

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order \_\_\_ Ordinance XX Resolution \_\_\_ Motion \_\_\_ Information \_\_\_  
No. No. 2016-2803 No.

**SUBJECT: An Ordinance annexing 3.06 acres of property located north of Columbia Drive, south of Lynn Drive, Tax Lots 3218AB-1700, -1701 and -1702, plus the area of the adjacent rights-of-way, into the Newberg city limits, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County VLDR-1 to Newberg R-2**

Contact Person (Preparer) for this Motion: Steve Olson, AICP  
Dept.: Community Development  
File No.: ANX-16-003

HEARING TYPE:  LEGISLATIVE  QUASI-JUDICIAL  NOT APPLICABLE

**RECOMMENDATION:** Adopt Ordinance No. 2016-2803, annexing 3.06 acres of property located north of Columbia Drive, south of Lynn Drive, tax lots 3218AB-1700, -1701 and -1702, plus the area of the adjacent rights-of-way, into the City of Newberg, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County VLDR-1 to Newberg R-2.

**EXECUTIVE SUMMARY:** The proposed annexation is for three parcels totaling 3.06 acres, located north of Columbia Drive and south of Lynn Drive. The properties are located within the Newberg urban growth boundary and have a Newberg Comprehensive Plan designation of MDR (medium density residential). The annexation would change the zoning of the properties from Yamhill County VLDR-1 to Newberg R-2 (medium density residential), which corresponds with the MDR Comprehensive Plan designation. The R-2 zone allows a minimum lot size of 3,000 square feet for future residential development. The applicant's concept development plan shows a subdivision for single-family homes, with primarily 3,000 square foot lots. The concept development plan is not binding on the applicant, and the annexation does not approve a subdivision for the property, but the subdivision concept does meet the minimum lot size standard in the R-2 zone and shows how the site could potentially be developed.

Several public comments said that 3,000 square foot lots would not fit in with the rest of the area. This is an annexation application, so approval of an annexation would not automatically divide the land into 3,000 square foot lots. The applicant would need to apply for subdivision approval before the land could be divided. The site has an existing MDR (medium density residential) Comprehensive Plan designation which was applied when this area was brought into the urban growth boundary. One of the approval criteria is whether the requested zoning matches the city Comprehensive Plan. The R-2 zone that the applicant has requested corresponds with the MDR designation, and the R-2 zone does have a minimum lot size requirement of 3,000 square feet.

Utilities: One issue facing this application was determining whether adequate public utilities can serve the site within three years. City water and sewer lines are currently in place along Lynn Drive, which could be used to serve the site. The sanitary sewer line flows to the Highway 240 Pump Station. A very preliminary assessment provided by the applicant's engineer has determined that the pump station could serve the additional flows contributed by this development. If necessary, upgrades to the pump station could be

completed by the developer to provide the capacity needed. The site stormwater management would be designed to comply with the stormwater requirements of the municipal code and public works design and construction standards manual in effect at the time of site development. A permit from Yamhill County will be required for any connections to the ditch along Columbia Drive. One condition of approval is that at the time of development, a detailed analysis of the Highway 240 sanitary sewer pump station is required, and any necessary upgrades to the pump station would be completed by the developer.

Transportation: The site is north of Columbia Drive, and south of Lynn Drive/Heritage Way. Columbia Drive is classified in the TSP as a minor collector, and Lynn Drive & Heritage Way are both local residential streets. Street improvements to both frontages will be required at the time of development. Yamhill County Permits are required for improvements to Columbia Drive. One condition of approval is that at the time of development, a limited traffic study will be required to evaluate the intersection of Main Street and Lynn Drive, and to evaluate Columbia Drive. Another condition of approval is that the TPR report submitted by the applicant's traffic engineer states that, in order to comply with the TPR, development should be limited to 29 single-family homes or acceptable uses that generate less than the 300 trips anticipated in the Comprehensive Plan.

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 property without a public vote when the property meets 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. This property meets 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.

**FISCAL IMPACT:** No direct fiscal impact to the city other than the addition of the 3.06 acres to the property tax base.

**STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):** Approval of the proposed annexation helps further the following Council goals: #4 – "Foster and encourage economic development in the community" because the property will provide additional residential building land; and #5 – "Maintain and modernize the city's transportation and utilities infrastructure" because development of this property will require infrastructure improvements, including sidewalks, intersection, and utilities.

**ATTACHMENTS:**

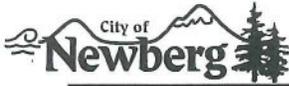
1. Planning Commission Resolution 2016-319 (with Exhibits "A", "B", and "C" by reference only and attached to Ordinance No. 2016-2803)
2. Aerial Photo
3. Concept Development Plan
4. Comprehensive Plan Map
5. Zoning Map
6. Public Comments received to date
7. Application

Ordinance No. 2016-2803 with:

Exhibit "A": Property Map

Exhibit "B": Legal Description

Exhibit "C": Findings



## PLANNING COMMISSION RESOLUTION 2016-319

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF 3.06 ACRES OF PROPERTY, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY VLDR-1 TO NEWBERG R-2, FOR PROPERTY LOCATED NORTH OF COLUMBIA DRIVE, SOUTH OF LYNN DRIVE, YAMHILL COUNTY TAX LOTS 3218AB-1700, -1701, AND -1702**

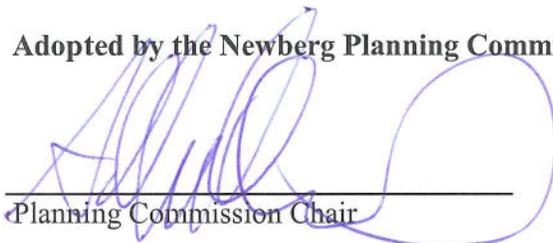
### RECITALS

1. Del Boca Vista, LLC submitted an application to annex 3.06 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-2. The R-2 zoning is consistent with the adopted MDR (medium density residential) Comprehensive Plan designation on the site. The property is located directly west and south of the current Newberg city limits, north of Columbia Drive, south of Lynn Drive, on Yamhill County tax lots 3218AB-1700, -1701, and -1702.
2. After proper notice, the Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable Newberg Development Code criteria as shown in the findings in Exhibit "C".
4. State law recently 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; 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.

### The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", along with a zone change to R-2, and withdraw the property from the Newberg Rural Fire Protection District. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. This recommendation is based on the findings shown in Exhibit "C". Exhibit "C" is hereby adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 12<sup>th</sup> day of May, 2016.

  
 \_\_\_\_\_  
 Planning Commission Chair

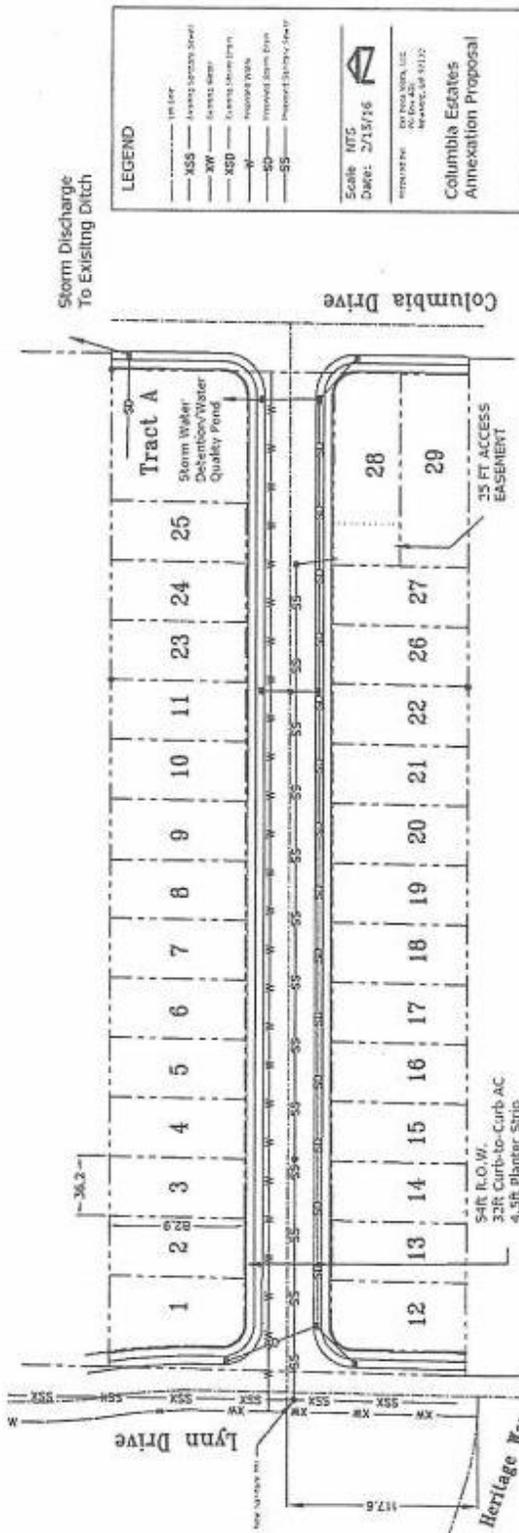
ATTEST:

  
 \_\_\_\_\_  
 Planning Commission Secretary

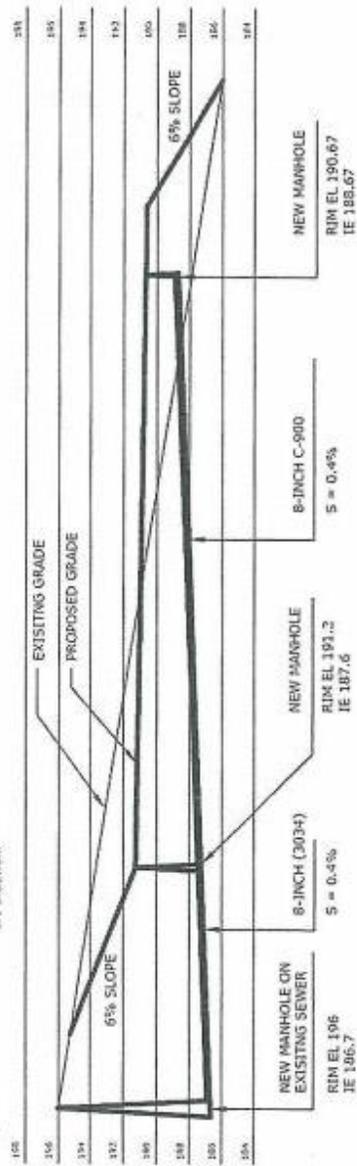
Attachment 2: Aerial Photo



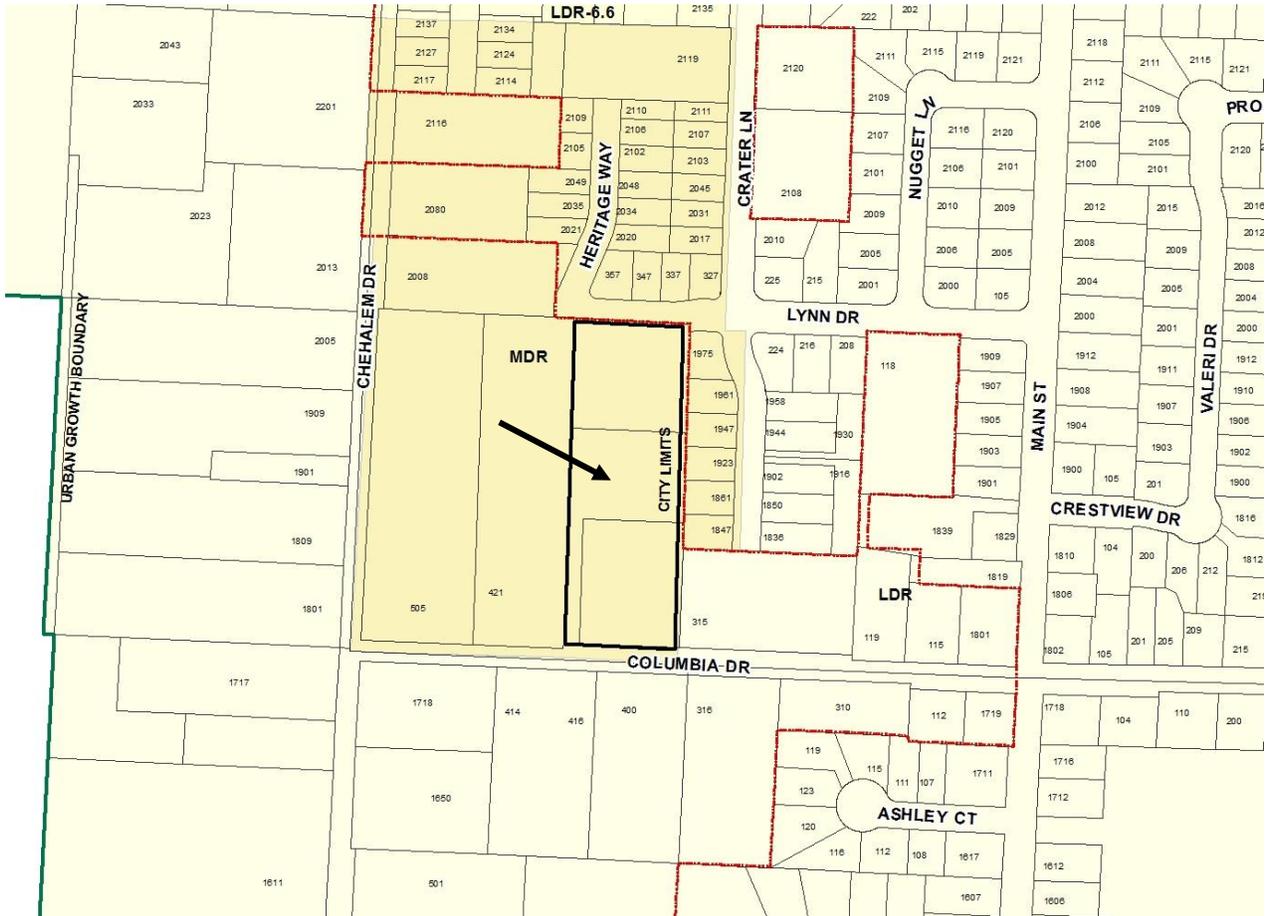
# Attachment 3: Concept Development Plan



LOTS 1 - 27: 3,000 SF  
 LOTS 28-29: 4,840 SF  
 AVERAGE: 3,116 SF



# Attachment 4: Comprehensive Plan Map





**Attachment 6: Comments received to date**

Hello,

My name is Mike Brown, my address is 1861 Crater Ln., Newberg, OR.

I am against the Columbia Estates Annexation and Zoning Amendment for tax lots 3218AB-1700, 3218AB-1701, 3218AB-1702. File: ANX-16-003.

This application would change the current zoning of these lots from VLDR-1 to R2, potentially allowing 27 lots to be created sized at 3000sf. Per the applicants plan, this is what will occur if the zoning change is allowed.

- The applicant intends to fill the south end of the development with up to 3 feet of fill to allow for proper sewage flow. Has the City Engineer signed off on this plan? Will the developer guarantee no runoff will end up in my yard or under my house? My house backs up to the property in question, and the proposed homes will back up to my property and sit up to 3 feet higher than my house.
- The applicant states “there is a high demand for single family homes right now”. The applicant has provided no data supporting a “high demand” for homes **of this density**. I urge the commission to look very hard at this statement. Is there really high demand for high density homes within Columbia Estates?
- The existing homes in Columbia Estates are on larger lots, and are zoned R-2. Inserting up to 27 homes on the proposed much smaller lots will affect comps in the neighborhood and very likely negatively impact property values. I urge the commission to value the integrity of the existing neighborhood and the current home values and not support a planned development that will potentially negatively impact the existing residents.

In closing, I want to state that I am not against development. **I am against this proposed development.** This planned development does not belong in this existing neighborhood.

*M. Brown*  
5/8/16

City of Newberg  
Community Development Dept.  
P. O. Box 970  
Newberg, OR 97132

Re: Written Comments File ANX-16-003

Dear Committee Members:

As an adjacent property owner, I would like to express several concerns about the proposed development of Tax Lots 1700 - 1702, between Lynn Lane and Columbia Drive.

**Lot Size** - I acknowledge that our area has been transitioning from homes on acreage to developments. However, the lot sizes for this proposed development are not consistent with previous development, and are out of character for our neighborhood.

**Ground Water** - I have concerns about the retention pond proposed to border my property at Columbia Drive. This area has a high water table, and my home has a basement. Thus, collecting ground water, especially during heavy rainfall periods, may cause significant ground water seepage to head my way. What do you propose to deal with increased ground water and getting that ground water to the creek?

**Surface Water** - With development and loss of soil and vegetation, there will be less opportunities for rain water to seep into the ground. I am concerned about more surface water flowing on to my property as that water runs downhill to the creek. Will storm water from the development be collected into a storm water system?

**My Fence** - Approximately 200 feet of the eastern boundary of the proposed development is currently bordered with my cyclone fence. That fence is co-mingled with decades of tree and brush trunks and roots. I propose that the best way to deal with this property line is for the developer to remove my current fence, do a thorough clean up of the vegetation, and then replace my fence with a new cyclone fence along the property line.

Thank you for your consideration.

Sincerely,

Mitsi (Michele) Vondrachek  
315 West Columbia Drive  
503-538-4241

## Public Comments

Date: May 8, 2016  
To: City of Newberg Planning Commission  
From: Mr. and Mrs. William Haines 1847 Crater Lane  
Re: Comments on File ANX-16-003  
Columbia Estates Annexation and Zone Amendment

We are submitting written comments in response to the notice dated April 21, 2016 we received.

We are opposed to the request by the applicant, "Del Boca Vista, LLC" based on the following concerns.

1) Page 23 of Doc "anx-16-003\_columbia\_estates\_annexation\_application"/ page 8 of "Written Response Criteria Annexation Criteria: II. Goals and Policies. Para L. Public Facilities and Services stated in part that sanitary sewer be extended from Lynn Drive...The lot slopes away from Lynn Drive so in order to provide gravity sewer service to all lots, the south end of the lot will be filled to approximately 3 feet." The elevation layout on the Subdivision Concept Development Plan on page 4 details this.

This will directly impact several of the properties on the west side of Crater Lane which back up to the proposed development, ours included. We have grave concerns that this elevation change will endanger our property, yard, foundation and home itself, due to run off as a result of heavy downpours during any storm. Since the present lot(s) in the proposed development actually slop upward from East (Crater Lane) to West (Chehalem) the elevation at our property line will more than likely be more that 3 feet thus exacerbating the run off potential. This could pose substantial financial loss to us both from property damage but also for loss of property value.

2) Page 22 of Doc "anx-16-003\_columbia\_estates\_annexation\_application"/ page 7 of "Written Response Criteria Annexation Criteria: II> Goals and Policies. Para K. Transportation. Stated in part that a traffic study has not been submitted as trip generation is 29 trips during peak hour which is less than the 40 trip criteria to trigger a traffic impact study."

As stated, the Transportation Planning Rule (TPR) was developed "years ago". We believe the TPR may be outdated and 29 households will generate far more than 29 trips during the a.m. and/or p.m. peak hours. Our belief is based on our observations that almost every household in this area of Newberg presently has at least 2 automobiles and often times 3 or 4. In this day and age most households now have 2 working members and in the case of teenage members another driver going droving to school daily. Even a conservative 1.5 trips per household exceeds the 40 trip threshold and would trigger a study per the TPR.

3) Page 20 of Doc "anx-16-003\_columbia\_estates\_annexation\_application"/ page 5 of "Written Response Criteria Annexation Criteria: Development Concept Statement and Positive/Negative Effects Statement: stated in part that property will "improve the neighborhood by developing a vacant lot."

This "vacant lot" is in fact a very natural surrounding and this combination of open space and homes define a rural setting as we believe this part of Newberg is. We don't see how developing it with 27-29 homes on 3,000 sq ft lots will improve the neighborhood and could possible devalue our properties. We understand the need for more housing but does this density fit into the existing Newberg neighborhood? Is there really a demand for a densely compacted development in this area and what is it based on?

RECEIVED

MAY 9 2016

Initial: \_\_\_\_\_

ATTACHMENT 6 - PUBLIC COMMENTS

4) Page 16 of Doc "anx-16-003\_columbia\_estates\_annexation\_application"/ page 5 of "Written Response Criteria Annexation Criteria, pg 1 Natural Features: stated there are no natural features such as waterways, mature tree stands or wildlife corridors."

We believe that deer regularly transit this lot in the evening going from north to south.

We are not sure what constitutes a mature tree stand but there is a group of very tall mature trees located in the center of the proposed site.

We thank you for the opportunity to voice our concerns/observations on this proposal for the annexation and zoning of the subject property for future development. We look forward to your decision and hope you agree with our assessment to not approve the applicant's request.

Very Respectfully,

William and Velina Haines  
1847 Crater Lane  
Newberg, OR 97132

Handwritten signature of William and Velina Haines, consisting of two distinct cursive signatures stacked vertically.

## ASSESSMENT OF EXISTING PROPERTIES WITHIN SITE VICINITY WITH R-2 ZONING DESIGNATION

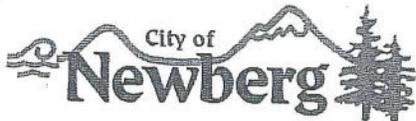
TAX LOT ADDRESS	YEAR BUILT	TAX LOT SIZE (SF)
107 ASHLEY CT	1995	5726
111 ASHLEY CT	1995	6959
112 ASHLEY CT	1995	7585
115 ASHLEY CT	1995	7543
116 ASHLEY CT	1995	8229
119 ASHLEY CT	1995	9360
120 ASHLEY CT	1995	10382
123 ASHLEY CT	1995	8428
1836 N CRATER LN		7500
1847 N CRATER LN		6000
1850 N CRATER LN	2015	7500
1861 N CRATER LN	2015	6000
1902 N CRATER LN	2015	7500
1916 N CRATER LN		10870
1923 N CRATER LN	2015	6000
1930 N CRATER LN	2012	7979
1944 N CRATER LN		7516
1947 N CRATER LN	2012	6000
1958 N CRATER LN	2012	7500
1961 N CRATER LN	2013	6000
2010 N CRATER LN	1995	7596
2017 N CRATER LN	2011	5000
2031 N CRATER LN	2011	5000
2045 N CRATER LN	2009	5000
2020 HERITAGE WY	2008	5509
2021 HERITAGE WY	2011	5135
2034 HERITAGE WY	2010	5071
2035 HERITAGE WY	2011	5415
2048 HERITAGE WY	2011	5036
2049 HERITAGE WY	2007	5393
2102 HERITAGE WY	2013	5015
2109 HERITAGE WY	2014	4060
2110 HERITAGE WY	2014	3891

TAX LOT ADDRESS	YEAR BUILT	TAX LOT SIZE (SF)
2114 LEGACY DR	2007	5220
2117 LEGACY DR	2007	5028
2124 LEGACY DR	2009	5117
208 LYNN DR	2015	7500
215 LYNN DR	1996	9130
216 LYNN DR		7500
224 LYNN DR	2013	7502
225 LYNN DR	1996	7515
308 LYNN DR	2013	6182
327 LYNN DR	2007	5013
337 LYNN DR	2009	5000
357 LYNN DR	2008	6287
2000 NUGGET LN	1995	7575
2001 NUGGET LN	1995	7507
2005 NUGGET LN	1996	7546
2006 NUGGET LN	1995	7506
2009 NUGGET LN	1995	7505
2010 NUGGET LN	1995	7506
2101 NUGGET LN	1995	7504
2107 NUGGET LN	1996	7524

<b>SUMMARY</b>	
<b>MIN. TAX LOT SIZE</b>	<b>3891 sf</b>
<b>MAX. TAX LOT SIZE</b>	<b>10870 sf</b>
<b>AVERAGE TAX LOT SIZE</b>	<b>6696 sf</b>



*Note: Properties listed are limited to those with an R-2 zoning designation, in the city limits, and located within 500 feet of the proposed annexation (as provided in the mailing list). Year built and tax lot size information was collected from the Yamhill County Assessor / Tax Collector Department.*



TYPE III APPLICATION - 2015 (QUASI-JUDICIAL REVIEW)

File #: \_\_\_\_\_

TYPES - PLEASE CHECK ONE:

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration
- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) \_\_\_\_\_

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista, LLC  
 ADDRESS: PO Box 486 Newberg, OR 97132  
 EMAIL ADDRESS: dan@dbvcorp.com  
 PHONE: 503-590-8600 MOBILE: 503-476-7702 FAX: \_\_\_\_\_  
 OWNER (if different from above): See attached documents PHONE: 503-590-8600  
 ADDRESS: \_\_\_\_\_  
 ENGINEER/SURVEYOR: Daniel Danicic, PE PHONE: 503-590-8600  
 ADDRESS: PO Box 486 Newberg, OR

GENERAL INFORMATION:

PROJECT NAME: Columbia Estates PROJECT LOCATION: Lynn Drive and Prospect Way  
 PROJECT DESCRIPTION/USE: Annexation for single family residential subdivision  
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218AB-1700, 1701 & 1702 ZONE: VLDR-1 SITE SIZE: 3.06 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: MDR TOPOGRAPHY: \_\_\_\_\_  
 CURRENT USE: Vacant  
 SURROUNDING USES:  
 NORTH: R2 Single Family Subdivision (Newberg) SOUTH: VLDR-1 Single Family (County)  
 EAST: VLDR-1 Single Family (County) and R2 Single Family (Newberg) WEST: VLDR-1 Single Family (County)

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexation .....p. 15  
 Comprehensive Plan / Zoning Map Amendment (site specific) .....p. 19  
 Conditional Use Permit .....p. 21  
 Historic Landmark Modification/Alteration .....p. 23  
 Planned Unit Development .....p.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

\_\_\_\_\_  
 Applicant Signature Date

\_\_\_\_\_  
 Owner Signature Date

Michael Hanks, Member  
 Print Name

\_\_\_\_\_  
 Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

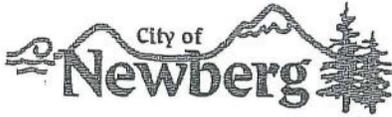
**TL 3218AB-1700 & 1701**

**APPLICATION**

**COVENANT OF WAIVER OF RIGHTS AND REMEDIES**

**WAIVER OF EXPERIATION OF ANNEXAATION CONSENT**

**ANNEXATION CONSENT**



**TYPE III APPLICATION - 2015  
(QUASI-JUDICIAL REVIEW)**

File #: \_\_\_\_\_

**TYPES - PLEASE CHECK ONE:**

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- Zoning Amendment (site specific)
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- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) \_\_\_\_\_

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 ADDRESS: PO Box 486 Newberg, OR 97132  
 EMAIL ADDRESS: dan@dbvcorp.com  
 PHONE: 503-590-8600 MOBILE: 503-476-7702 FAX: \_\_\_\_\_  
 OWNER (if different from above): Jo Dacklin PHONE: 503-590-8600  
 ADDRESS: 11990 SW King James Pl King City, OR 97224  
 ENGINEER/SURVEYOR: Daniel Danicic, PE PHONE: 503-590-8600  
 ADDRESS: PO Box 486 Newberg OR 97132

**GENERAL INFORMATION:**

PROJECT NAME: Columbia Estates PROJECT LOCATION: Lynn Drive and Heritage Way  
 PROJECT DESCRIPTION/USE: Single Family Residential  
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218AB-01700 ZONE: VLDR-1 SITE SIZE: 1.02 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: MDR TOPOGRAPHY: \_\_\_\_\_  
 CURRENT USE: Vacant  
 SURROUNDING USES:  
 NORTH: \_\_\_\_\_ SOUTH: \_\_\_\_\_  
 EAST: \_\_\_\_\_ WEST: \_\_\_\_\_

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

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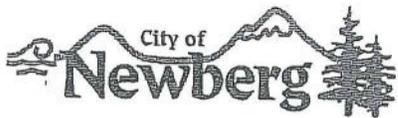
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The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

[Signature] 9/24/15  
 Applicant Signature Date  
MARC WILLIAMS, DEL BOCA VISTA  
 Print Name LLC

[Signature] 9-28-15  
 Owner Signature Date  
JO D. DACKLIN  
 Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists



**TYPE III APPLICATION - 2015**  
(QUASI-JUDICIAL REVIEW)

File #: \_\_\_\_\_

**TYPES - PLEASE CHECK ONE:**

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration
- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) \_\_\_\_\_

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 EMAIL ADDRESS: dan@dbvcorp.com  
 PHONE: 503-590-8600 MOBILE: 503-476-7702 FAX: \_\_\_\_\_  
 OWNER (if different from above): Jo Dacklin PHONE: 503-590-8600  
 ADDRESS: 11990 SW King James Pl King City, OR 97224  
 ENGINEER/SURVEYOR: Daniel Danicic, PE PHONE: 503-590-8600  
 ADDRESS: PO Box 486 Newberg OR 97132

**GENERAL INFORMATION:**

PROJECT NAME: Columbia Estates PROJECT LOCATION: Lynn Drive and Heritage Way  
 PROJECT DESCRIPTION/USE: Single Family Residential  
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218AB-01701 ZONE: VLDR-1 SITE SIZE: 1.02 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: MDR TOPOGRAPHY: \_\_\_\_\_  
 CURRENT USE: Vacant  
 SURROUNDING USES:  
 NORTH: \_\_\_\_\_ SOUTH: \_\_\_\_\_  
 EAST: \_\_\_\_\_ WEST: \_\_\_\_\_

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

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[Signature] 9/24/15  
 Applicant Signature Date  
MANUELLA WILSON, Del Boca Vista LLC  
 Print Name

[Signature] 9-28-15  
 Owner Signature Date  
JO D. DACKLIN  
 Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

**AFTER RECORDING RETURN TO:**

City of Newberg  
 Planning and Building Department  
 PO Box 970 – (414 E. First Street)  
 Newberg, OR 97132

**COVENANT OF WAIVER OF RIGHTS AND REMEDIES**

**Recitals**

- 1) The undersigned, Jo Dacklin and \_\_\_\_\_ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Tax Lot 3218AB-01700 and \_\_\_\_\_, Tax Lot 3218AB-01701 for the real property described in **Exhibit A** which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of **Ballot Measure 49** (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

**NOW THEREFORE**, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: TL 3218AB-1700 and 1701, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned  
Jo Dacklin

\_\_\_\_\_ as  
owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which  
consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-  
year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some  
other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the  
City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 28<sup>th</sup> day  
of September, 2015

Jo Dacklin  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF Oregon, County of Washington ss 9/28/15  
month/day/year

Personally appeared the above named JO Dacklin  
\_\_\_\_\_

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: Stephens  
\_\_\_\_\_

Notary Public for: Oregon  
\_\_\_\_\_

My commission expires: 10/29/16  
\_\_\_\_\_



### ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Jo Dacklin

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) N/A and (tax lot) 3218AB-01700 and 1701, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 28<sup>th</sup> day of September, 2015

Jo D. Dacklin

STATE OF Oregon, County of Washington ss 9/28/15  
Month / day / year

Personally appeared the above named Jo Dacklin

and acknowledged the foregoing instrument to be her voluntary act and deed.



Before me: Stephens  
Notary Public for Oregon  
My commission expires 10/29/16

ATTACHMENT 7 - APPLICATION

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

OWNER

*Jo Dacklin*

STATE OF OREGON )

County of Yamhill )

*Washington*

) ss.

This instrument was acknowledged before me on this 28<sup>th</sup> day of Sept, 20015, by Jo Dacklin and \_\_\_\_\_.

*J Stephens*

Notary Public for Oregon  
My Commission expires: 10/29/16



CITY OF NEWBERG

APPROVED AS TO FORM:

\_\_\_\_\_  
Norma I. Alley, City Recorder

\_\_\_\_\_  
Terrence D. Mahr, City Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

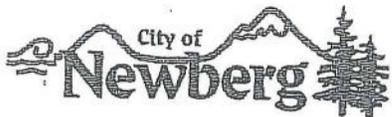
# TL 3218AB-1702

## APPLICATION

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

WAIVER OF EXPERIATION OF ANNEXAATION CONSENT

ANNEXATION CONSENT



**TYPE III APPLICATION - 2015**  
(QUASI-JUDICIAL REVIEW)

File #: \_\_\_\_\_

**TYPES – PLEASE CHECK ONE:**

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration

- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) \_\_\_\_\_

**APPLICANT INFORMATION:**

APPLICANT: Del Boca Vista, LLC  
 ADDRESS: PO Box 486 Newberg, OR 97132  
 EMAIL ADDRESS: dan@dbvcorp.com  
 PHONE: 503-590-8600 MOBILE: 503-476-7702 FAX: \_\_\_\_\_  
 OWNER (if different from above): Richard and Merrilee Lee PHONE: 503-590-8600  
 ADDRESS: PO Box 275 Ridgefield, WA 98642  
 ENGINEER/SURVEYOR: Daniel Danicic, PE PHONE: 503-590-8600  
 ADDRESS: PO Box 486 Newberg OR 97132

**GENERAL INFORMATION:**

PROJECT NAME: Columbia Estates PROJECT LOCATION: Lynn Drive and Heritage Way  
 PROJECT DESCRIPTION/USE: Single Family Residential  
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218AB-01702 ZONE: VLDR-1 SITE SIZE: 1.02 SQ. FT.  ACRE   
 COMP PLAN DESIGNATION: MDR TOPOGRAPHY: \_\_\_\_\_  
 CURRENT USE: Vacant  
 SURROUNDING USES:  
 NORTH: \_\_\_\_\_ SOUTH: \_\_\_\_\_  
 EAST: \_\_\_\_\_ WEST: \_\_\_\_\_

**SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED**

General Checklist:  Fees  Public Notice Information  Current Title Report  Written Criteria Response  Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexation .....p. 15  
 Comprehensive Plan / Zoning Map Amendment (site specific) .....p. 19  
 Conditional Use Permit .....p. 21  
 Historic Landmark Modification/Alteration .....p. 23  
 Planned Unit Development .....p.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

[Signature] 9/24/15  
 Applicant Signature Date  
Wendy Willards Del Boca Vista LLC  
 Print Name

[Signature] 9/24/15  
 Owner Signature Date  
Merrilee Lee 9-24-15  
RICHARD T. LEE 9/24/15  
 Print Name  
Merrilee A. Lee 9-24-15

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

### ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Richard and Merrilee Lee

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) N/A and (tax lot) 3218AB-01702, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

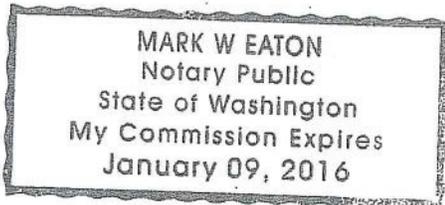
IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature: Richard Lee]  
[Signature: Merrilee Lee]

STATE OF WA, County of CLATSOP ss 9 124/15  
Month / day / year

Personally appeared the above named \_\_\_\_\_

and acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.



Before me: [Signature]  
Notary Public for CLATSOP WA  
My commission expires 1/9/16

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned  
Richard and Merrilee Lee

\_\_\_\_\_ as  
owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which  
consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-  
year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some  
other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the  
City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this \_\_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_\_\_.

Richard T. Lee  
Merrilee A. Lee

STATE OF WA, County of CLATSOP ss 9/24/15  
month/day/year

Personally appeared the above named \_\_\_\_\_

and acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.

MARK W EATON  
Notary Public  
State of Washington  
My Commission Expires  
January 09, 2016

Before me:  
MARK EATON  
Notary Public for:  
CLATSOP WA  
My commission expires:  
1/9/16

**AFTER RECORDING RETURN TO:**

City of Newberg  
Planning and Building Department  
PO Box 970 – (414 E. First Street)  
Newberg, OR 97132

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**COVENANT OF WAIVER OF RIGHTS AND REMEDIES**

**Recitals**

- 1) The undersigned, Richard Lee and Merrilee Lee (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Tax Lot 3218AB-01702 for the real property described in Exhibit A which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of Ballot Measure 49 (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

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**NOW THEREFORE**, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Tax Lot 3218AB-1702, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

Richard Lee

OWNER

Merrilee Lee

STATE OF <sup>WA</sup> OREGON )  
 County of <sup>CLATSOP</sup> Yamhill ) ss.

This instrument was acknowledged before me on this 24 day of Sept, <sup>2015</sup> ~~200~~, by Lee, Richard and Lee, Merrilee.

Mark W. Eaton  
 Notary Public for Oregon <sup>WA</sup>  
 My Commission expires: 1/9/16

MARK W EATON  
 Notary Public  
 State of Washington  
 My Commission Expires  
 January 09, 2016

CITY OF NEWBERG

APPROVED AS TO FORM:

\_\_\_\_\_  
Norma I. Alley, City Recorder

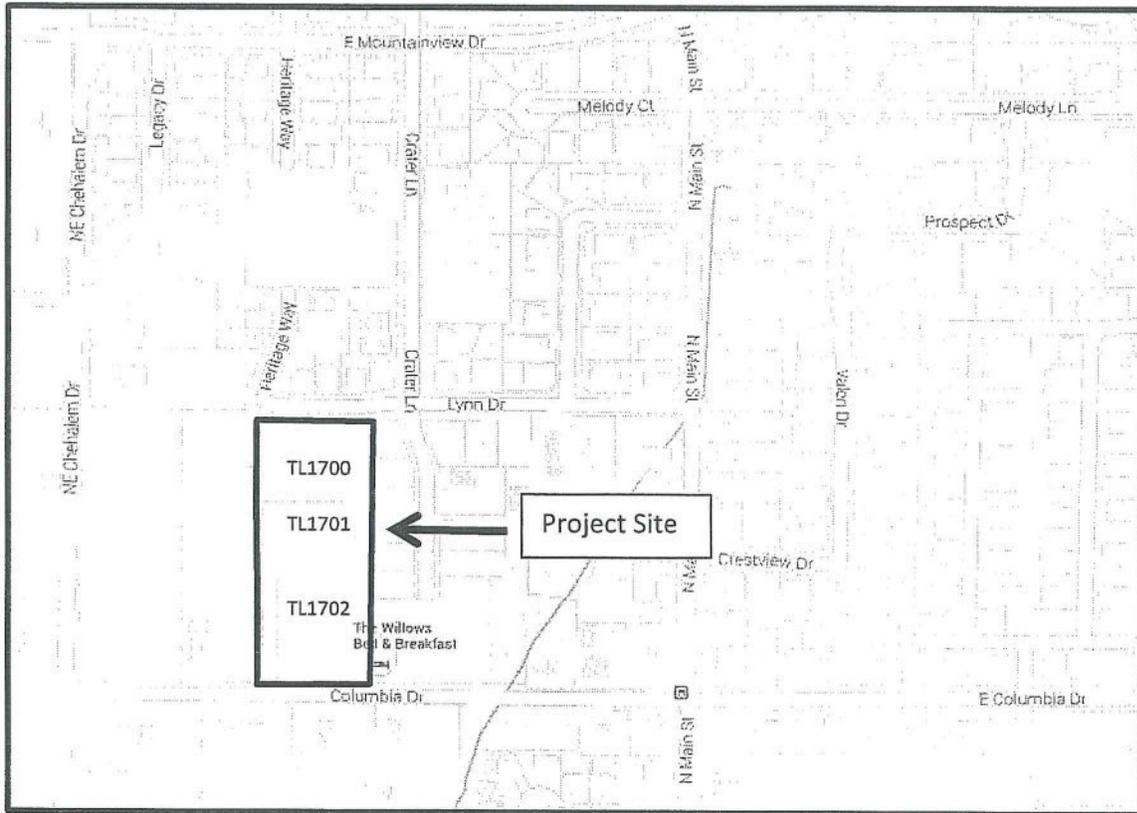
\_\_\_\_\_  
Terrence D. Mahr, City Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

# WRITTEN RESPONSE CRITERIA

Columbia Estates Annexation and Zone Amendment



**Applicant:** Del Boca Vista, LLC  
 PO Box 486 Newberg, OR 97132

**Tax Lots:** 3218AB – 1700; 3218AB – 1701; 3218AB – 1702

**General Land Use Plan**

**Site Size:** Total of 3.06 acres

**Zoning:** Current County VLDR-1  
 Newberg Comp Plan MDR  
 Proposed R2

**Proposal:** Single Family Residential Subdivision

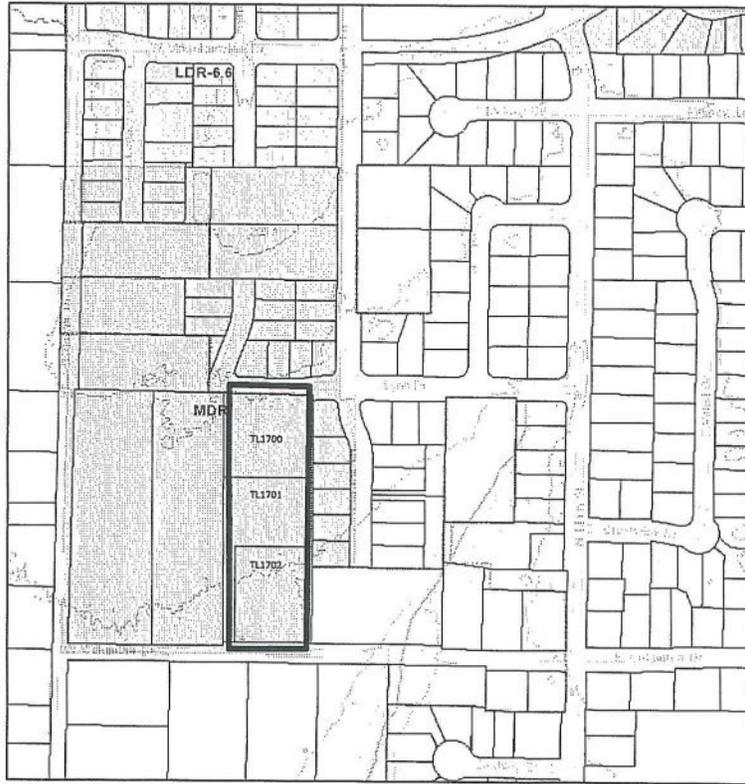
**Proposed Lot Size:** 3,000sf minimum

**Expected Maximum Density:** 9 units/ac x 3.06ac = 27.54 dwelling units

**Natural Features:** No significant natural features such as waterways, mature tree stands or wildlife corridors.

**Public Facility Financing Statement:** All public utilities necessary for the development of this site will be financed by the developer.

Columbia Estates Annexation and Zone Amendment

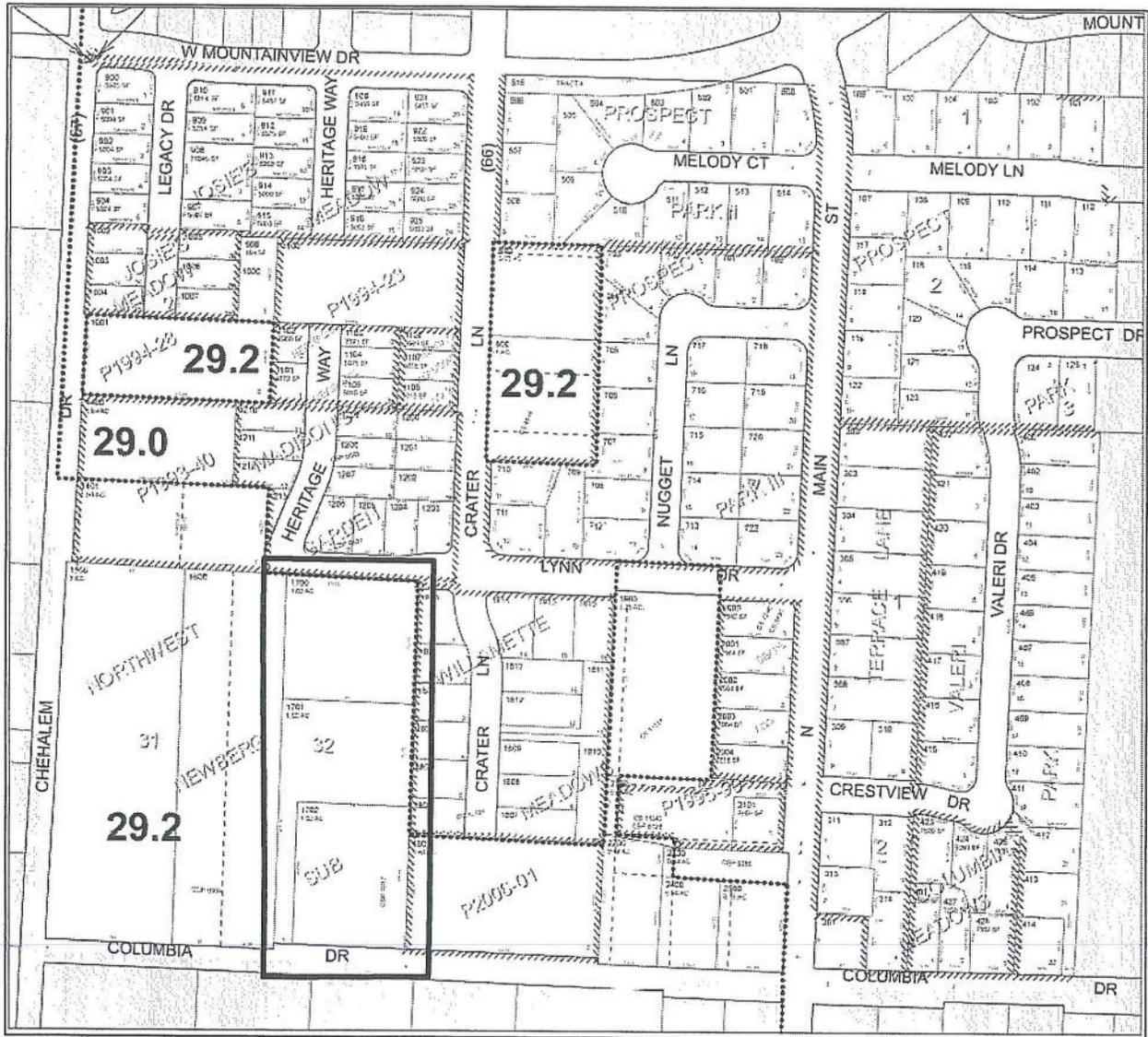


**NEWBERG COMP PLAN DESIGNATION**



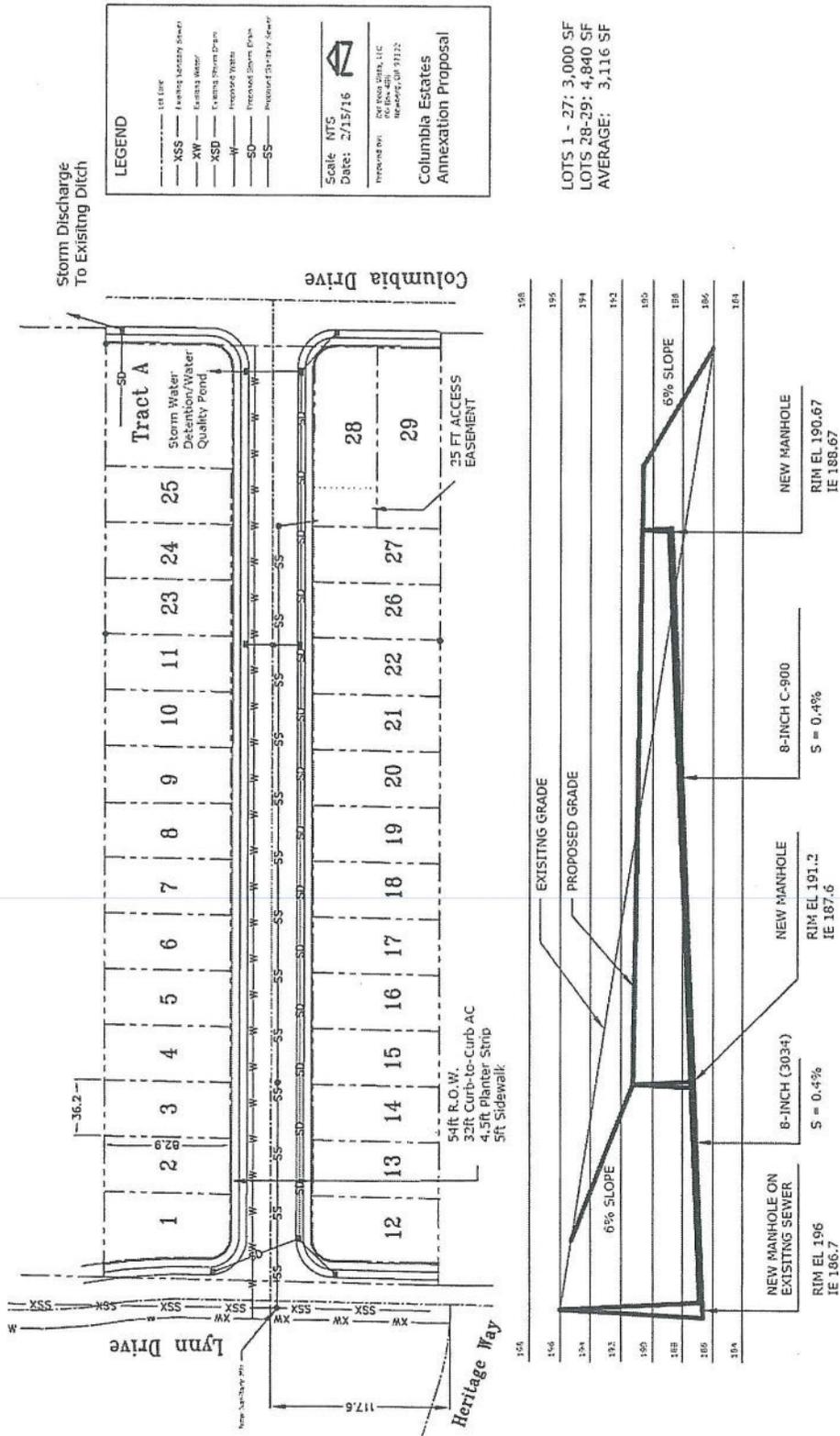
**NEWBERG ZONING MAP**

Columbia Estates Annexation and Zone Amendment



TAX LOT MAP 3218AB

# Columbia Estates Annexation and Zone Amendment



## SUBDIVISION CONCEPT DEVELOPMENT PLAN

## Columbia Estates Annexation and Zone Amendment

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### **ANNEXATION REQUEST AND FINDINGS**

The following is the applicants' statement regarding the annexation criteria (Newberg Code 15.250.030) for annexation of approximately 3.06 acres (Net area) of territory (Yamhill County-Tax Lots 3218AB 1700, 1701 and 1702) that is north of Columbia Drive and between Chehalem Drive and Main Street in Newberg Oregon.

The subject property is currently zoned VLDR-1 (Very Low Density Residential-1 acre minimum) and designated "MDR" (Medium Density Residential on the Newberg Comprehensive Plan Map.

There are no existing structures located on the site. The applicant is proposing to develop the site with a minimum of 28 single family lots for residential construction.

The proposal provides for orderly growth of the City limits and once developed, public and private services will be available to the residents of the annexed territory. No new service districts are proposed.

The Urban Growth Boundary is not proposed for expansion. The annexation will provide adequate land for residential development to meet the City's demand for urban development in an orderly, efficient and timely manner.

The subject property is surrounded by City limits on the north, and 2/3rds of the eastern property line.

The annexation will permit new development. Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines. It is timely to process the annexation of the subject property now, as it will be a minimum of one year before actual development can take place. The public interest is best served by referring the matter to the voters in November 2016.

### **Development Concept Statement and Positive/Negative Effects Statement:**

The applicant is proposing to develop the site with at 29 single family residences. The subject property will not only be a site that will contribute to the need for housing, but it is also a site that can help improve the neighborhood in the area by developing a vacant lot. The subject property when developed will provide street improvements such as sidewalks that will provide pedestrian connections throughout the neighborhood. The development of the site will meet a need for new single family homes.

Though this development will increase the traffic in the area, it will provide a valuable link to major and minor collector roads relieving traffic volumes along local residential streets.

The proposed annexation/zone change will have a positive impact on the economy of the City of Newberg. The rezone and annexation will allow the property to be developed, which will create employment during construction, add utility customers and increase property tax revenues to the City.

## Columbia Estates Annexation and Zone Amendment

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### ANNEXATION CRITERIA:

(A) The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If the resignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg Comprehensive Plan.

Response - The applicant is proposing a City designation of R2. The proposed land use designation is consistent with the Newberg Area Comprehensive Plan "MDR" designation and applicable Statewide planning goals.

#### II. Goals and Policies.

##### A. Citizen Involvement

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Newberg. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies. The published notice will identify the applicable criteria. A public hearing to consider the request will be held, along with voter approval. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

##### B. Land-Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The City's Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the Newberg Comprehensive Plan and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the annexation and zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed zone change, along with findings and evidence to support the annexation. For these reasons, the proposal conforms to the land use planning process established by this Goal.

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

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards

## Columbia Estates Annexation and Zone Amendment

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and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land.

### G. Open Space, Scenic, Natural Historic and Recreational Resources

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are no mapped wetlands and a waterway on the subject property.

### H. The Economy and I. Housing

The proposed annexation and zone change will have a positive impact on the economy and housing of the City of Newberg. There is a high demand for single family homes right now. The annexation and rezone will allow the property to be developed, which will create employment along with a housing type that is desirable for families.

### K. Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located along Lynn Drive and Columbia Drive and will provide a new north/south local residential connector. The major streets are in place due to previous development. The new road will help the traffic circulation by allowing another local connection from Lynn Drive to Columbia Drive.

The attached letter prepared by Associated Transportation Engineering and Planning dated September 22, 2015 addressed the Transportation Planning Rule. Their analysis concludes that the proposed annexation of the three parcels will generate traffic volumes consistent with the Comprehensive Plan and the anticipated zoning of the area.

A traffic study has not been submitted as the trip generation for the proposed development is 29 trips during the p.m. peak hour which less than the 40 trip criteria to trigger a traffic impact study.

With the recommended improvements the function of the transportation system will be maintained at acceptable standards and not have a negative impact on the neighborhood or existing street system.

For these reasons the requirements of this Goal are met.

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## Columbia Estates Annexation and Zone Amendment

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### L. Public Facilities and Services

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Storm water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Water will be extended south from Lynn Drive to serve the proposed development. Stormwater will be collected and conveyed to a water quality/detention facility at the southern end of the site, which then discharges into the Yamhill County drainage ditch system. Yamhill County will dictate any need for downstream drainage improvements. Sanitary sewer can be extended from Lynn Drive to serve the development. The lot slopes away from Lynn Drive, so in order to provide gravity sewer service to all lots, the south end of the lot will be filled approximately three feet. Fill will be acquired by a cut in the northern half of the lot and augmented from off-site sources as needed. Refer to the concept development plan above for details.

Sidewalks will be provided along the public right-of-way through the site to connect to the existing public sidewalk system in Lynn Drive. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in this area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas and has convenient access to the existing streets. Aesthetics and landscaping will be considered in the design of the circulation system to cut down on headlight glare, heat, and improved traffic direction.

The Newberg School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested

## Columbia Estates Annexation and Zone Amendment

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The proposed annexation is in compliance with the applicable Goals and Policies in the Comprehensive Plan.

### (B) Urban Services

As stated above, the proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks will be provided through the site to connect to the existing public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Newberg urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas and has convenient access to the existing major and minor collector streets. Aesthetics and landscaping will be considered in the design of the circulation system to cut down on headlight glare, heat, and improved traffic direction.

### (C) Police, Fire, Parks, and School Facilities

The Newberg School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested.

The development of the site will require the applicant to pay System Development Charges (SDC'S) that will contribute to parks and school facilities. Taxes that come from the development will help to provide funding for Police, Fire, and other required services.

## Columbia Estates Annexation and Zone Amendment

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### **ZONE CHANGE REQUEST AND FINDINGS:**

The applicant is requesting an annexation into the City of Newberg. The subject property is currently zoned VLDR-1 in Yamhill County. The subject property is surrounded by City zoned R-2 property. The applicant is requesting a zone change to R-2 upon annexation into the City of Newberg.

#### **Zone Change Criteria**

##### **a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code.**

The proposed zone change is consistent with the Comprehensive Plan and Code. The subject property is designated as "MDR" (Medium Density Residential) on the Newberg Comprehensive Plan Map. The "MDR" designation is consistent with the R2 zone, which is reserved for similar density development.

The applicant is proposing to develop the site as single family homes. The single family homes will be consistent with the goals and policies of the "MDR" designation and the intent of the R-2 zone.

##### **b) Public Facilities and Services**

Water and sanitary sewer public facilities are adjacent to (within Lynn Drive) and capable to serve this site. Therefore public services can be considered to be reasonably available to support development.

As stated above, the City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Storm water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time subdivision development and building permits are requested.

Water will be extended south from Lynn Drive to serve the proposed development. Stormwater will be collected and conveyed to a water quality/detention facility at the southern end of the site, which then discharges into the Yamhill County drainage ditch system. Yamhill County will dictate any need for downstream drainage improvements. Sanitary sewer can be extended from Lynn Drive to serve the development. The lot slopes away from Lynn Drive, so in order to provide gravity sewer service to all lots, the south end of the lot will be filled approximately three feet. Fill will be acquired by a cut in the northern half of the lot and augmented from off-site sources as needed. Refer to the concept development plan above for details.

ATTACHMENT 7 - APPLICATION  
Columbia Estates Annexation and Zone Amendment

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Sidewalks will be provided through the site to connect to the existing public sidewalk system. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to provide connectivity to major population and employment centers in this area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas by way of a new residential street connecting Lynn Drive to Columbia Drive.

The Newberg School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested.

**c) Compliance with the State Transportation Planning Rule**

The subject site is located between Columbia and Lynn Drive. The City of Newberg's Transportation System Plan (TSP) is in compliance with the requirements of this Goal. The relationship of the proposal to the transportation system, and its impacts, is described in the Transportation Planning Rule analysis prepared by Associate Transportation Engineering and Planning dated 9/22/15. Their analysis concludes that the proposed annexation of the three parcels will generate traffic volumes consistent with the Comprehensive Plan and the anticipated zoning of the area.

As an infill proposal, the transportation network in the area is already established. Connections to the existing system are provided by existing streets and access to serve the new parcels. The subject property, as proposed, will be served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

For these reasons the requirements of this Goal are met.

This concludes the applicants' summary addressing the requirements of the code for annexation and zone change amendment. If you have any questions or need additional information, please call our office at 503 590 8600.

## TITLE REPORTS



*First American*

*First American Title Company of Oregon*  
 825 NE Evans Street  
 McMinnville, OR 97128  
 Phn - (503)376-7363  
 Fax - (866)800-7294

**PUBLIC RECORD REPORT  
 FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Del Boca Vista LLC  
 P.O. Box 486  
 Newberg, OR 97132  
 Phone: (503)590-8600

Date Prepared : September 25, 2015  
 Effective Date : 8:00 A.M on September 03, 2015  
 Order No. : 1039-2529663  
 Reference :

The information contained in this report is furnished by First American Title Insurance Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

**REPORT**

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

ATTACHMENT 7 - APPLICATION

First American Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 1039-2529663

EXHIBIT "B"  
(Vesting)

Jo D. Dacklin as to Parcel 1 and 2, and Richard T. Lee and Merrilee A. Lee Revocable Living Trust dated  
September 18, 2008 as to Parcel 3

## ATTACHMENT 7 - APPLICATION

First American Title Company of Oregon  
Public Record Report for New Subdivision or Land Partition  
Order No. 1039-2529663

### DEFINITIONS, CONDITIONS AND STIPULATIONS

1. Definitions. The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. Liability of the Company.
  - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
  - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
  - (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
    - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
    - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
    - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
    - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
    - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
    - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
    - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. Report Entire Contract. Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. Charge. The charge for this report does not include supplemental reports, updates or other additional services of the Company.



*ease over ABC of LOT 32*

352970

**NORTHWEST ELECTRIC POWER LINE EASEMENT**

FILM 139 PAGE 1551

KNOW ALL MEN BY THESE PRESENTS, That

**DORIS IDLM**

(hereinafter called "the Grantors," whether one or more than one), for and in consideration of the payment of the sum of one and no/100ths Dollars (\$ 1.00 ), the receipt of which is hereby acknowledged, hereby grant, sell and convey to Portland General Electric Company, an Oregon corporation,

(hereinafter called "the Grantee," whether one or more than one), its successors and assigns, a perpetual easement and right of way over, under and across the following described parcel of land situated in Yamhill County,

Oregon, being a strip of land sixteen (16) feet in width, extending eight (8) feet on each side of a center line more particularly described as follows:

Beginning at a point on the South line of that certain tract of land in Section 18, Township 3 South, Range 2 West, Willamette Meridian, described in Film 93 Volume 357 Deed Records, said point being North 89° 32' 47" West 157.64 feet from the intersection of the South line of said tract of land with the West line of County Road No. 66; RUNNING THENCE South 64° 9' 55" West 117.68 feet; THENCE South 8° 22' 38" East 142.21 feet.

TO HAVE AND TO HOLD the above described easement and right of way unto the Grantee, its successors and assigns, together with the present right to top, limb or fell trees located on land owned by the Grantors, adjacent to the above described right of way, which danger trees will be determined by the Grantee.

Said easement and right of way shall be for the following purposes, namely: the perpetual right to enter upon and to erect, maintain, repair, rebuild, operate and patrol electric power lines, and appurtenant signal or communication lines, including the right to erect such poles, wires, cables, guys, supports and appurtenances as are necessary therefor, together with the present and future right to clear said right of way and keep the same clear of brush, timber, structures and fire hazards, including the right to restrict the growth of trees and brush on said right of way by the use of chemical sprays.

Grantors shall have the right to use the lands subject to the above described easement for all purposes not inconsistent with the uses and purposes herein set forth, except Grantors shall not build or erect any structure upon the right of way without the prior written consent of the Grantee.

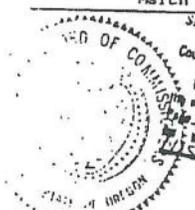
If the Grantee, its successors and assigns, shall fail to use said right of way for the purposes above mentioned for a continuous period of five years after construction of said power lines, then and in that event this right of way and easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantors, their heirs and assigns.

The Grantors hereby warrant that they are possessed of a marketable title to the property covered by this easement, and have the right to grant the same.

The Grantors, for themselves and their heirs and assigns, covenant to and with the Grantee, its successors and assigns, that the Grantee, its successors and assigns, shall peaceably enjoy the rights and privileges herein granted.

IN WITNESS WHEREOF, the Grantors have caused this easement to be executed this 16 day of

March 19 79



STATE OF OREGON  
County of YAMHILL

04241

Doris Idlm (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF OREGON

County of Yamhill

In testimony whereof, I have hereunto set my hand and affixed my official seal  
March 16, 1979  
Notary Public

On this 16 day of March 1979, before me, the undersigned, a Notary Public in and

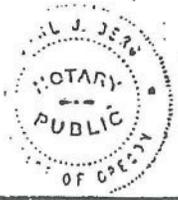
for said County and State, personally appeared Doris Idlm

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this, the day and year in this instrument first written.

Carl J. Berg  
Notary Public for Oregon

November 28, 1982  
My commission expires



# MAP AND LEGAL DESCRIPTION

## Exhibit "A"

Date: 21 January 2016

Proposed Annexation - Legal Description (3.2 Ac. more or less)

A tract of land in Section 18, Township 3 South, Range 2 West, City of Newberg, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Tract 32 of the NORTHWEST NEWBERG SUBDIVISION; thence North  $89^{\circ}46'12''$  West 220.00 feet along the north line of said Tract 32; thence South  $00^{\circ}11'00''$  East 637.61 feet parallel with the east line of said Tract 32 to the center line of Columbia Drive; thence South  $89^{\circ}43'00''$  East 220.00 feet along said centerline to the southerly extension of the east line of said Tract 32; thence North  $00^{\circ}11'00''$  West 637.82 feet more or less along the east line of said Tract 32 to the point of beginning as shown by Exhibit "B".

Also described as the East 220 feet for Tract 32 of the NORTHWEST NEWBERG SUBDIVISION as shown by Exhibit "B".

Matt Dunckel  
Leland MacDonald & Assoc., LLC  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@macdonaldsurveying.com

# Exhibit "B"

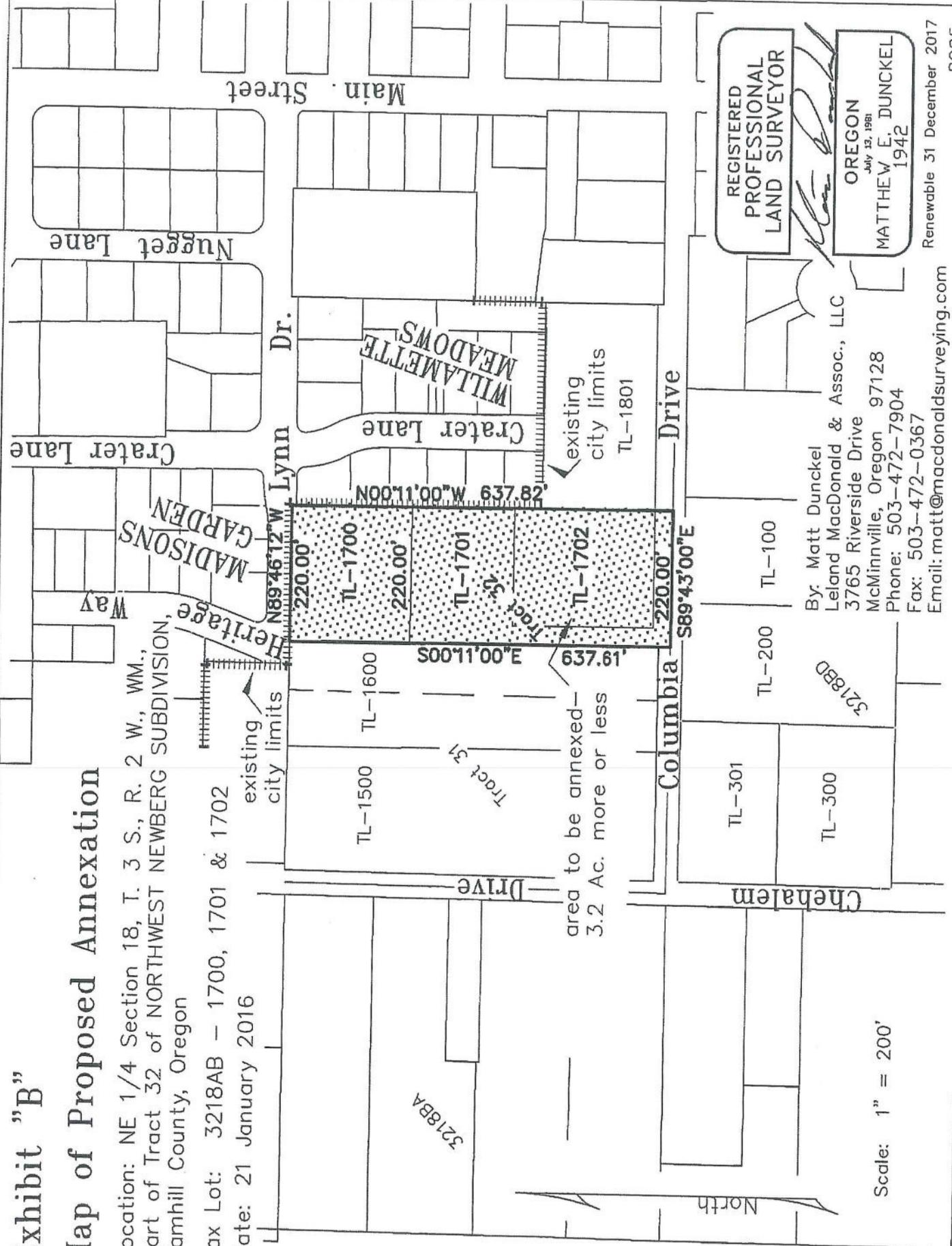
## Map of Proposed Annexation

Location: NE 1/4 Section 18, T. 3 S., R. 2 W., WM.,  
Part of Tract 32 of NORTHWEST NEWBERG SUBDIVISION,  
Yamhill County, Oregon

Tax Lot: 3218AB - 1700, 1701 & 1702  
Date: 21 January 2016

existing  
city limits

area to be annexed—  
3.2 Ac. more or less



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
July 13, 1981  
MATTHEW E. DUNCHEL  
1942

By: Matt Duncel  
Leland MacDonald & Assoc., LLC  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
Email: matt@macdonaldsurveying.com

Renewable 31 December 2017  
8095

Scale: 1" = 200'

# TRAFFIC STUDY

# Memo

Date: May 5, 2015  
To: Mr. Dan Danicic, PE  
From: Karl Birky, PE, PTOE  
Re: Transportation Planning Rule - Columbia Dr Parcels



I thank you for asking ATEP, Inc to provide this Transportation Planning Rule analysis for the planned annexation of tax lots 1700, 1701 and 1702 of tax map 3S 2W Sec 18AB. The 3.06 acre site is on the north side of Columbia Dr approximately 300 feet east of Chehalem Dr in Newberg, OR. The site is in Newberg's Urban Growth Boundary, is zoned VLDR-1 in Yamhill County and is designated Medium Density Residential (MDR) on the City of Newberg Comprehensive Plan and Plan Map.



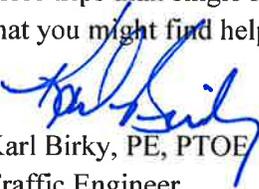
The City of Newberg has identified this and other MDR parcels "to provide a wide range of housing types and styles while maintaining an overall average density of 8.8 units per acre. The developer intends to develop this parcel with 29 homes. For Transportation Planning Rule analysis, the Comprehensive Plan Map designation controls. When the City annexes the parcel the Map designation will not be changed.

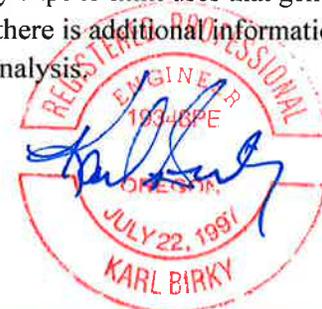


The Transportation Planning Rule (TPR) was adopted in Oregon years ago to provide direction and order to development in Oregon cities. The rule limits making changes to zoning and comprehensive maps that would "significantly" impact the transportation system that has developed and is being planned for the future in the City. For instance the rule would not allow a fast food restaurant in a residential neighborhood because it would generate much more traffic than is expected in a residential neighborhood. There are instances where a zone change is desired, needed and adopted by the City with a cap (or limit) on the number of expected trips the planned use can generate. Generally, cities and traffic engineers use the ITE Trip Generation Manual to determine the trip generation of a variety of uses.

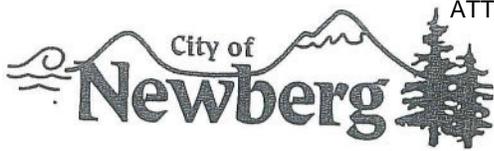
A single family home generates 9.57 trips per day. 0.75 of those trips will be during the AM Peak hour and 1.00 trips will occur during the PM Peak hour. In this instance the 3 parcels are designated as MDR in the City of Newberg Comprehensive Plan and the transportation system planning that is in place and being planned expects traffic from 29 homes on the transportation system from this site.

It is the conclusion of this analysis that annexing the 3 parcels on Columbia Dr will generate traffic volumes consistent with the Comprehensive Plan and the anticipated zoning of the area when it is annexed. The City may want to consider at trip generating cap of 300 daily trips to limit uses that generate more trips than single family homes. I can be reached at 503-364-5006 if there is additional information that you might find helpful. I thank you for asking ATEP to provide this analysis.

  
Karl Birky, PE, PTOE  
Traffic Engineer  
Associated Transportation Engineering & Planning, Inc.



## PUBLIC NOTICE INFORMATION

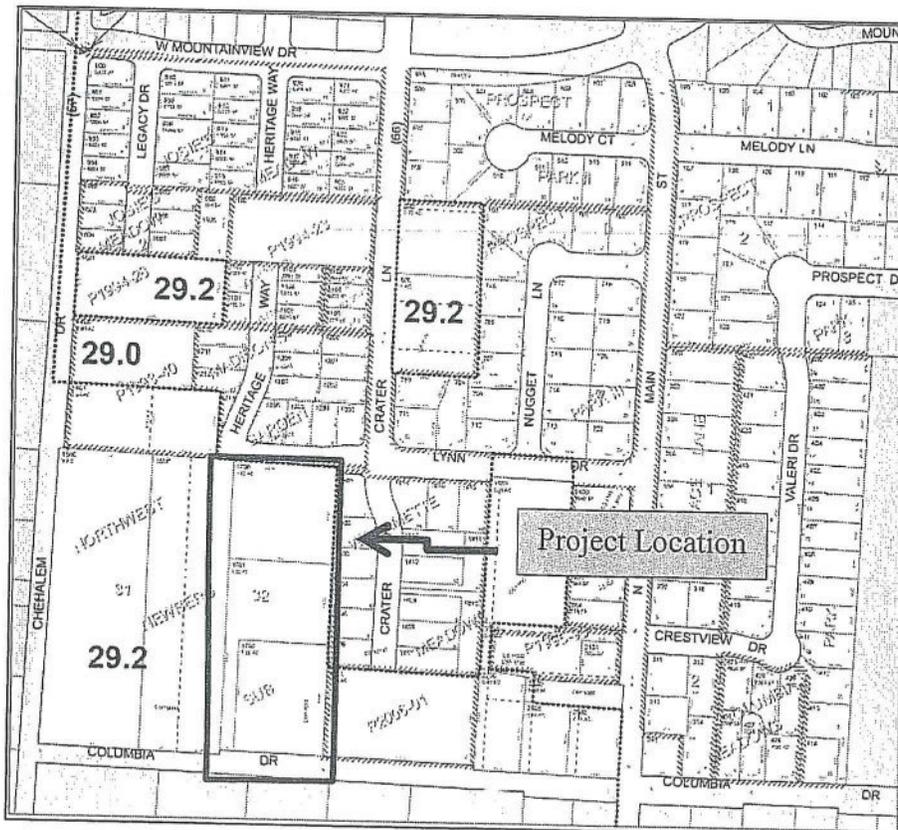


## NOTIC OF PLANNING COMMISSION HEARING ANNEXATION AND ZONING AMENDMENT

A property owner in your neighborhood submitted an application to the City of Newberg for an annexation and zoning amendment. The Newberg Planning Commission will hold a hearing on **Date of Hearing** at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would annex three tax lots into the city and amend the zoning from the Yamhill County designation of VLDR-1 to City designation of MDR (R2)

APPLICANT: *Del Boca Vista, LLC*  
TELEPHONE: *503 590-8600*  
PROPERTY OWNERS: *Jo Daklin TL 1700 and 1702*  
*Richard and Merrilee Lee Tax Lot 1702*  
LOCATION: *2215Prospect Drive*  
TAX LOT NUMBER: *Yamhill County Tax Map and Lot Number 3218AB*



We are mailing you information about this project because you own land within 500 feet of the proposed historic review. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File *No. XX*  
City of Newberg Community Development Department  
PO Box 970 Newberg, OR 97132

All written comments must be received by 4:30 p.m. on (*enter date seven days from date of the hearing.*) Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a historic review are found in Newberg Development Code Section 15.344.030 (A) (3).

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The Planning Commission will make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, we will send you information about any decision made by the City relating to this project.

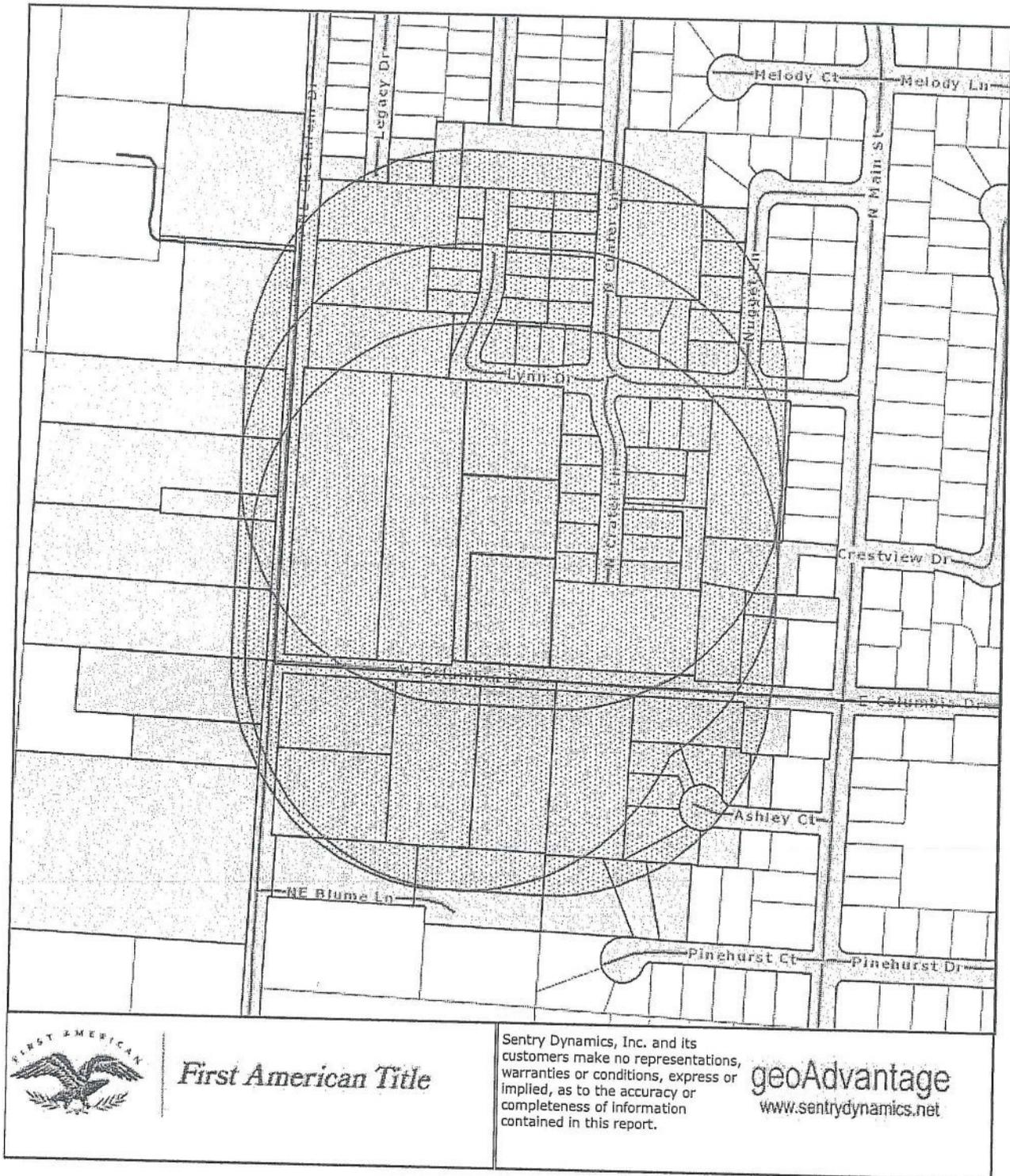
Date Mailed: *Date notice is mailed*

**DRAFT POSTED NOTICE**



Notice must be white with black letters, and must be landscape orientation, as shown above.  
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.

ATTACHMENT 7 - APPLICATION



*First American Title*

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

**geoAdvantage**  
www.sentrydynamics.net

ATTACHMENT 7 - APPLICATION

OwnerNmFirst	OwnerNmLast	OwnerNm	OwnerAddr	OwnerCityNm	OwnerState	OwnerZIP	SiteAddr	SiteCity	SiteState	SiteZIP
Eugene & Concejo	Zirschky		2120 NE Crater Ln	Newberg	OR	97132	2120 NE Crater Ln	Newberg	OR	97132
Jeffrey & Stacey	Dukes		2107 Nugget Ln	Newberg	OR	97132	2107 Nugget Ln	Newberg	OR	97132
Howard & Patricia	Decassios		2101 Nugget Ln	Newberg	OR	97132	2101 Nugget Ln	Newberg	OR	97132
Milford & Carol	Schroeder		2009 Nugget Ln	Newberg	OR	97132	2009 Nugget Ln	Newberg	OR	97132
Ralph & Brenda	Thorp		2005 Nugget Ln	Newberg	OR	97132	2005 Nugget Ln	Newberg	OR	97132
Jerry	McClellan		215 Lynn Dr	Newberg	OR	97132-1054	215 Lynn Dr	Newberg	OR	97132
Joshua	Legler		2010 Crater Ln	Newberg	OR	97132-2640	2010 N Crater Ln	Newberg	OR	97132
John & Eva	Gussenhoven		225 Lynn Dr	Newberg	OR	97132	225 Lynn Dr	Newberg	OR	97132
Greg & Elizabeth	Sharp		2001 Nugget Ln	Newberg	OR	97132	2001 Nugget Ln	Newberg	OR	97132
Shawn & Julie	Bishop		2000 Nugget Ln	Newberg	OR	97132	2000 Nugget Ln	Newberg	OR	97132
Scott & Denise	Downey		2006 Nugget Ln	Newberg	OR	97132	2006 Nugget Ln	Newberg	OR	97132
Terri & John	Andries		2010 Nugget Ln	Newberg	OR	97132	2010 Nugget Ln	Newberg	OR	97132
Eugene & Concejo	Zirschky		2120 NE Crater Ln	Newberg	OR	97132	2108 NE Crater Ln	Newberg	OR	97132
Ron	Manning		PO Box 605	Newberg	OR	97132				
Lee	Johnson		2116 NE Chehalem Dr	Newberg	OR	97132-6803	2116 N Chehalem Dr	Newberg	OR	97132
Dixie	Reeve		2117 Legacy Dr	Newberg	OR	97132-2470	2117 Legacy Dr	Newberg	OR	97132
G Vern & Debby	Rabe		19791 NE Sunnycrest Rd	Newberg	OR	97132	2124 Legacy Dr	Newberg	OR	97132
Jodi	Taufest		2114 Legacy Dr	Newberg	OR	97132	2114 Legacy Dr	Newberg	OR	97132
David & Elizabeth	Hancock		2119 N Crater Ln	Newberg	OR	97132	2119 N Crater Ln	Newberg	OR	97132
Lori	Witkosky		2105 Heritage Way	Newberg	OR	97132-2469	2012 Heritage Wy	Newberg	OR	97132
Brian	Tower		2109 Heritage Way	Newberg	OR	97132-2469	2109 Heritage Wy	Newberg	OR	97132
Mark & Kimberly	Gayman		2110 Heritage Way	Newberg	OR	97132	2110 Heritage Wy	Newberg	OR	97132
Heinrich & Joy	Weyer		2106 Heritage Way	Newberg	OR	97132				
Susan	Knight		2102 Heritage Way	Newberg	OR	97132	2102 Heritage Wy	Newberg	OR	97132
Daniel	Boyes		2103 Crater Ln	Newberg	OR	97132-4019				
David	Todd		23445 NE Sunnycrest Rd	Newberg	OR	97132				
David	Todd		23445 NE Sunnycrest Rd	Newberg	OR	97132				
Adam & Jennifer	Lundstrom		2045 N Crater Ln	Newberg	OR	97132	2045 N Crater Ln	Newberg	OR	97132
Rex & Jennifer	Philips		2031 N Crater Ln	Newberg	OR	97132	2031 N Crater Ln	Newberg	OR	97132
Peter & Darla	Petrillo		2017 Crater Ln	Newberg	OR	97132	2017 N Crater Ln	Newberg	OR	97132
Bjorn M & Margaret	Skyberg		327 Lynn Dr	Newberg	OR	97132	327 Lynn Dr	Newberg	OR	97132
Anthony	Davies		337 Lynn Dr	Newberg	OR	97132-1293	337 Lynn Dr	Newberg	OR	97132
Derik	Stone		347 Lynn Dr	Newberg	OR	97132	347 Lynn Dr	Newberg	OR	97132
Scott & Misako	Murphy		357 Lynn Dr	Newberg	OR	97132	357 Lynn Dr	Newberg	OR	97132
Bryce	Kurtz		2020 Heritage Way	Newberg	OR	97132	2020 Heritage Wy	Newberg	OR	97132
Scott & Carrie	Fowles		2034 Heritage Way	Newberg	OR	97132	2034 Heritage Wy	Newberg	OR	97132
Bruce & Linda	Gillespie		2048 Heritage Wy	Newberg	OR	97132	2034 Heritage Wy	Newberg	OR	97132
Joshua & Miklyn	Hughes Shelley A		2049 Heritage Wy	Newberg	OR	97132	2048 Heritage Wy	Newberg	OR	97132
Kent	Perdue		2035 Heritage Way	Newberg	OR	97132	2049 Heritage Wy	Newberg	OR	97132
	Winter		2021 Heritage Wy	Newberg	OR	97132	2035 Heritage Wy	Newberg	OR	97132
	Coyote Homes Inc		PO Box 490	Newberg	OR	97132	2021 Heritage Wy	Newberg	OR	97132
David & Kristine	Nelson		PO Box 490	Newberg	OR	97132				
Trevor & Jacki	Snyder		2008 NE Chehalem Dr	Newberg	OR	97132	2080 N Chehalem Dr	Newberg	OR	97132
Carl	Ehry		505 W Columbia Dr	Newberg	OR	97132	2008 NE Chehalem Dr	Newberg	OR	97132
				Newberg	OR	97132	505 NE Columbia Dr	Newberg	OR	97132

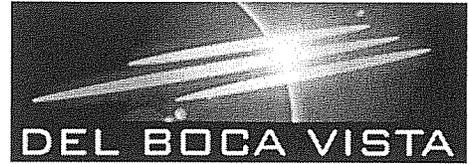
ATTACHMENT 7 - APPLICATION

OwnerNmFirst	OwnerNmLast	OwnerNm	OwnerAddr	OwnerCityNm	OwnerState	OwnerZIP	SiteAddr	SiteCity	SiteState	SiteZIP
Joseph	Ladd		421 W Columbia Dr	Newberg	OR	97132	421 NE Columbia Dr		OR	97132
Jo	Dacklin		11990 SW King James Pl	King City	OR	97224	0 NE Crater Ln		OR	97132
Richard & Merrilee	Dacklin		11990 SW King James Pl	King City	OR	97224	0 Columbia Dr	Newberg	OR	97132
Colin & Amy	Lee		PO Box 275	Ridgefield	WA	98642			OR	97132
Michele	Sorensen		308 Lynn Dr	Newberg	OR	97132	308 Lynn Dr	Newberg	OR	97132
Brian	Vondrachek		315 NE Columbia Dr	Newberg	OR	97132	315 NE Columbia Dr	Newberg	OR	97132
Brenda	Snider		1961 Crater Lane	Newberg	OR	97132	1961 N Crater Ln	Newberg	OR	97132
Michael	Haugen		1947 N Vrater Ln	Newberg	OR	97132	1947 N Crater Ln	Newberg	OR	97132
Michael	Christie Living Trust		PO Box 3190	Newberg	OR	97132-5190	1923 N Crater Ln	Newberg	OR	97132
William	Brown		17684 SW Albert Ct	Beaverton	OR	97007-6036	1861 N Crater Ln	Newberg	OR	97132
Roger	Haines		98 Ewelani St	Alea	HI	96701	1847 N Crater Ln	Newberg	OR	97132
Roger	Nelson		PO Box 760	Wilsonville	OR	97070	1836 N Crater Ln	Newberg	OR	97132
Roger	Nelson		PO Box 760	Wilsonville	OR	97070	1850 N Crater Ln	Newberg	OR	97132
Roger	Nelson		PO Box 760	Wilsonville	OR	97070	1902 N Crater Ln	Newberg	OR	97132
Roger & Dawn	Nelson		PO Box 760	Wilsonville	OR	97070	1916 N Crater Ln	Newberg	OR	97132
Roger	Raymond		1930 Crater Ln	Newberg	OR	97132	1930 N Crater Ln	Newberg	OR	97132
Robert & Tanya	Nelson		PO Box 760	Wilsonville	OR	97070	1944 N Crater Ln	Newberg	OR	97132
David & Alexis	Gore		1958 Crater Ln	Newberg	OR	97132	1958 N Crater Ln	Newberg	OR	97132
Roger	Mackie		224 Lynn Dr	Newberg	OR	97132	224 Lynn Dr	Newberg	OR	97132
Roger	Nelson		PO Box 760	Newberg	OR	97070	216 Lynn Dr	Newberg	OR	97132
Roger	Nelson		PO Box 760	Wilsonville	OR	97070	208 Lynn Dr	Newberg	OR	97132
Perry	Mick		PO Box 564	Wilsonville	OR	97070	208 Lynn Dr	Newberg	OR	97132
Frederick P & Linda	Boetsch		PO Box 191	Newberg	OR	97132	118 NE Lynn Dr	Newberg	OR	97132
Oliver & Dawn	Hall		119 NE Columbia Dr	Centralia	WA	98531	1839 N Main St	Newberg	OR	97132
Tina	Kasuba		PO Box 269	Newberg	OR	97132	119 NE Columbia Dr	Newberg	OR	97132
Cecil & Alma	Loggains		115 W Columbia Dr	Newberg	OR	97132	1819 N Main St	Newberg	OR	97132
Frank & Caroleta	Piscitelli		112 W Columbia Dr	Newberg	OR	97132	115 NE Columbia Dr	Newberg	OR	97132
Michele	Vondrachek		315 NE Columbia Dr	Newberg	OR	97132	112 NE Columbia Dr	Newberg	OR	97132
Bill & Maureen	Rogers		316 NE Columbia Dr	Newberg	OR	97132	310 NE Columbia Dr	Newberg	OR	97132
Michael & Sarah	Owen		107 Ashley Ct	Newberg	OR	97132	316 NE Columbia Dr	Newberg	OR	97132
George	Piper Jr		605 Holly Dr	Newberg	OR	97132	107 Ashley Ct	Newberg	OR	97132
George	Piper Jr		605 Holly Dr	Newberg	OR	97132	111 Ashley Ct	Newberg	OR	97132
Alan & Minnie	Halstead		119 Ashley Ct	Newberg	OR	97132	115 Ashley Ct	Newberg	OR	97132
David	Jarvis		123 Ashley Ct	Newberg	OR	97132	119 Ashley Ct	Newberg	OR	97132
Todd	Erickson		120 Ashley Ct	Newberg	OR	97132-1650	123 Ashley Ct	Newberg	OR	97132
George	Piper Jr		605 Holly Dr	Newberg	OR	97132	120 Ashley Ct	Newberg	OR	97132
Kenneth & Linda	Woodward		112 Ashley Ct	Newberg	OR	97132	116 Ashley Ct	Newberg	OR	97132
Thomas D Jr & Lois	Ruiz		211 Pinehurst Ct	Newberg	OR	97132	112 Ashley Ct	Newberg	OR	97132
William & Brenda	Jolliff		207 Pinehurst Ct	Newberg	OR	97132	211 Pinehurst Ct	Newberg	OR	97132
Eldin & Sylvia	Hunt		107 Pinehurst Ct	Newberg	OR	97132	207 Pinehurst Ct	Newberg	OR	97132
Equity Trust Company Custodian Fbo			9163 NE Broadacres Rd	Newberg	OR	97132	107 Pinehurst Ct	Newberg	OR	97132
Wells Fargo Bank Na 2007-ffc1 Tr			1600 S Douglass Rd # 200-a	Aurora	OR	97002	2013 NE Chehalam Dr	Newberg	OR	97132
Michael & Judith	Huelsman		2005 NE Chehalam Dr	Anaheim	CA	92806-5948	2201 NE Chehalam Dr	Newberg	OR	97132
Nadine	Brood		1909 NE Chehalam Dr	Newberg	OR	97132	2005 NE Chehalam Dr	Newberg	OR	97132
				Newberg	OR	97132	1909 NE Chehalam Dr	Newberg	OR	97132

ATTACHMENT 7 - APPLICATION

OwnerNmFirst	OwnerNmLast	OwnerNm	OwnerAddr	OwnerCityNm	OwnerState	OwnerZIP	SiteAddr	SiteCity	SiteState	SiteZIP
Danny	Tatman	Newberg	1901 NE Chehalem Dr	Newberg	OR	97132	1901 NE Chehalem Dr	Newberg	OR	97132
Michael & Bonnie	Klohs	Newberg	17710 NE Hillisboro Hwy	Newberg	OR	97132	1809 NE Chehalem Dr	Newberg	OR	97132
Dale & Alvina M For	Self	Newberg	PO Box 297	Newberg	OR	97132	1801 NE Chehalem Dr		OR	97132
Yvonne L For & Arvid	Alen	Vancouver	11316 NW 6th Ave		WA	98685	400 NE Columbia Dr		OR	97132
Wanda & Ronald	Wayman	Newberg	416 NE Columbia Dr	Newberg	OR	97132	416 NE Columbia Dr	Newberg	OR	97132
Robert & Cheryl	Fletcher	Newberg	1650 NE Chehalem Dr	Newberg	OR	97132	1650 NE Chehalem Dr	Newberg	OR	97132
Mildred A For	Weatherly	Newberg	1718 NE Chehalem Dr	Newberg	OR	97132	1718 NE Chehalem Dr	Newberg	OR	97132
Gregg & Kathy S For	Blume	Newberg	400 NE Blume Ln	Newberg	OR	97132	501 NE Blume Ln		OR	97132
Gregg & Kathy S For	Blume	Newberg	400 NE Blume Ln	Newberg	OR	97132	401 NE Blume Ln		OR	97132
Anna	Laakso	Newberg	1717 NE Chehalem Dr	Newberg	OR	97132	1717 NE Chehalem Dr	Newberg	OR	97132
Anna	Laakso	Newberg	1717 NE Chehalem Dr	Newberg	OR	97132	1717 NE Chehalem Dr	Newberg	OR	97132
Elizabeth	Watson	Newberg	1611 NE Chehalem Dr	Newberg	OR	97132	1611 NE Chehalem Dr	Newberg	OR	97132

# MEMO



To: Steve Olson, Newberg Planning Department  
From: Daniel Danicic  
Date: March 17, 2016  
Re: Columbia Drive Annexation Application: ANX-15-001  
HWY240 Pump Station Assessment

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The Engineering Division has requested an assessment of the capacity for the HWY240 Sanitary Sewer Pump Station to serve the proposed annexation and subdivision development. After some time, the City was able to locate a copy of the Dayton Avenue Trunk Pump Station Preliminary Design Report dated April 2008. This is the report used to design and build the HWY240 Pump Station.

Section 3 of the report summarizes the design flow determination:

Service Area: UGB – 150 ac, URA – 370 ac  
Flow Diversion Plan: 2008 – 600 gpm  
2015 – 1,000 gpm  
2040 – 2,500 gpm

Recommended initial pumps station design capacity: 1,000 gpm

Current flows at the pump station: Not available at the time of this memo.

Proposed Development:

Service Area: The proposed land to annex is within the UGB area identified in the report as part of the area to be served by the pump station. See attached map.

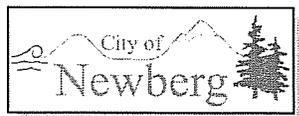
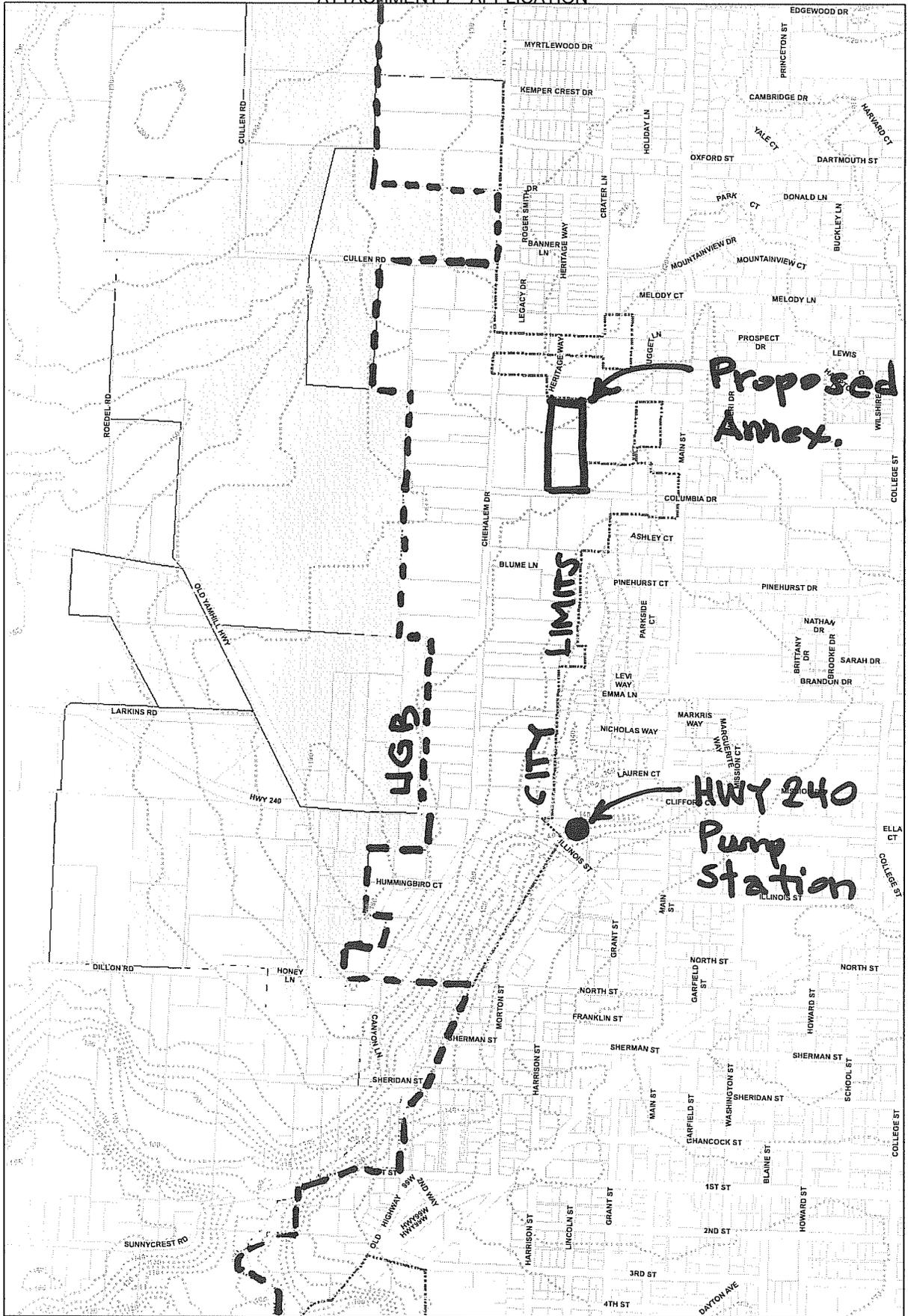
Annexations: Very little of the identified UGB area has been annexed since the 2008 report, estimated to be less than 10 acres of the identified 150 acre UGB service area.

Conclusion:

The proposed annexation is within the design service area. Since the 2008 report, the rate of annexation and development has not met projections due to the economic downturn, so it is reasonable to expect that the full 1,000 gpm estimate by 2015 has not been achieved. Therefore, the pump station should have more than adequate capacity to accommodate the proposed annexation.

Should current pump station flow data become available and it is determined that there's insufficient pumping capacity, then this can be remedied by the installation of higher rated pumps and potentially controllers. This is best determined at the time of subdivision development application so that more accurate flow estimates can be prepared. In any event, this is not an insurmountable issue.

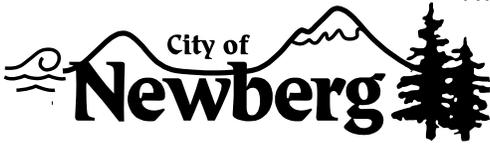
ATTACHMENT 7 - APPLICATION



600 Feet

Legend

- USGS derived 10' contour intervals
- Urban Growth Boundary
- Newberg City Limits
- 2007\_URA\_adopted\_Oct\_15\_07



# 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)

## NOTIC OF PLANNING COMMISSION HEARING ANNEXATION AND ZONING AMENDMENT

A property owner in your neighborhood submitted an application to the City of Newberg for an annexation and zoning amendment. The Newberg Planning Commission will hold a hearing on **May 12, 2016** at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would annex three tax lots into the city and amend the zoning from the Yamhill County designation of VLDR-1 to City designation of MDR (R2)

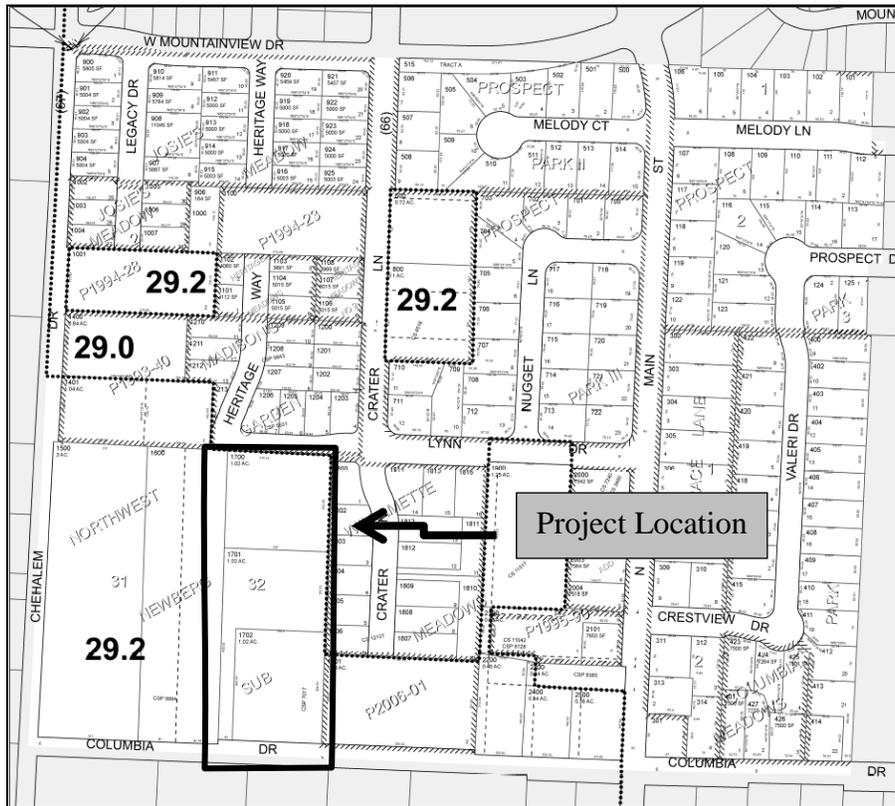
APPLICANT: *Del Boca Vista, LLC*

TELEPHONE: *503 590-8600*

PROPERTY OWNERS: *Jo Daklin (TL 1700 and 1701)  
Richard and Merrilee Lee (Tax Lot 1702)*

LOCATION: *See map below*

TAX LOT NUMBER: *Yamhill County Tax Map 3218AB Tax Lot Numbers 1700, 1701 and 1702*



We are mailing you information about this project because you own land within 500 feet of the proposed historic review. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File ***ANX-15-001***  
City of Newberg Community Development Department  
PO Box 970 Newberg, OR 97132

All written comments must be received by 4:30 p.m. on ***May 5, 2016***. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a historic review are found in Newberg Development Code Section 15.344.030 (A) (3).

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The Planning Commission will make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, we will send you information about any decision made by the City relating to this project.

Date Mailed: ***April 5, 2016***

**DRAFT POSTED NOTICE**

**Land Use Notice**

**FILE # ANX-15-001**

**PROPOSAL:** Annexation and Zoning Amendment

**FOR FURTHER INFORMATION, CONTACT:**  
City of Newberg  
Community Development Department  
414 E First Street  
Phone: 503-537-1240

3'

2'

Notice must be white with black letters, and must be landscape orientation, as shown above.  
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.



## **ORDINANCE No. 2016-2803**

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**AN ORDINANCE ANNEXING 3.06 ACRES OF PROPERTY LOCATED NORTH OF COLUMBIA DRIVE, SOUTH OF LYNN DRIVE, TAX LOTS 3218AB-1700, -1701 AND -1702, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE NEWBERG CITY LIMITS, WITHDRAWING IT FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT, AND CHANGING THE ZONING FROM YAMHILL COUNTY VLDR-1 TO NEWBERG R-2**

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### **RECITALS:**

1. Del Boca Vista, LLC submitted an application to annex 3.06 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-2. The R-2 zoning is consistent with the adopted MDR (medium density residential) Comprehensive Plan designation on the site. The property is located directly west and south of the current Newberg city limits, north of Columbia Drive, south of Lynn Drive, on Yamhill County tax lots 3218AB-1700, -1701, and -1702.
2. The property is located within the Newberg urban growth boundary and is adjacent to the Newberg city limits. Adequate public services and utilities are or can be made available to serve the property within three years.
3. The Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, deliberated, and voted to approve Planning Commission Resolution No. 2016-319 recommending that the City Council approve the annexation request and concurrent zone change as conditioned.
4. State law recently 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; 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.
5. After proper notice, the Newberg City Council held a hearing on July 5, 2016 to consider the proposed annexation and concurrent zone change. After the staff report and public testimony, the City Council finds the proposal has met the required criteria as conditioned.

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

1. The property shown in Exhibit "A" and described in Exhibit "B" is hereby annexed into the Newberg city limits and withdrawn from the Newberg Rural Fire Protection District, and the zoning of the property is changed from Yamhill County VLDR-1 to Newberg R-2. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.

2. This decision is based on the findings shown in Exhibit "C" and the findings that the property meets ORS 222.111 criteria as set forth in Recital #4 above. Exhibit "C" is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 4, 2016.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 5<sup>th</sup> day of July, 2016, by the following votes: **AYE:**      **NAY:**      **ABSENT:**      **ABSTAIN:**

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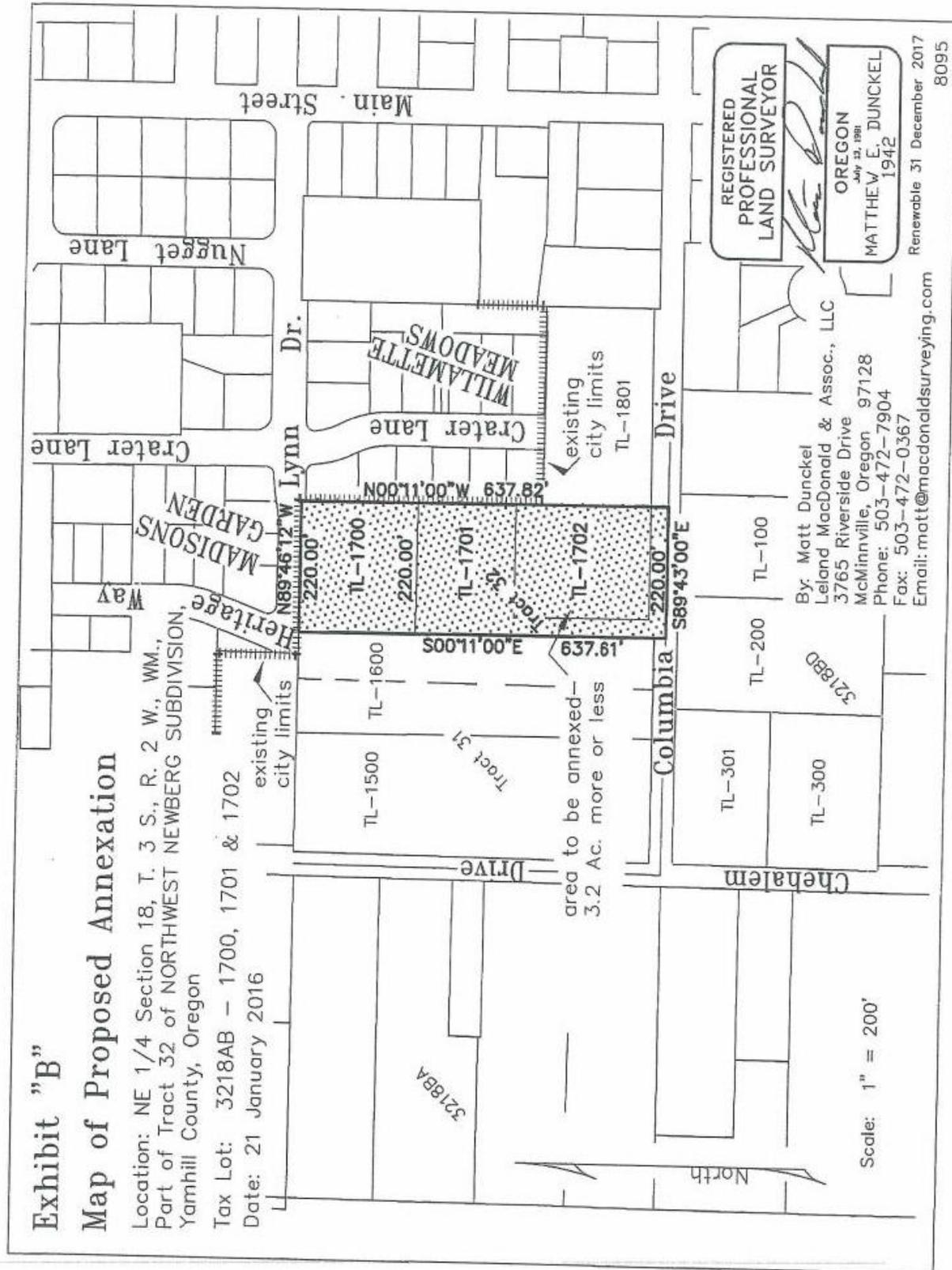
Sue Ryan, City Recorder

**ATTEST** by the Mayor this 7<sup>th</sup> day of July, 2016.

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Bob Andrews, Mayor

**Exhibit "A" to Ordinance No. 2016-2803  
Annexation Map – Columbia Estates**



"Working Together For A Better Community-Serious About Service"

**Exhibit "B" to Ordinance 2016-2803**  
**Legal Description – Columbia Estates Annexation**

Date: 21 January 2016

Proposed Annexation - Legal Description (3.2 Ac. more or less)

A tract of land in Section 18, Township 3 South, Range 2 West, City of Newberg, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Tract 32 of the NORTHWEST NEWBERG SUBDIVISION; thence North 89°46'12" West 220.00 feet along the north line of said Tract 32; thence South 00°11'00" East 637.61 feet parallel with the east line of said Tract 32 to the center line of Columbia Drive; thence South 89°43'00" East 220.00 feet along said centerline to the southerly extension of the east line of said Tract 32; thence North 00°11'00" West 637.82 feet more or less along the east line of said Tract 32 to the point of beginning as shown by Exhibit "B".

Also described as the East 220 feet for Tract 32 of the NORTHWEST NEWBERG SUBDIVISION as shown by Exhibit "B".

Matt Dunckel  
Leland MacDonald & Assoc., LLC  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@macdonaldsurveying.com

**Exhibit “C” to Ordinance 2016-2803  
Findings –File ANX-16-003 – Columbia Estates**

**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 proposed annexation site, located on Yamhill County tax lots 3218AB-1700, -1701, and -1702, is within the Newberg urban growth boundary and contiguous to the existing city limits on its north boundary and most of its east boundary. The legal description of the area to be annexed extends to the centerline of the Columbia Drive 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 property has a Comprehensive Plan designation of MDR (Medium Density Residential), which corresponds with the requested zoning of R-2 (Medium Density Residential). The R-2 zone allows either single-family, duplex or multifamily development, with a minimum lot area per unit of 3,000 square feet, and a minimum lot size of 3,000 square feet. The applicant’s concept development plan shows a single-family home subdivision with a minimum lot size of 3,000 square feet, and a 54 foot wide public right-of-way for a street. The applicant is not bound by the concept development plan, and approval of the annexation would not approve a subdivision for the site. If the applicant wishes to apply for a subdivision as shown in the concept development plan then they would need to submit a subdivision application after the property was annexed. The concept development does show a use (single-family homes) and a lot size (3,000 square feet) that comply with the R-2 zone and the MDR Comprehensive Plan designations. This criterion is met.

*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.*

***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:** City water and sewer lines are currently in place along Lynn Drive, which could be used to serve the site. The sanitary sewer line flows to the Highway 240 Pump Station. A very preliminary assessment provided by the applicant's engineer has determined that the pump station could serve the additional flows contributed by this development. If necessary, upgrades to the pump station could be completed by the developer to provide the capacity needed. At the time of development, a detailed analysis of the Highway 240 sanitary sewer pump station is required, and any necessary upgrades to the pump station would be completed by the developer.

The site stormwater management would be designed to comply with the stormwater requirements of the municipal code and public works design and construction standards manual in effect at the time of site development.

The property has road frontage along Columbia Drive and Lynn Drive. Future development of this property will necessitate roadway frontage improvements, along both property frontages, to City standards. A Yamhill County Permit is required for all improvements along Columbia Drive. The applicant was not required to complete a full traffic impact analysis for the site, as the expected impact (29 new trips in the PM peak hour) from development is below the 40 trips in the PM peak hour that would trigger a requirement for a traffic study. City Engineering staff noted that this development would add trips to the Main Street/Lynn Drive intersection, which currently does not have traffic controls. It would be appropriate to require a limited traffic study to evaluate this intersection to see if the impact of this development would require traffic controls or other improvements at the intersection. The Planning Commission recommended an additional condition, based on public testimony, that the limited traffic study also look at the stretch of Columbia Drive east to Main Street. Therefore, at the time of development, a limited traffic study will be required to evaluate the intersection of Main Street and Lynn Drive, and to evaluate Columbia Drive.

***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 sent the application information out to the Police and Fire Departments, Chehalem Parks and Recreation District (CPRD), and the Newberg School District, among other agencies, for comments prior to the staff report. The School District commented "reviewed, no conflict." There is

no information to suggest that city services could not support the addition of the 3.06 acres of property, plus the area of the adjacent right-of-way, to the city limits, and in fact future development of the site helps fund these city services and other System Development Charge or permit fee funded 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 regards to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area.

***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 to the applicable criteria.

***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.

**C. 15.302.030 Procedures for comprehensive plan map and zoning map amendments.  
A.3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:**

***a. The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;***

**Finding:** The property has a Comprehensive Plan designation of MDR (Medium Density Residential), which corresponds with the requested zoning of R-2 (Medium Density Residential). The Comprehensive Plan Housing Goal says “To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.” Annexations meet the intent of the Goal because they provide land to meet the needs of City residents. The proposed change is consistent with and promotes the goals and policies of Newberg’s comprehensive plan. This criterion is met.

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

**Finding:** As demonstrated in the finding to 15.250.030.B. above, the applicant has demonstrated that adequate public facilities and services can be reasonably made available to support future development of the property at R-2 permitted densities.

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

**Finding:** Annexation of the property complies with the State Transportation Planning Rule (TPR) (OAR 660-012-0060) because it meets 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 proposed zoning of R-2 is consistent with the existing comprehensive plan map designation of MDR; the City of Newberg has an acknowledged TSP which included this area in the urban reserve as planned future urbanizable land; this property was brought into the urban growth boundary in 2006 as part of a larger urban growth boundary amendment that included a full report with adequate justifications for transportation and other public facilities. The TPR report submitted by the applicant's traffic engineer states that, in order to comply with the TPR, development should be limited to 29 single-family homes or acceptable uses that generate less than the 300 trips anticipated in the Comprehensive Plan.

*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.*

**D. Conclusion:** Based on the above findings, the application, as conditioned, meets the criteria of the Newberg Development Code.

### **Conditions of approval**

1. At the time of development, a detailed analysis of the Highway 240 sanitary sewer pump station is required, and any necessary upgrades to the pump station would be completed by the developer.
2. At the time of development, a limited traffic study will be required to evaluate the intersection of Main Street and Lynn Drive, and to evaluate Columbia Drive.
3. The TPR report submitted by the applicant's traffic engineer states that, in order to comply with the TPR, development should be limited to 29 single-family homes or acceptable uses that generate less than the 300 trips anticipated in the Comprehensive Plan.

