



## **RESOLUTION NO. 2016-3275**

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**A RESOLUTION RECOMMENDING THAT YAMHILL COUNTY APPROVE  
A PROPOSED CONDITIONAL USE PERMIT FOR A HOME OCCUPATION  
COMMERCIAL KITCHEN AT 1400 NE CHEHALEM DRIVE, YAMHILL  
COUNTY TAX LOT NO. 3218CA-2500.**

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### **RECITALS:**

1. On March 17, 2016 the City of Newberg received a copy of a Yamhill County conditional use permit application for a home occupation commercial kitchen at 1400 NE Chehalem Drive.
2. The site is located outside the city limits but inside the urban growth boundary. Yamhill County will make the final decision on the conditional use permit application. Under the terms of the Newberg Urban Area Growth Management Agreement, the City Council shall hold a legislative hearing and make a recommendation to the County within 60 days of receiving a copy of the application.
3. The applicant intends to build a pole barn on his property for a shop/commercial kitchen, in order to support the expansion of his existing ice cream business. The applicant will continue to live in the single-family home on the property, so the commercial kitchen is a home occupation. This requires a conditional use permit in Yamhill County. The future development plan shows how the site could potentially be developed to city development standards if it was annexed into the city, by partitioning the site to create two additional lots for single-family homes.
4. Notice of the hearing was posted in the *Newberg Graphic* on April 6, 2016.
5. The Newberg City Council held a hearing on April 18, 2016 to consider the conditional use permit proposal. The City Council finds that the proposal is limited in scope, and consistent with the future urban development of the property.

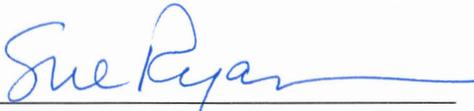
### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

1. The City Council finds that the proposed home occupation commercial kitchen, as shown in Exhibit A, meets the criteria for development within the urban growth boundary and adopts the findings, which are attached hereto as Exhibit C. Exhibits A, B and C are hereby adopted and by this reference incorporated.

2. The City Council recommends that Yamhill County approve the proposed conditional use permit for a home occupation commercial kitchen at 1400 NE Chehalem Drive, Yamhill County tax lot 3218CA-2500.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 19, 2016.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of April, 2016.

  
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Sue Ryan, City Recorder

**ATTEST** by the Mayor this 21<sup>st</sup> day of April, 2016.

  
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Bob Andrews, Mayor

# EXHIBIT A: SITE PLAN

Proposal: Build a shop/commercial kitchen for a home occupation

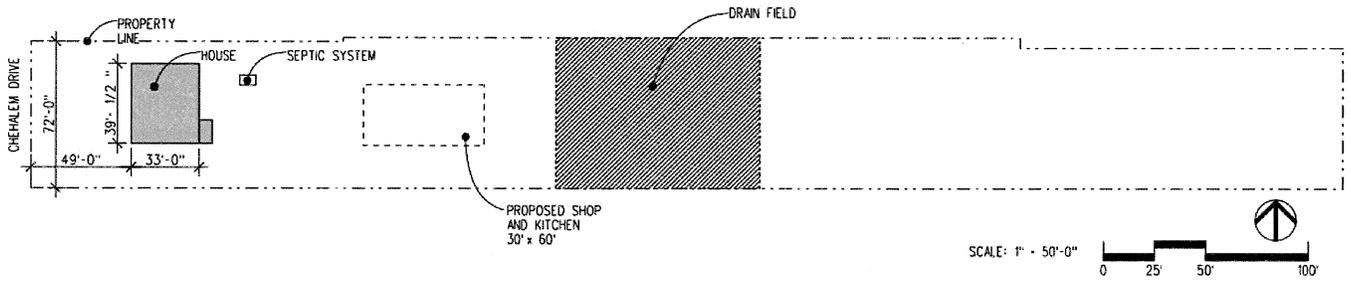
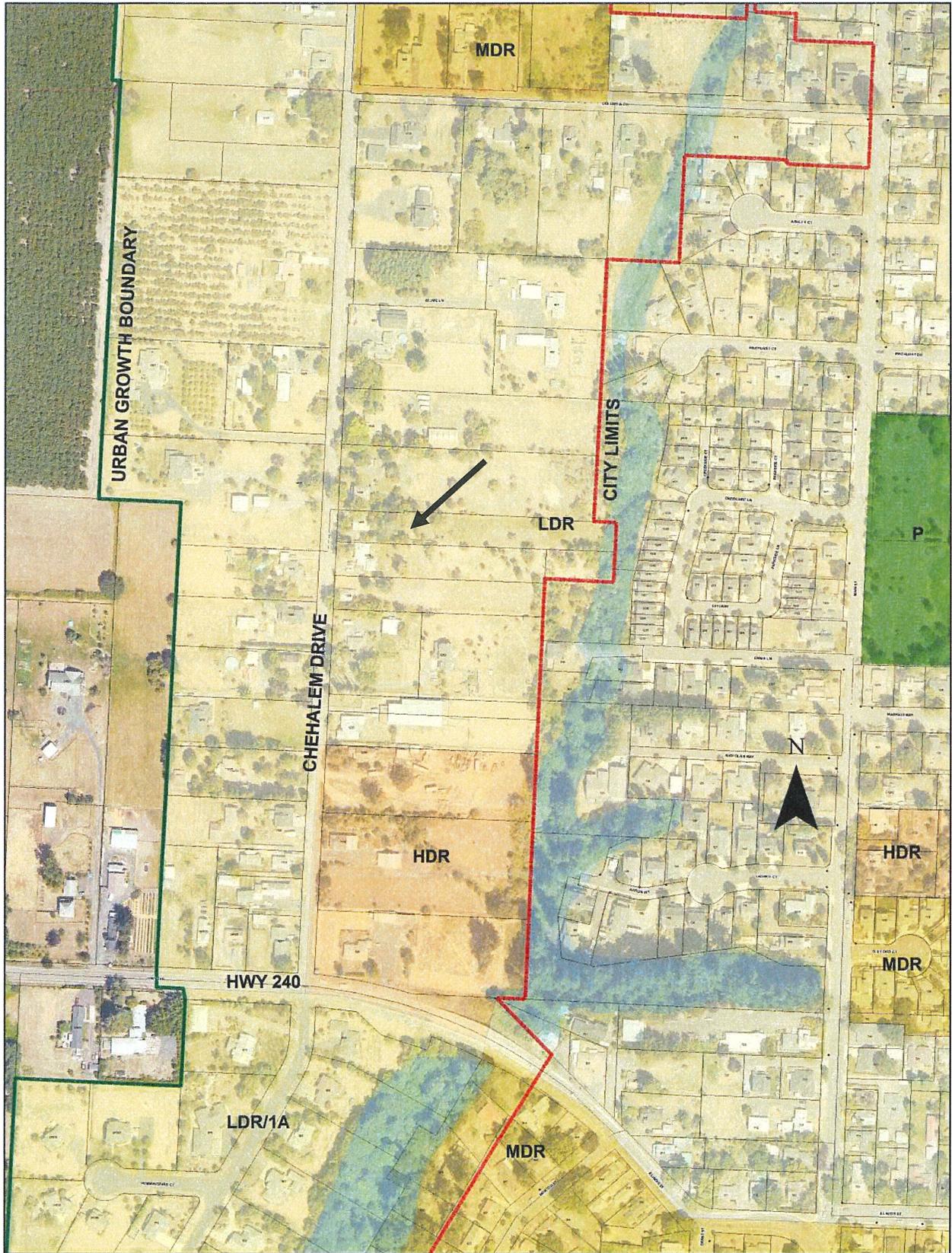


EXHIBIT B: COMPREHENSIVE PLAN



## EXHIBIT C: FINDINGS

The applicable Newberg Urban Area Growth Management Agreement criteria are:

The City recommends that that the County only allow development inside the Urban Growth Boundary “*that is limited in scope and that is consistent with the future urban development of the property.*”

*1. Future Development Plan: The City Council shall recommend approval, recommend approval with conditions, or recommend against the future development plan in accordance with the following criteria:*

*(a) The current development shall not cause more than 10 percent of the property to be used for site improvements including buildings, parking areas, improved recreation areas, and storage areas, unless the City agrees the development intensity will not prohibit future urban development.*

*(b) The future development plan shall allow for the efficient future urban development of the remainder of the property. It shall allow for construction of future urban streets and utilities, and shall allow for required setbacks to current and future property lines.*

*(c) The plan is consistent with adopted plans and policies for the area, such as street or utility plans and policies in this agreement.*

*B. Submittal Requirements 1. A future development plan shall be required for any development in the Urban Reserve Area requiring a Yamhill County Type B or Type C review, excluding any development that involves a change in use to existing buildings only. The future development plan shall be used solely to evaluate the current proposal's compatibility with potential future urban development. It does not bind or commit the applicants, property owners, review bodies, or governing bodies to approve or carry out the proposed future development.*

**Findings:** The site is at 1400 NE Chehalem Drive. It is approximately 1.17 acres, and contains an existing single-family residential house, with its own septic system. The property is outside of the Newberg city limits but within the urban growth boundary. The site has County VLDR-1 zoning, and a City LDR (low density residential) Comprehensive Plan designation. The applicant is applying to Yamhill County for conditional use permit approval for a home occupation commercial kitchen.

The application proposes to build a pole building for a shop and a commercial kitchen. The owner will continue to live in the single-family home on the property, and operate the commercial kitchen as a home occupation. The commercial kitchen will allow the applicant/owner to expand their existing ice cream business. The existing house and the proposed pole barn do not cause more than 6% of the property to be used for site improvements. The proposed development is setback more than 5 feet from any potential future property lines, assuming that the site is partitioned in the future to create two new lots on the eastern part of the site. The city's Transportation System Plan shows that Chehalem Drive will eventually be improved to major collector status; this development is setback far from Chehalem Drive and is consistent with the future widening and improvement of Chehalem Drive.

The City's intent under the Urban Area Growth Management Agreement is to recommend that the County only allow development in the UGB that is limited in scope and consistent with the future urban development of the property. The proposed home occupation commercial kitchen development is limited in scope, and consistent with the future urbanization of the property.