives a completed application for annexation, he/she shall schedule a recommendation hearing before the Planning Commission. The Planning Commission shall make a recommendation to the City Council as to whether or not the

application meets the criteria contained in § 151.262. This decision shall be a quasi-judicial determination and not a legislative determination. The Planning Commission may also recommend denial of an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

(C) Following the Planning Commission hearing, the Director shall schedule a City Council hearing to consider the request. The City Council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in § 151.262. The hearing at the City Council shall be considered a new hearing. If additional testimony is submitted, the Council may, at its own discretion, return the application to the Planning Commission for further review and recommendation. The City Council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

(D) If the City Council approves the annexation request, the proposal may, at the City Council's sole discretion, be placed before the voters of the city as follows:

(1) The biennial primary or general elections which are held in May and November of even numbered years, or

(2) An available special election.

(E) If the city schedules the annexation election for an election other than the biennial primary or general election, the agreement of the applicant or owner of the property must be obtained. All costs associated with placing the matter on the ballot shall be paid for by the applicant or owner of the property being annexed.

(F) The city shall place a notice of the annexation election shall be published in a newspaper of general circulation in the city not more than 30 days nor less than 20 days prior to the date of the election. Such notice shall take the form of a minimum one quarter page layout, which includes a map of the property to be annexed and unbiased information regarding the annexation.

(G) The city shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than 16 square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation. The sign shall be removed by the applicant within ten days following the election day.

(H) In addition to the regular annexation fee, the applicant shall pay for all of the costs associated with the election, the ad in the newspaper, and posting of the notice. The city shall inform the applicant of the costs necessary for the newspaper ad and property posting and of the deadline for payment of these costs.

(I) Should this annexation request be approved by a majority vote of the electorate of the city at the election date as identified by resolution of the City Council, the property shall be annexed and the following events shall occur:

(1) The property shall be ordered and declared annexed and withdrawn from the Newberg Rural Fire Protection District.

(2) The territory will be changed from a county zone to a city zoning designation as indicated in § 151.268. The "Newberg, Oregon Zoning Map" shall be amended to indicate this change.

(3) The Recorder of the city is directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of the following documents:

(a) A copy of the approved ordinance.

(b) A map identifying the location of said territory.

(J) If the City Council refers an annexation to the voters at a particular election, and the annexation fails to pass at that election, the applicant may petition the City Council to refer the annexation to the voters at a subsequent election, subject to the following.

(1) The petition shall include a fee in an amount determined by resolution of the City Council. In addition, should the petition be granted, the applicant shall be responsible for all election costs, including the cost of preparing the new annexation measure.

(2) The applicant may only petition the City Council once for resubmittal to place the annexation on the ballot in any 12-month period.

(3) The City Council shall hold a hearing to consider the petition. The hearing is a legislative hearing. Notice of the hearing shall be published in accordance with § 151.077.

(4) After hearing the petition, the City Council may decide any of the following.

(a) The Council may approve the petition and schedule the annexation for a subsequent election. The annexation may only be placed before the voters once in any 11-month period. The annexation shall be processed according to the procedures in § 151.263 (D)-(I).

(b) The Council may deny the petition.

(c) If conditions affecting the original criteria for the approval of the annexation by the City Council have changed significantly, the Council may require the applicant to resubmit the annexation application for consideration by the City Council and to pay a new annexation application fee. The Council also may direct that the resubmitted application be referred to the Planning Commission for recommendation. If there is a period of more than five years between the Council's original quasi-judicial determination that the annexation meets applicable criteria and the annexation election date, then a new application shall be required.

(5) The City Council shall have total discretion in determining the timing of placing an annexation measure before the voters, in requiring the submittal of a new or modified annexation application, or in denying a petition for new election.

(6) Where an annexation has been initiated by the City Council, the Council may refer the annexation to a subsequent election upon its own motion.

151.264 APPLICATION REQUIREMENTS FOR QUASI-JUDICIAL ANNEXATIONS.

Applications for a quasi-judicial annexation shall be made on forms provided by the Planning Division and include the following material:

(A) Written consent to the annexation signed by the requisite number of affected property owners, electors, or both to conduct an election within the area to be annexed, as provided by state law. The consent shall include a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended O.R.S. Chapter 195 and 197.

(B) Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

(C) Vicinity map and map of the area to be annexed including adjacent city territory.

(D) General land use plan indicating types and intensities of proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and adjoining development.

(E) Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced.

(F) Annexation fees, as set by City Council resolution.

(G) Statement outlining method and source of financing to provide additional public facilities.

(H) Comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller sub-community or neighborhood of which it will become a part and proposed actions to mitigate such effects.

(I) Concurrent with application for annexation, the property may be assigned one of the following methods for development plan review:

(1) A planned unit development approved through a Type III procedure.

(2) A development agreement approved by the City Council.

(3) A contract annexation as provided for in the state statutes. Development plans must be approved and an annexation contract must be signed by the City Council in order to use the contract annexation process.

151.265 LEGISLATIVE ANNEXATIONS.

(A) Purpose. Legislative annexations are those annexations that are initiated by the City of Newberg. Legislative annexations include health hazard annexations, island annexations, batch annexations, and other annexations initiated by the City Council.

(B) Process. Legislative annexations shall be processed as a Type IV legislative action, except as noted. The annexation request shall be reviewed directly by the City Council. A Planning Commission hearing shall be required only if a comprehensive plan amendment is involved or City Council refers the matter to the Planning Commission for a recommendation.

(C) Notice. The Director shall provide notice of hearings:

(1) To the owner of the site proposed for annexation.

(2) To owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

(3) To the Department of Land Conservation and Development per § 151.075.

(4) Within a newspaper of general circulation within the city at least ten days prior to the first public hearing on the action per §151.077.

(D) Approval. In approving any legislative annexation, the City Council shall follow the applicable procedures of state law and the Newberg Charter. If the City Council approves the annexation, where required by state law or City Charter the annexation shall be referred to an election at a date determined by the City Council. If the annexation election is not approved, the City Council, at its discretion, may refer the proposal to a future election with any modifications it determines are appropriate. If an election is not required by state law or City Charter, the City Council shall by ordinance declare that the territory is annexed to the City.

151.2665 HEALTH HAZARD ANNEXATION.

The city shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. Annexation of areas constituting a health hazard are not subject to voter approval.

151.2676 ISLAND ANNEXATION.

The following policies are adopted for island annexations:

(A) The city shall attempt to not create islands of unincorporated territory within the corporate limits of the city. If such an island is created, the City Council may set a time for a public hearing

for the purpose of determining if the annexation should be submitted to the voters. The hearing shall be conducted in accordance with the policies and procedures contained in this code.

(B) Written notice to property owners will be made prior to annexation to allow for property owner responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the city.

(C) The island annexation shall follow the procedures required under ORS 222.750.

(~~C~~D) Annexation of an island shall be by ordinance, subject to approval by the voting majority. The city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the City Council finds that a majority of the votes cast in the city and the territory combined favor annexation, the City Council, by ordinance, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed.

(E) For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder shall:

(1) Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; and

(2) Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

(F) Notwithstanding subsection (D) of this section, property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

151.268 BATCH ANNEXATION OF SMALL PROPERTIES BY CONSENT

With the consent of the property owners, multiple smaller annexations may be processed together as a legislative annexation in order to streamline the annexation process and to share the financial cost of the application.

(A) Eligibility. Properties are eligible for batch annexation if:

(1) The total area of each contiguous territory to be annexed shall not exceed [2, 3, 5] acres.

(2) Property owners shall file consent to annex with the City and request on forms provided by the Director.

(c) The zoning map designation complies with the comprehensive plan map designation. If a comprehensive plan map change is proposed the request shall follow the process described in § 151.265 (B).

(2) Process. Batch annexations shall be processed as follows:

(a) The deadline to file an request shall be November 1 prior to a May primary election in even number years.

(b) Property owners shall submit a consent to annex form provided by the City and a request to be part of a batch annexation. The request shall include a legal description of the property and a title report or proof of ownership.

(c) The Planning Director shall collect the requests, If two or more qualifying requests are submitted by November 1, the Director shall initiate the batch annexation and schedule the item for a City Council hearing. If fewer than two requests are submitted, the Director shall extend the deadline to May 1 of the even numbered year to allow consideration prior to the general election in November. If multiple requests are not submitted by the May 1 deadline, the requests shall be deferred until multiple requests are received by the next deadline.

(d) The City Council may initiate a batch annexation at times other than those specified above.

(3) Criteria for a batch annexation.

For each property, an adequate level of urban services is or can be made available within threet years, including.

(a) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

(b) Roads with an adequate design capacity for the proposed use and projected future uses.

(c) Police, fire, parks, and school facilities and services.

(4) Approval. The Council may approve all or part of the proposed batch annexation. If the City Council approves, it shall refer the annexation to an election following the legislative process under § 151.265.

151.2679 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 § 151.122 shall not be required.

Comprehensive Plan Appropriate Zoning Classification
Classification

OS	Any zoning classification
LDR	R-1
MDR	R-2
HDR	R-3
COM	C-1, C-2, or C-3 as determined by the Director
MIX	C-2, M-1, or M-2 as determined by the Director
IND	M-1, M-2, M-3, M-4 or AI
PQ	Any zoning classification
P/PP	CF Any zoning classification

(C) If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of § 151.122 shall apply. This application shall be submitted concurrently with the annexation application.

(D) In the event that the annexation request is denied, the zone change request shall also be denied.

151.26870 COORDINATION.

Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be incorporated into the city records.

151.26971 ANNEXATION OF NON-CONFORMING USES.

When a non-conforming use, as described in §§ 151.140 through 151.149 is annexed into the city, the applicant shall provide a schedule for the removal of the non-conforming use for the Planning Commission and City Council. Legal non-conforming residential uses are allowed to remain indefinitely. At time of approval of the annexation, the City Council may add conditions to ensure the removal of the non-conforming use during a reasonable time period. The time period may vary from one year to ten years at the discretion of the City Council.