

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2016-2804 No.

SUBJECT: An Ordinance annexing property located at 520 W. Third Street, Yamhill County Tax Lot 3219BD-1000, into the Newberg City limits and withdrawing it from the Newberg Rural Fire Protection District, and changing the current zoning from Yamhill County HI to City M-2

Contact Person (Preparer) for this Motion: Steve Olson, AICP
Dept.: Community Development
File No.: ANX-16-002

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION: Adopt Ordinance No. 2016-2804 annexing property located at 520 W. Third Street, Yamhill County Tax Lot 3219BD-1000, into the Newberg City limits and withdrawing it from the Newberg Rural Fire Protection District, and changing the current zoning from Yamhill County HI to City M-2.

EXECUTIVE SUMMARY:

The proposed annexation is for 1.41 acres located at 520 W. Third Street, directly west of the current city limits. The eastern part of the lot is already inside the city limits. This annexation would add the western part of the lot to the city limits, except for a small portion of the southwest corner that is outside of the urban growth boundary. The property is located within the Newberg urban growth boundary and has a Newberg Comprehensive Plan designation of IND (Industrial), with a Stream Corridor overlay on part of the site. The annexation would change the zoning of the property from Yamhill County HI (Heavy Industrial) to Newberg M-2 (Light Industrial), which corresponds with the IND Comprehensive Plan designation, and with a Stream Corridor zoning overlay on part of the site. The City Public Works Maintenance yard will expand into the site.

The property takes access from W. Third Street. There are adequate public utilities in place now to serve the site.

The Department of State Lands (DSL) commented that Chehalem Creek, on the southwest side of the site, has been designated Essential Salmonid Habitat. Based on the information provided, work within the developed footprint of this tax lot should not impact jurisdictional wetlands or waters. DSL will require a permit for any impact to the creek and its associated wetlands; contact DSL prior to any work outside of the developed footprint of the site to determine if a permit and/or wetland inspection will be needed.

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 Exhibit "C" to Ordinance No. 2016-2804 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.

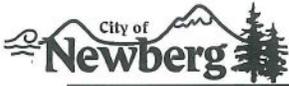
STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): Approval of the proposed annexation helps further the following Council goal: #5 – “Maintain and modernize the city’s transportation and utilities infrastructure” because annexation of this site will allow the expansion of the Public Works Maintenance yard as needed to maintain public infrastructure in the city.

ATTACHMENTS:

1. Planning Commission Resolution 2016-318 (with Exhibits “A”, “B”, and “C” by reference only and attached to Ordinance No. 2016-2804)
2. Aerial Photo
3. Concept Development Plan
4. Comprehensive Plan Map
5. Zoning Map
6. Comments received to date
7. Application

Ordinance No. 2016-2804 with:

- Exhibit “A”: Property Map
- Exhibit “B”: Legal Description
- Exhibit “C”: Findings



PLANNING COMMISSION RESOLUTION 2016-318

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF 1.41 ACRES OF PROPERTY INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY HI TO NEWBERG M-2, FOR PROPERTY LOCATED AT 520 W. THIRD STREET, THE WESTERN PORTION OF TAX LOT 3219BD-1000

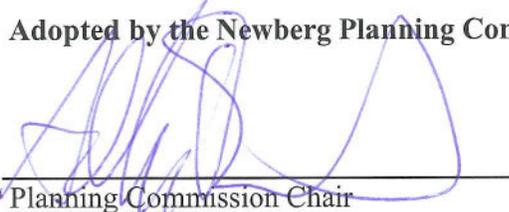
RECITALS

1. The City of Newberg Public Works Department submitted an application to annex 1.41 acres of property into the City of Newberg and change the zoning from Yamhill County HI to Newberg M-2. The annexation site is the western portion of 520 W. Third Street, Yamhill County tax lot 3219BD-1000.
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, as conditioned, 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", as conditioned, along with a zone change to M-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 12th day of May, 2016.



Planning Commission Chair

ATTEST:

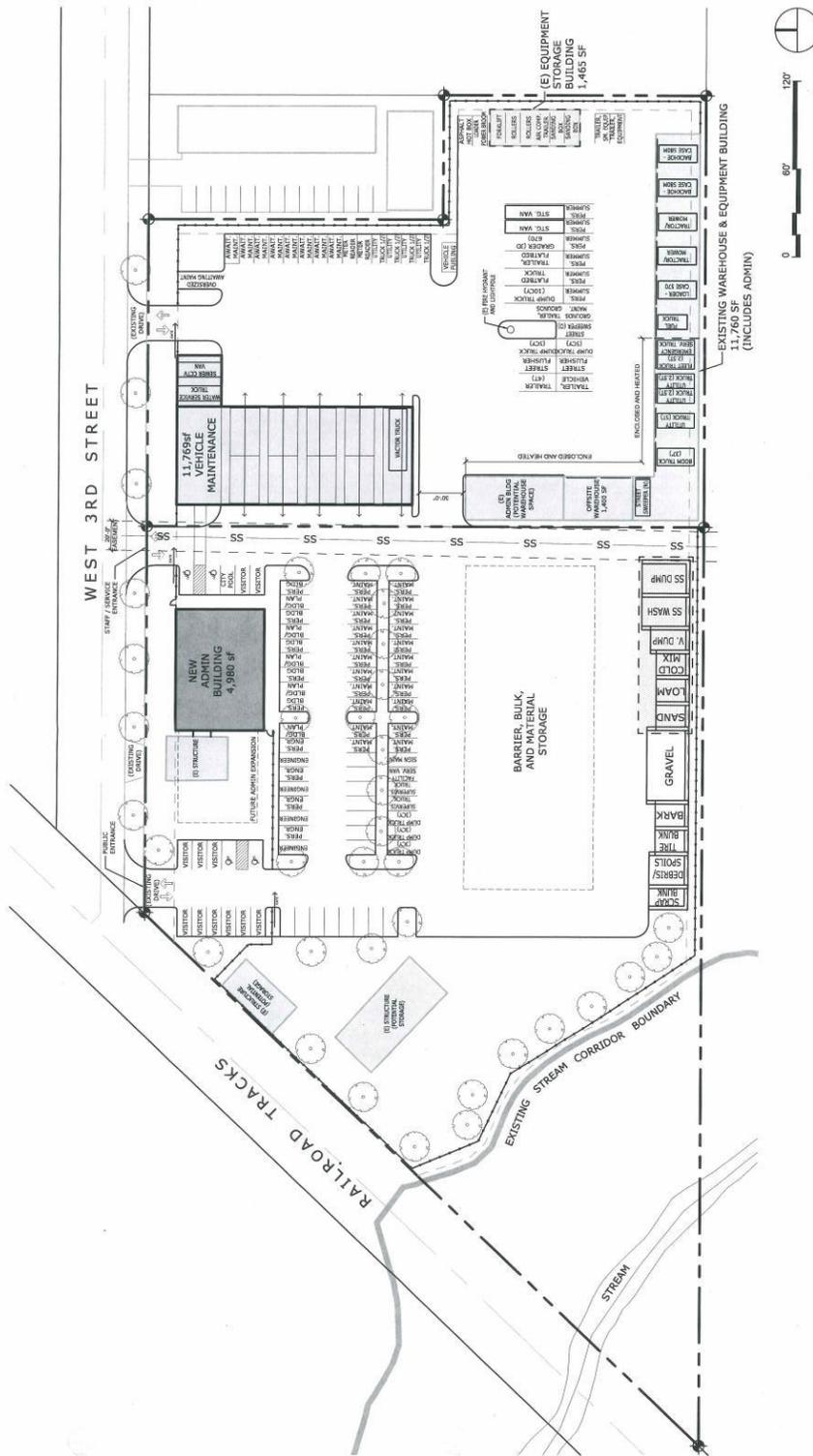


Planning Commission Secretary

Attachment 2: Aerial Photo



Attachment 3 Concept Development Plan



CITY OF NEWBERG MAINTENANCE YARD - Conceptual Site Study - DRAFT

500 W. 3rd Street, Newberg, Oregon 97132

1" = 80' 0"

November 16, 2015

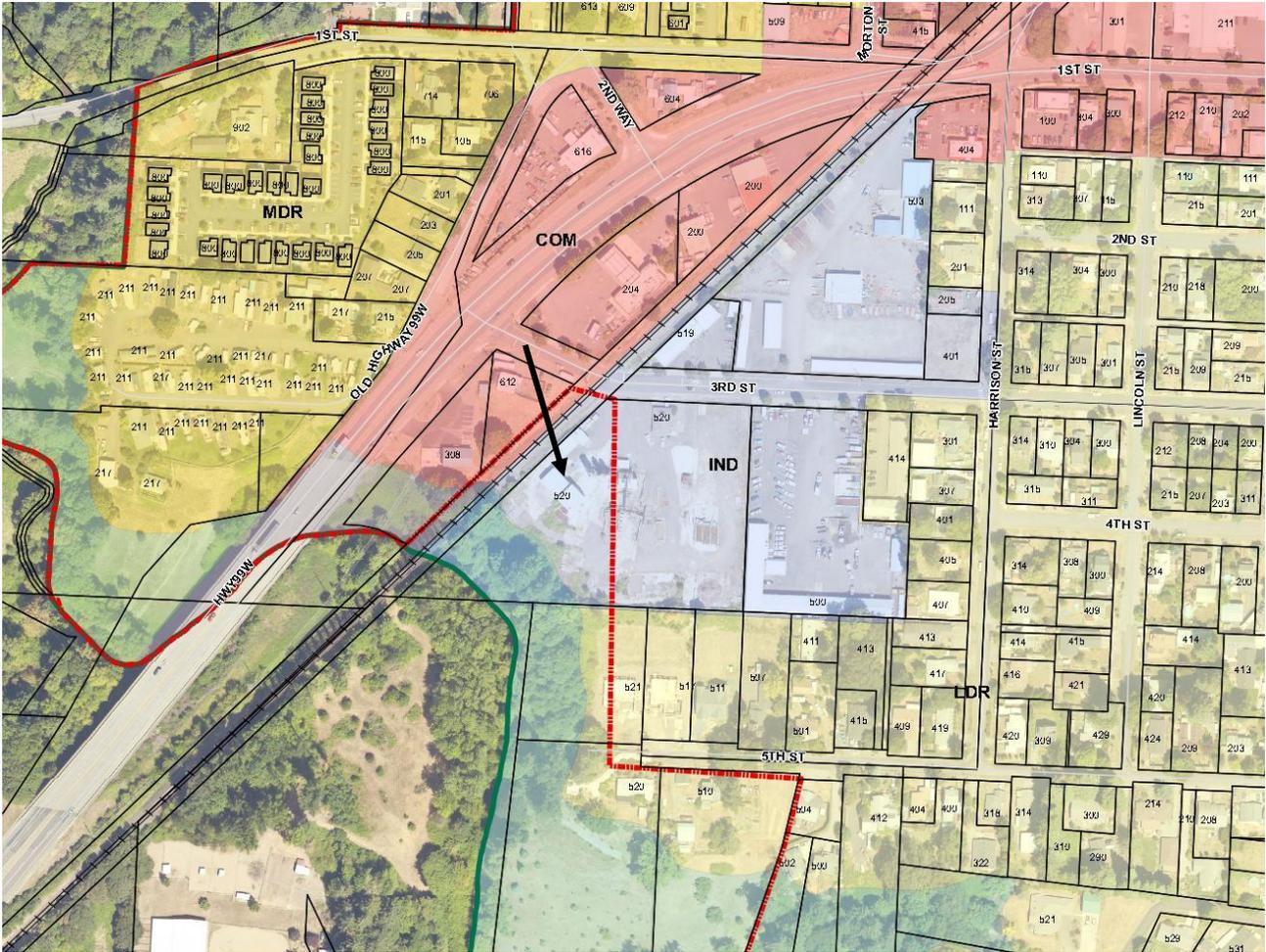
150200

MG&A

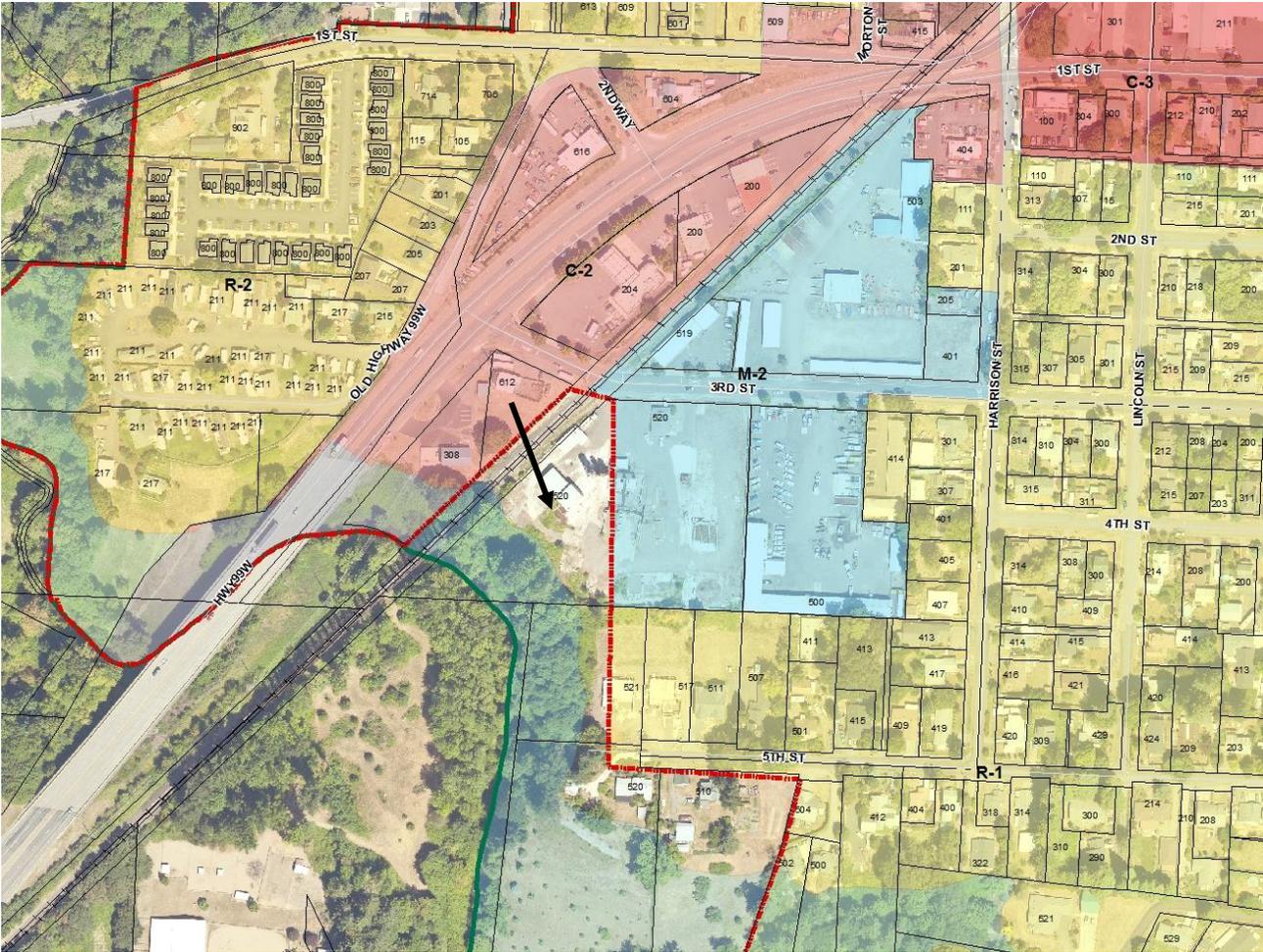
6285 SW 5th Avenue, Suite 500
Newberg, Oregon 97132
503.336.6000
www.mgaingroup.com

MG&A is a registered professional engineering firm in the state of Oregon. This drawing is the property of MG&A and shall remain the property of MG&A. No part of this drawing may be reproduced without the written permission of MG&A.

Attachment 4: Comprehensive Plan Map IND (Industrial) with Stream Corridor overlay on SW corner



Attachment 5: Zoning Map
Existing County HI (Heavy Industrial), Proposed City M-2 (Light Industrial) with Stream
Corridor overlay on SW corner



Attachment 6: Comments received to date



WETLAND LAND USE NOTIFICATION RESPONSE
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone (503) 986-5200
www.oregonstatelands.us

DSL File Number: WN2016-0136

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Steve Olson from city of Newberg submitted a WLUN pertaining to local case file # ANX-16-002.

Activity location:

township: 03N	range: 02W	section: 19	quarter-quarter section:
tax lot(s): 1000 (part)			
street address: 520 W Third St, Newberg			
city: Newberg	county: Yamhill		
latitude: 45.297951	longitude: -122.985329		

Mapped wetland/waterway features:

- The national wetlands inventory shows a wetland/waterway on the property.
- The property includes designated essential salmonid habitat.

Oregon Removal-Fill requirement (s):

- A state permit is required for any amount of fill, removal, and/or other ground alteration in essential salmonid habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Your activity:

- It appears that the proposed project may impact essential salmonid habitat and therefore may require a permit.

Contacts:

- For permit information and requirements contact DSL Resource Coordinator (see website for current list) http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands_Waterways
- For wetland delineation report requirements and information contact DSL Wetlands Specialist (see website for current list) http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands_Waterways
- For removal-fill permit and/or wetland delineation report fees go to http://www.oregon.gov/DSL/PERMITS/docs/rf_fees.pdf
- A permit may be required by the U.S. Army Corps of Engineers (503-808-4373).

- This is a preliminary jurisdictional determination and is advisory only.

Comments: Annexation of property does not fall within DSL's jurisdiction. However, based on a review of the available information, work within the developed footprint of this tax lot should not impact jurisdictional wetlands or waters. Chehalem Creek, on the western side has been designated Essential Salmonid Habitat. DSL will require a permit for any impact to the creek and its associated wetlands.

For future information, please contact DSL prior to any work outside of the developed footprint to determine if a permit and/or wetland inspection will be needed.

Response by: Christie Atkinson date: 04/25/2016

ANNEXATION APPLICATION FOR 520 W. 3RD STREET

DATE: March 16, 2016

SUBMITTED TO: City of Newberg
Planning Department
414 E. First Street
Newberg, Oregon 97132

APPLICANT: City of Newberg Public Works Department
Kaaren Hofmann, P.E., City Engineer
414 E. First Street
Newberg, Oregon 97132



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
P: (503) 563-6151
F: (503) 563-6152
www.aks-eng.com

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EXHIBITS

- Exhibit A:** Application Form
 - Exhibit B:** City Application Checklists
 - Exhibit C:** Public Notice Information
 - Exhibit D:** Lot Book Service Title Report
 - Exhibit E:** Annexation Consent Form
 - Exhibit F:** Legal Description and Exhibit Map of Affected Territory
 - Exhibit G:** Vicinity Map/General Land Use Plan of Area to be Annexed
 - Exhibit H:** Concept Development Plan
 - Exhibit I:** Transportation Planning Rule (OAR 660-012-0060) Analysis
 - Exhibit J:** Property Owner Address List
-

ANNEXATION APPLICATION FOR 520 W. 3RD STREET

APPLICANT: City of Newberg Public Works Department
Kaaren Hofmann, P.E., City Engineer
414 E. First Street
Newberg, Oregon 97132
(503) 537-1273

PROPERTY OWNER: City of Newberg
414 E. First Street
Newberg, Oregon 97132

APPLICANT'S CONSULTANT: AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151
Contact: Chris Goodell

PROPERTY ADDRESS: 520 W. 3rd Street
Newberg, Oregon 97132

**COUNTY ASSESSOR'S
MAP AND TAX LOT:** 3219BD-1000

PROPERTY SIZE: 1.41 acres

**COMPREHENSIVE PLAN
DESIGNATION:** Industrial

**YAMHILL COUNTY ZONING
DESIGNATION:** HI (Heavy Industrial)

CITY ZONING UPON ANNEXATION: M-2 (Light Industrial District)

APPLICATION DESCRIPTION

The City of Newberg Public Works Department is submitting for the annexation of approximately 1.41 acres of land at 520 W. 3rd Street. The City purchased this property, following the unanimous approval of Resolution No. 2015-3179 on April 8, 2015, for the purpose of improving and adding to the current Public Works Operations Facility located immediately east of this site to enhance services to the City's residents. This application does not involve redevelopment on the subject property.

SITE DESCRIPTION

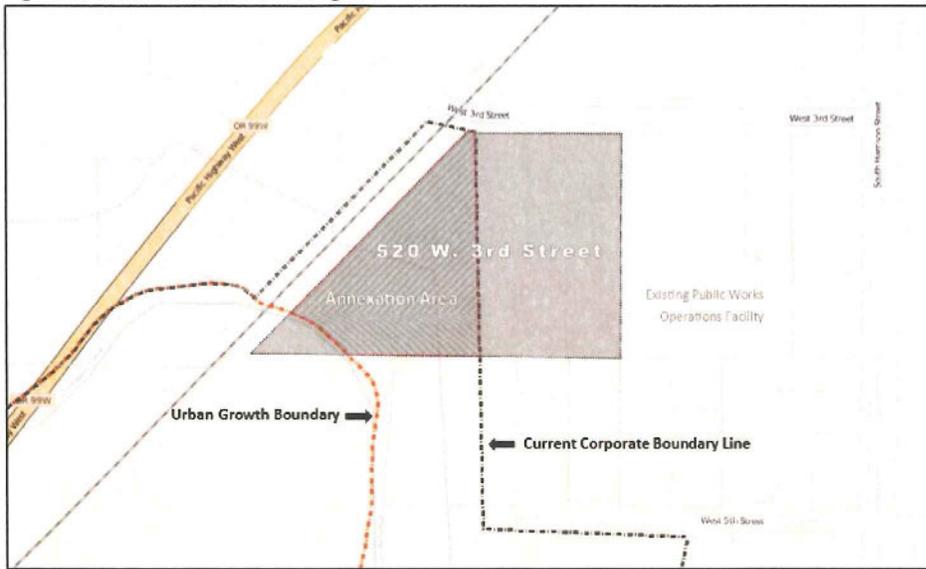
The subject property is located on the west end of the City of Newberg and is south and east of the intersection of Oregon State Highway 99 West and West 3rd Street. The property is approximately 3.8 acres in size and currently lies both within and outside of the City's corporate limits (see Figure 1, below). A small portion of the property (approximately 0.10 acres) also lies outside of the City's Urban Growth Boundary (UGB). This application includes annexation of the 1.6-acre portion of the property that is currently located outside of the City limits and inside of the UGB.

The property is bounded by Union Pacific-owned rail right-of-way and Chehalem Creek along its west end, W. 3rd Street right-of-way on its north end, the City's Public Works Operations Facility to the east, and a handful of single-family residences to the south.

Prior to the City's purchase of this property in April of 2015, the property was used as a cement manufacturing plant, most recently by Cal Portland. Materials processing facilities formerly located on this site were removed following the City's purchase of the property, however, storage buildings from the previous use remain.

The property has direct access to a full range of municipal utilities. A 15-inch diameter sewer main runs north and south through the site along its eastern property line and ties into an 8-inch main in W. 3rd Street and a 15-inch main in W. 5th Street. Two ¾-inch water laterals serve the property and are fed by a 12-inch main in W. 3rd Street. A stormwater drain is located in the W. 3rd Street right-of-way at the north end of the site. The property is served by Newberg Police and Newberg Fire, as well as the Newberg School District.

Figure 1: Annexation Area Diagram



Source: City of Newberg GIS, 2016

DESCRIPTION OF SURROUNDING AREA

Area	Jurisdiction	Zoning	Land Uses
North	City of Newberg	M-2	Small Engine Sales and Service
South	City of Newberg	R-1	Residential
East	City of Newberg	M-2	Newberg Public Works Operations
West	City of Newberg	C-2	Automotive Repair/Indoor Garden Supply

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City of Newberg	12"	W. 3 rd Street	Adjacent (N)
Sanitary Sewer	City of Newberg	15"	Along east property line	On-site
Storm Sewer	City of Newberg	Unknown	W. 3 rd Street	Adjacent (N)

TRANSPORTATION

The site is located south and east of OR Hwy 99W and west of OR Hwy 240 (Yamhill-Newberg Hwy). Under existing conditions, W. 3rd Street is a paved Minor Collector street with a 60-foot wide cross-section consisting of 5-foot wide sidewalks, 8-foot wide landscape strips, a concrete curb, and an 18-foot wide shared travel/parking lane on either side of the centerline. This segment of W. 3rd Street provides access to OR Hwy 99W to the west and downtown Newberg to the east. The site currently has access to W. 3rd Street at three points. As shown in the Applicant’s Conceptual Development Plan (Exhibit H), the Public Works Division may consolidate a number of these access points as part of a future project to improve the City’s operations/maintenance yard to the east, including this property. A new internal connection between this property and the existing operations/maintenance yard to the east will likely eliminate the need to use W. 3rd Street to move material and equipment between the two properties.

OR Hwy 99W is under the jurisdiction of ODOT and is generally a five-lane facility with a posted speed of 30 MPH near the site. Per the City's Transportation System Plan, in 2005, the intersection of OR Hwy 99W and W. 3rd Street operated at a LOS E during the evening peak hour, even though observed traffic volumes accounted for only one-fifth of available capacity. This relatively low LOS was due to traffic delays for vehicles making left turns from this unsignaled intersection onto OR Hwy 99W during the peak hour. Rather than encourage access to OR Hwy 99W from its intersection with W. 3rd Street, the TSP encourages these motorists to instead use the signaled intersection at OR Hwy 99W and Main Street; hence, the TSP does not identify specific capital projects planned for the intersection of W. 3rd Street and OR Hwy 99W.

The 2005 TSP does identify a preferred set of capacity and non-capacity improvements, including the Newberg-Dundee bypass currently under construction, that are anticipated to improve the performance at the intersection of W. 3rd Street and OR Hwy 99W to LOS C. As discussed in greater detail below, the future use of this site is projected to generate fewer peak hour vehicle trips than its former use and is, therefore, assumed to reduce the site's overall impact to the City's transportation system.

PROJECT DESCRIPTION

The property at 520 W. 3rd Street currently straddles the City of Newberg's corporate boundary. The property is approximately 3.8 acres in size, with approximately 2.3 acres in the City limits and 1.5 acres outside of the City limits. Additionally, approximately 0.1 acres of the 1.7-acre portion outside of the City limits is also outside of the Newberg Urban Growth Boundary (UGB). The City of Newberg Public Works Department is submitting this application to annex approximately 1.6 acres of this property that is currently outside of the City limits and within the UGB. This annexation will allow for a future project that can improve and integrate this property within the City's Public Works Operations/Maintenance Yard (Tax Lot 1100), immediately east of this site.

STATEMENT OF FINANCIAL SOLVENCY TO PROVIDE NECESSARY PUBLIC FACILITIES

The subject property is currently served by water, sanitary, and storm sewer facilities, as provided above. The Applicant does not anticipate additional public facilities will be necessary to serve the planned future use of this site.

POTENTIAL POSITIVE AND NEGATIVE PHYSICAL, AESTHETIC, AND RELATED SOCIAL EFFECTS OF THE PROPOSED DEVELOPMENT

This application will result in numerous physical, aesthetic, and social benefits to the City of Newberg, including:

- The site is planned to provide needed maintenance and related activities that are essential to ensure the continued availability of Newberg's police, fire, and parks services. Activities that will occur on this site include the periodic maintenance of emergency service vehicles, storage and operation of street cleaning and repair apparatus, and storage of parks maintenance equipment and materials, among other things. This site, and the activities that will be provided thereon, are essential in ensuring the long-term health and well-being of Newberg's residents by enhancing the City's ability to carry out these responsibilities.
- The property is already served by water, sanitary, and storm sewer facilities that will be necessary to accommodate the intended future use of this site. Therefore, annexation of the property represents an efficient use of land within the City's existing UGB.

- This application represents a proactive approach on behalf of the City to provide the infrastructure and services that will be necessary to accommodate future growth in the City of Newberg.
- Currently, riparian areas on this site are not protected through Yamhill County's land use regulations. Once annexed to the City, the riparian corridor on this site will receive certain protections through the Newberg Development Code. Specifically, NMC Subtitle 15.342 includes provisions that limit development in and near open space, scenic, and natural resources.

CITY REVIEW CRITERIA
NEWBERG COMMUNITY DEVELOPMENT CODE
Subtitle 15.250 – Annexations
15.250.010 Statement of purpose.

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

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.

Response:

The Vicinity Map in Exhibit G illustrates that the subject property is located within the Newberg Urban Growth Boundary. Exhibit G further illustrates that the subject site abuts and is contiguous to (and is in fact partially within) the City limits. These conditions for annexation are met.

15.250.030 Quasi-judicial annexation criteria.

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

- 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.

Response:

This application will continue the City's M-2 Light Industrial Zoning District designation from the east onto the remaining piece of this property that is currently outside of the City limits but within the UGB. Per Newberg Municipal Code (NMC) Section 15.302.032.K., the M-2 district is intended to create, preserve, and enhance areas containing a range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is consistent with the Industrial (IND) designation of the Comprehensive Plan. This application is consistent with applicable goals and policies of the City's Comprehensive Plan as outlined below:

Newberg Comprehensive Plan Chapter II. Goals and Policies:

- A. Citizen Involvement:** Newberg's Citizen Involvement Goal strives to maintain a citizen involvement program that offers citizens the opportunity to be involved in all phases of the planning process.

The NMC implements this Goal through Subtitle 15.250.040, which establishes a robust process for public involvement during annexations. This process includes a public notice posted on site, mailed to nearby property owners, and published in the local newspaper; a public hearing before the Planning Commission; and a public hearing before the City Council. Additionally, the process allows for appeals where interested parties are not satisfied with the City's decision. Citizen involvement is further provided through a public election required for all annexations in the City of Newberg. The application is therefore consistent with the Citizen Involvement Goal of the Newberg Comprehensive Plan.

- B. Land Use Planning:** The Land Use Planning Goal memorializes the City's desire to maintain an ongoing land use planning program that implements State and local planning goals while respecting the City's natural and cultural resources.

The City's Comprehensive Plan, supporting documents (e.g., Transportation System Plan, Sanitary Sewer Master Plan, Water Master Plan, Drainage Master Plan, etc.), and Development Code establish the local land use planning program and implement State and local planning goals. These plans are periodically updated to reflect changes in the physical, economic, and social environment of the City. This application is consistent with this Goal as it is being administered through the process established for annexations and zoning map amendments in the Newberg Development Code.

Additionally, this annexation and zoning map amendment have been initiated for the purpose of facilitating future enhancement and incorporation of this site within the City's existing Public Works Operations/Maintenance yard. The site is particularly well suited to a future City operations/maintenance yard due to the fact that nearly one-half of the property is already zoned for such a use and the City's existing operations/maintenance yard is located immediately east. It is important to note that annexation does not approve future development on this site. Future improvements on this site will be subject to the City's Site Design Review process.

Finally, this application represents foresight and a proactive approach on behalf of the City in providing the infrastructure and services that will be necessary to accommodate future growth. These characteristics epitomize the land use values expressed in the Newberg Comprehensive Plan. The application is therefore consistent with the Land Use Planning Goal of the Newberg Comprehensive Plan.

- D. Wooded Areas:** This Goal and related policies seek to limit development in and near wooded and riparian areas to encourage the preservation of natural resources for habitat and recreational value.

As illustrated in Exhibit G, Chehalem Creek and its associated riparian corridor occupy the southwest corner of this property. Currently, riparian areas on this site are not protected through Yamhill County's land use regulations. Once annexed to the City, the riparian corridor on this site will receive certain protections through the Newberg Development Code. Specifically, NMC Subtitle 15.342 includes provisions that limit development in and near open space, scenic, and natural resources. As such, this application is consistent with the applicable Goals and policies stated herein.

- E. Air, Water, and Land Resource Quality:** This Comprehensive Plan Goal and related policies articulate the City's desire to limit impacts to the environment through successive phases of urbanization. Applicable policies from this Goal are implemented through NMC Subtitles 15.220 (Site Design Review), 15.303 (Use Categories), 15.342 (Stream Corridor Overlay District), and elsewhere.

Future conversion of this site from a cement manufacturing plant to a City maintenance/operations yard represents a less intensive reuse of this site in many respects and is likely to entail fewer noise, dust, vibration, and related impacts to surrounding properties. Additionally, reusing existing developed industrial lands reduces pressure on vacant land in the UGB and subsequently reduces pressure to urbanize farm and/or forest land outside of the existing UGB. Also, as mentioned above, annexation of this property into the City of Newberg will afford certain environmental protections to Chehalem Creek and its riparian corridor that are not in place under Yamhill County's zoning jurisdiction. This application is therefore consistent with the Air, Water, and Land Resource Quality Goal of the Comprehensive Plan.

- J. Urban Design, 2. Industrial Area Policies:** Industrial uses are encouraged by this Goal to provide good access, buffering from adjacent uses, and landscaping. Where they abut residential uses, industrial uses are encouraged to use special setback, screening, building height, and architectural feature standards appropriate for the site. The City's Development Code (15.220) includes provisions related to the design of industrial sites where they abut residential uses. Additionally, the Development Code promotes screening and buffering, as well as good access to transportation facilities. As mentioned above, this annexation in and of itself does not approve development on this site. Future development will be subject to the City's Site Design Review, Stream Corridor Overlay, and building permit provisions. This application is therefore consistent with the Industrial Area Policies of the Urban Design Goal of the Newberg Comprehensive Plan.

- K. Transportation:**

Goal 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

- d. The City shall maintain development regulations that provide adequate off-street parking and truck loading areas for commercial and industrial uses, especially in areas adjacent to arterial and collector routes, to promote efficient traffic movement through the city.

An analysis of the relative transportation impacts between the planned potential future use on this site and the former use of the site is included below. This application is therefore consistent with Transportation Goal 2 of the Newberg Comprehensive Plan.

L. Public Facilities and Services:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

1. All Facilities & Services Policies

- a. The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.
- b. The extension of publicly-owned facilities and services into currently undeveloped areas shall occur only in accordance with the Public Facilities and Service Plan.
- c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.
- d. Services shall be planned to meet anticipated community needs.
- e. Owners of properties which are located on unimproved streets should be encouraged to develop their streets to City standards.
- f. Maximum efficiency for existing urban facilities and services will be encouraged through infill of vacant City land.
- g. Public facilities and services necessary to meet the special needs of industrial activities should be planned for those areas designated industrial on the comprehensive plan map and should be provided at a level sufficient to support proposed activities, if public funds are available.

This application has been initiated for the purpose of enhancing and incorporating this site within the City's existing Public Works Operations/Maintenance yard and fulfills all of the policies stated above. This application furthers the City's desire to be proactive and efficient and to appropriately locate infrastructure and public facilities necessary to provide enhanced services to existing residents and businesses, as well as accommodate future growth in Newberg. The application is therefore consistent with the Public Facilities and Services Goal of the Newberg Comprehensive Plan.

N. Urbanization: This Goal seeks, “to provide for an orderly and efficient transition from rural to urban land uses.” The City’s Development Code implements this Goal and its related policies through criteria that require availability of adequate public facilities and services, financial means to provide public services where they are not available, consistency with the Comprehensive Plan, and consideration of impacts within the City’s TSP. As described throughout this narrative, the annexation and zoning map amendment included in this application will enhance and incorporate this site within the City’s existing operations/maintenance yard on Tax Lot 1000 (immediately east of this site) for the purposes of improving services to existing residents and businesses and accommodating future growth in the City of Newberg. This application is therefore consistent with the Urbanization Goal of the Newberg Comprehensive Plan.

- B.** An adequate level of urban services must be available, or made available, within three years’ time of annexation, except as noted in 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.

Response: Adequate urban services are currently available to the property. An 8-inch sewer line in W. 3rd Street and a 12-inch sewer line near the site’s east property line currently provide sanitary sewer service to the property. Additionally, a 12-inch water main and two ¾-inch laterals in W. 3rd Street provide water service to the site. Stormwater is currently conveyed via an existing main in W. 3rd Street.

As illustrated in Table 1, the anticipated future use of this site is expected to generate fewer vehicle trips and reduced impacts to the City’s transportation system than the previous use of the site.

Table 1: Approximate Trip Generation from Previous and Anticipated Future Uses at 520 W. 3rd Street

Use Category	Weekday PM Peak Hour Trip Generation Rate (per acre)	Estimated Weekday PM Peak Hour Trip Impact
Cement Plant (ITE Land Use Code 140 – Manufacturing)	8.35	31
Operations/Maintenance Yard (ITE Land Use Code 110 – Light Industrial)	7.62	28

Source: ITE Trip Generation Manual, 8th Edition

- 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.

Response: The City's operations/maintenance yard hosts maintenance related activities that are essential to the continued availability of police, fire, and parks services in the City of Newberg. From periodic maintenance to emergency service vehicles, to the storage and operation of street cleaning and repair apparatuses, to parks maintenance equipment and materials storage, this site and the work that occurs thereon must be considered a related piece of the above-listed public services. For this reason, this application is necessary to ensure the long-term health and well-being of Newberg's residents. The criterion is met.

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

Response: The responses in this narrative are provided by the Applicant in support of this application. The criterion is met.

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

Response: As detailed above, urban services are available to serve the property. The criterion does not apply.

Subtitle 15.302 – Districts and Their Amendment

15.302.030 Procedures for comprehensive plan map and zoning map amendments.

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the comprehensive plan map, zoning map and land use regulations.

- A. Type III Plan and Zoning Map Amendments – One Parcel or Small Group of Parcels.
 - 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;
 - b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

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

Response: The City’s Type III Land Use Application packet contains language that is contradictory to NMC 15.250.080(B) regarding the applicability of Subtitle 15.302 to this request. Page 19 of the City’s Land Use packet states that, “an application for a zoning map amendment is required to be submitted concurrently with an annexation application.” Conversely, NMC 15.250.080(B) states that, “Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.”

Classification	Appropriate Zoning Classification
IND	M-1, M-2, M-3, M-4, or AI

While the Applicant believes that the Municipal Code prevails in such a situation, responses to the applicable criteria in 15.302 are included below in the event that prior interpretations of this standard have proven otherwise.

This application will result in a change from Yamhill County’s Heavy Industrial (HI) designation to Newberg’s M-2 (Light Industrial) designation for an approximately 1.4-acre portion of this property, as shown in Exhibit G. Per NMC Subtitle 15.302.032.K., this zoning designation is consistent with the City’s IND Comprehensive Plan designation. Further, and as discussed above, this is consistent with and promotes applicable Goals and Policies in the Newberg Comprehensive Plan and its supporting documents. Also as described above, the property is served by the full range of public facilities and services necessary to accommodate the intended future use of this site; no public facility improvements are expected to be necessary.

Per Oregon Administrative Rule (OAR) 660-012-0060(9), a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if (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 proposed zoning is consistent with the City’s acknowledged TSP; and (c) the TSP accounts for urbanization of the subject property. The zoning map amendment included in this application is consistent with, and does not alter, the City’s Comprehensive Plan and is consistent with and accounted for in the City’s 2005 TSP. This zoning map amendment therefore satisfies all of the above-referenced conditions and the City can find that it does not significantly affect a transportation facility.

Further, OAR 660-012-0060(1) clearly defines those amendments to a plan or land use regulation that are considered to significantly affect a transportation facility. These amendments include plan or land use regulation amendments that would (a) change the functional classification of an existing or planned transportation facility; (b) change standards implementing a functional classification system; or (c) result in types or levels of travel or access that are inconsistent with the functional classification of an existing or

planned transportation facility; 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 degrade the performance of an existing or planned transportation facility that is otherwise projected not to meet the performance standards identified in the TSP or Comprehensive Plan.

The zoning map amendment included in this application will not change the functional classification of any existing or planned roadways in the City of Newberg nor will it change the standards implementing a functional classification system. Finally, as shown in Table 1 above, and as described in more detail in the following paragraphs, the future zoning designation will not result in the degradation of performance of any transportation facilities that provide access to and from the property.

The property takes access from, and is intended to continue to take access from, W. 3rd Street, which is classified as a Minor Collector street in the City's TSP. In 2005, the intersection of OR Hwy 99W and W. 3rd Street operated at a LOS E during the evening peak hour, even though observed traffic volumes accounted for only one-fifth of available capacity. This relatively constrained LOS was due to traffic delays for vehicles making left turns from this unsignaled intersection onto OR Hwy 99W during the peak hour.

Rather than encourage access to OR Hwy 99W from its intersection with W. 3rd Street, the TSP encourages these motorists to instead use the signaled intersection at OR Hwy 99W and Main Street; hence, the TSP does not identify specific capital projects planned for the intersection of W. 3rd Street and OR Hwy 99W. Further, under the 2025 Preferred Network Alternative (which includes the Newberg-Dundee Bypass currently under construction), the TSP forecasts that this intersection will operate at a LOS C (which exceeds the LOS E performance standard).

The intended future use of this site creates fewer impacts to the City's transportation facilities than the former use of the site. The ITE Trip Generation Manual estimates a PM peak hour trip generation rate of 8.35 trips per acre for manufacturing uses (Land Use Code 140), such as the cement manufacturing plant that previously occupied this site. This equates to 31 PM peak hour trips for this approximately 3.8-acre property (see Table 1, above).

The ITE Trip Generation manual does not include a land use category for government operated maintenance yards, such as that intended for the future use of this site; the most similar use category listed in the ITE Trip Generation Manual is general light industrial (Land Use Code 110). ITE estimates a PM peak hour trip generation rate of 7.62 trips per acre for light-industrial uses. This equates to 28 PM peak hour trips for this approximately 3.8-acre property. Based on ITE estimates, PM peak hour trips generated from the intended use on this site will be slightly less than those previously generated on site. Because the trip impacts from the anticipated uses on this site are lower than those that existed on this site when the 2005 TSP was adopted and because the TSP accounted for all land within the UGB, we conclude this annexation will not significantly affect a transportation facility. The criteria are met.

CONCLUSION

The submittal requirements have been met and the required responses have been provided for all applicable approval criteria. These findings serve as the basis for the City of Newberg to approve the application and are supported by substantial evidence in the application materials. Therefore, the City can rely upon this information in its approval of the application.



EXHIBIT A: APPLICATION FORM



TYPE III APPLICATION - 2016 (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: City of Newberg Public Works Department, Contact: Kaaren Hofmann, P.E.
 ADDRESS: 414 E. First Street
 EMAIL ADDRESS: Kaaren.Hofmann@newbergoregon.gov
 PHONE: (503) 537-1273 MOBILE: _____ FAX: (503) 537-1277
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: AKS Engineering & Forestry, LLC, Contact: Chris Goodell PHONE: (503) 563-6151
 ADDRESS: 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

GENERAL INFORMATION:

PROJECT NAME: 520 W. 3rd Street Annexation PROJECT LOCATION: 520 W. 3rd Street
 PROJECT DESCRIPTION/USE: Annexation to the City of Newberg and associated Zoning Map Amendment
 MAP/TAX LOT NO. (i.e. 3200AB-400): Portion of 3219BD-1000 ZONE: H1 SITE SIZE: 1.58 SQ. FT. ACRE
 COMP PLAN DESIGNATION: Industrial (IND) TOPOGRAPHY: Mostly flat with increasing slopes in Chehalem Creek Corridor
 CURRENT USE: Cement Plant
 SURROUNDING USES:
 NORTH: Small engine repair and sales SOUTH: Vacant
 EAST: City Public Works Operations Facility WEST: Automotive garage/servicing, Indoor/outdoor gardening supply

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:

Annexationp. 15
 Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
 Conditional Use Permitp. 21
 Historic Landmark Modification/Alterationp. 23
 Planned Unit Developmentp.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] 2/29/16
 Applicant Signature Date
KAAREN HOFMANN
 Print Name

[Signature] 2/29/16
 Owner Signature Date
STEVE RHODES
 Print Name

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



EXHIBIT B: CITY APPLICATION CHECKLISTS

COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT CHECKLIST

The following information shall be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division staff regarding additional requirements for your project.

N/A **FEES**

PUBLIC NOTICE INFORMATION – Draft of mailer notice and sign; mailing list to all properties within 500’.

Submit one original 8-1/2" x 11" or 11" x 17" reproducible document together with 17 copies of the following information.

WRITTEN CRITERIA RESPONSE – Address the criteria listed on page 19. The written response should detail how the proposed comprehensive plan map/zoning map amendment meets the goals and policies of the Newberg Comprehensive Plan. The written response should also address the location and size of existing public utilities to serve the site, or if none are currently available, detail how public utilities will be extended to serve the site.

CURRENT TITLE REPORT

N/A **MEASURE 49 WAIVER**

MAP AND LEGAL DESCRIPTION OF THE PROPERTY – Provide a map and a corresponding written legal description of the area to be changed. The map and legal description must be capable of closure and be certified by a registered engineer or surveyor. If not certified, the map and description must be approved by the Department of Revenue per ORS 308.225.

GENERAL LAND USE PLAN – Indicate types and intensities of proposed development, transportation routes (for pedestrians and vehicles), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and any development on adjacent properties.

TRAFFIC STUDY – A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the Director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the Director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. If required, the traffic study shall be conducted according to the City of Newberg design standards.



EXHIBIT C: PUBLIC NOTICE INFORMATION



Planning and Building Department
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

Notice of a Planning Commission Hearing on an Annexation

A property owner in your neighborhood submitted an application to the City of Newberg for an Annexation and Zone Change (from Heavy Industrial – Yamhill County to Light Industrial – City of Newberg) for a portion of the property at 520 W. 3rd Street in Newberg. The Newberg Planning Commission will hold a hearing on **Date of Hearing** at 7 pm 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: add 1.41 acres to the City of Newberg Corporate limits to allow for the enhancement and incorporation of the City of Newberg's existing Public Works Operations/Maintenance yard (on the property immediately east) onto this site to improve Public Works services for Newberg residents.

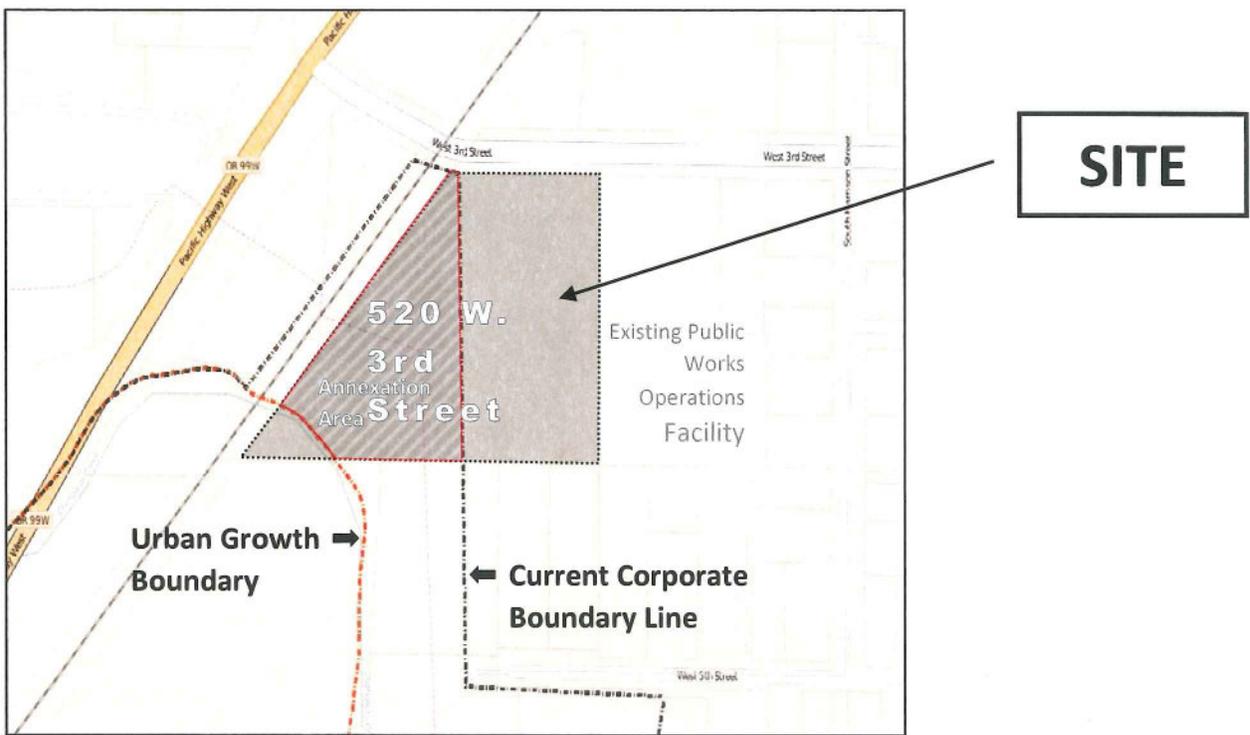
APPLICANT: City of Newberg Public Works

TELEPHONE: 503-537-1273

PROPERTY OWNER: City of Newberg

LOCATION: 520 W. 3rd Street, Newberg, OR 97132

TAX LOT NUMBER: Yamhill County 3219BD-1000



ATTACHMENT 7

We are mailing you information about this project because you own land within 500 feet of the annexation. 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
Planning & Building Department
PO Box 970
Newberg, OR 97132

The Planning Commission asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Planning Commission on the night of the meeting for consideration and a vote to accept or not accept it into the record.

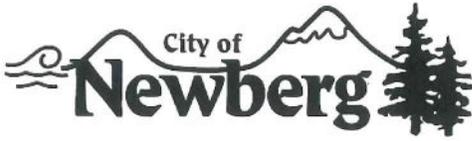
You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the 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 comprehensive plan map and zone change are found in Newberg Development Code Section 15.302.030(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 on the application 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, you will be sent information about any decision made by the City relating to this project.

Date Mailed: **Date notice is mailed**



Planning and Building Department
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

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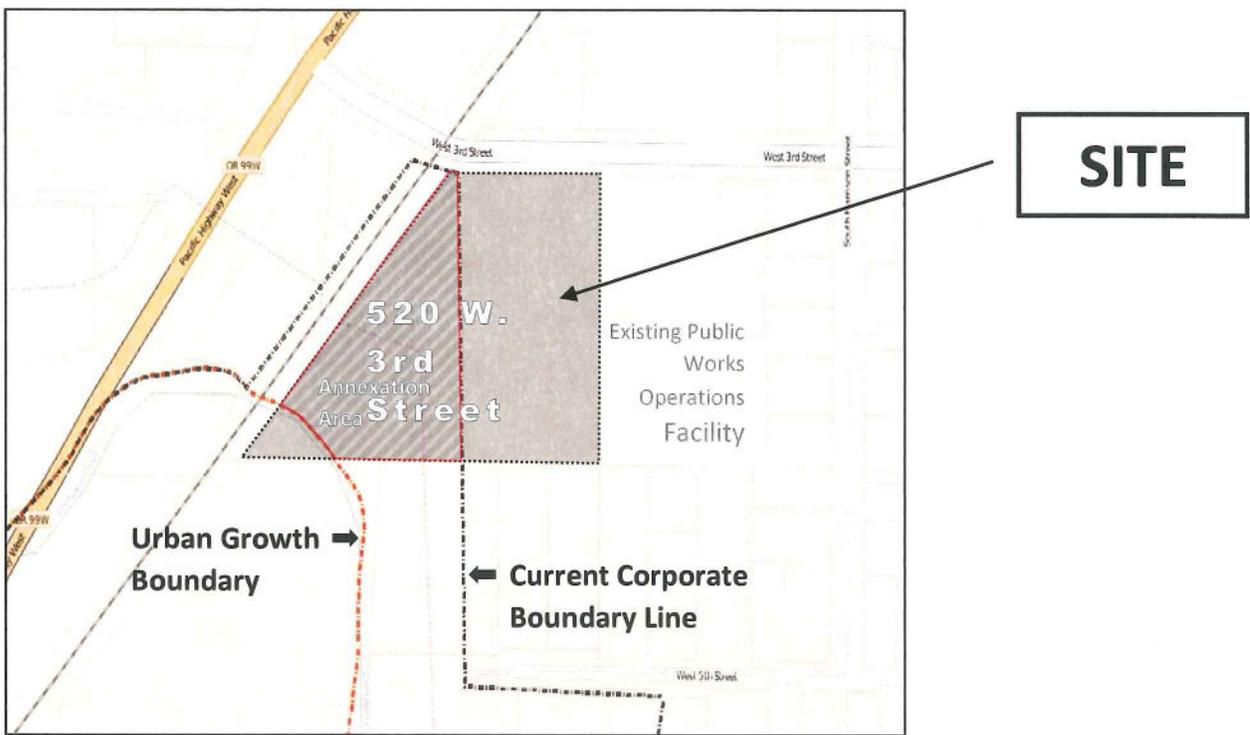
APPLICANT: City of Newberg Public Works

TELEPHONE: 503-537-1273

PROPERTY OWNER: City of Newberg

LOCATION: 520 W. 3rd Street, Newberg, OR 97132

TAX LOT NUMBER: Yamhill County 3219BD-1000



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Planning & Building Department
PO Box 970
Newberg, OR 97132

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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.

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The City Council will make a decision on the application 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, you will be sent information about any decision made by the City relating to this project.

Date Mailed: **Date notice is mailed**

**520 W. 3rd Street Annexation
SAMPLE POSTED NOTICE**

Land Use Notice

FILE # (insert the file number assigned to you at the time of application)

PROPOSAL: Annex approximately 1.41 acres of land into the City of
Newberg

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Planning & Building Department
414 E First Street
Phone: 503-537-1240

2'

3'

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.



**EXHIBIT D: LOT BOOK SERVICE TITLE
REPORT**



First American

First American Title Company of Oregon

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

YAMHILL COUNTY TITLE UNIT

FAX (866)800-7294

Title Officer: **Clayton Carter**

(503)376-7363

ctcarter@firstam.com

LOT BOOK SERVICE

AKS Engineering & Forestry LLC
12965 SW Herman RD STE 100
Tualatin, OR 97062

Order No.: 1039-2611644

March 08, 2016

Attn: Jacki Herb
Phone No.: (503)925-8799 - Fax No.: (503)925-8969
Email: herbj@aks-eng.com

Re:

Fee: \$125.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of March 03, 2016 at 8:00 a.m.

We find that the last deed of record runs to

City of Newberg, an Oregon Municipal Corporation

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. Taxes, including the current fiscal year, not assessed because of ORS Exemption. If the exempt status is terminated an additional tax may be levied. Account No. 52908.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Reservations in deed, including the terms and provisions thereof:
Recording Information: August 23, 1950, Book 158, Page 482, Deed Records
Reserved By: United States of America

4. Easement, including terms and provisions contained therein:
Recording Information: June 27, 1962, Film Volume 23, Page 421, Deed and Mortgage
Records
In Favor of: City of Newberg
For: Sewer

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens:

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

TRACT I:

Part of Lots 4 and 5 of HURLEY'S FRUITLAND SUBDIVISION of the City of Newberg, Yamhill County, State of Oregon, being a part of the Original Donation Land Claim of John H. Hess and Seby Hess, his wife, Claims No. 39 and 60 in Township 3 South, Range 2 West of the Willamette Meridian in said County and State, said part being bounded and particularly described as follows:

BEGINNING at the Northwest corner of Lot 5, said point being on the South line of Third Street in Newberg, Oregon; thence East along the South line of Third Street, 165 feet; thence South parallel to the West line of said Lot 5, a distance of 378 feet to the South line of Lot 4 of HURLEY'S FRUITLAND SUBDIVISION; thence West along the South line of Lots 4 and 5, 165 feet to the Southwest corner of Lot 5; thence North along the West line of Lot 5, a distance of 378 feet to the POINT OF BEGINNING.

TRACT II:

That portion of the South half of the Original Donation Land Claim of John H. Hess and Seby Hess, his wife, being Claims No. 39 and 60 in Township 3 South, Range 2 and 3 West of the Willamette Meridian in Yamhill County, Oregon, lying or being bounded on the East by the West line of Tract 5 of HURLEY'S FRUITLAND SUBDIVISION, being also designated upon the plats and maps as Lot 5, HURLEY'S & LARGE'S ADDITION to the Town (now city) of Newberg, as platted and of record in the office of the County Clerk of said County and State, on the West by the Southern Pacific Railroad right of way; on the South by the line of said Claim and on the North by Third Street in said City; the above described tract being also recorded as Lot 6 of said subdivision.

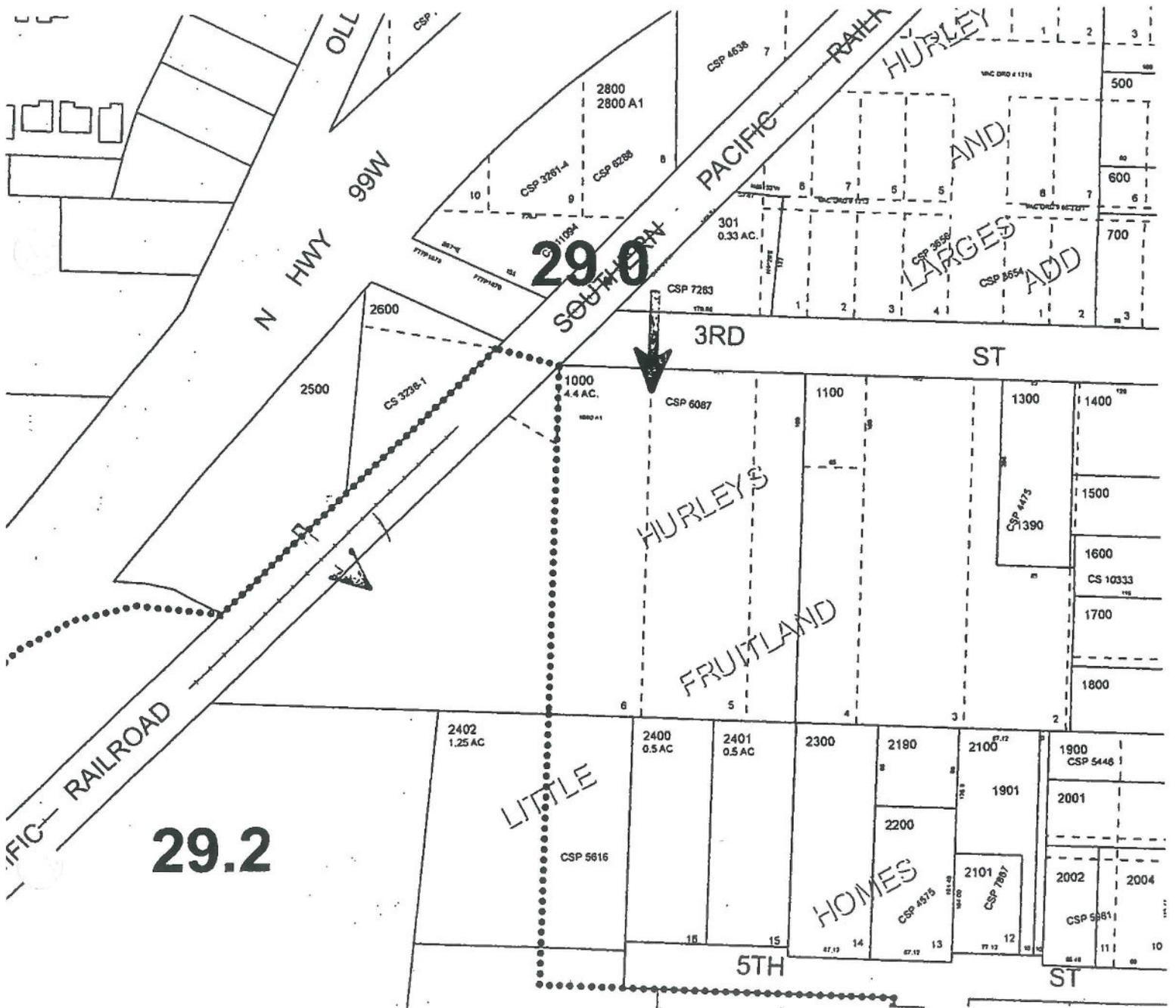
NOTE: This Legal Description was created prior to January 01, 2008.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey



VOL. 23 - 421
GRANT OF EASEMENT

THIS INDENTURE, made and entered into this 8 day of ^{JUNE}~~MAY~~, 1962, by and between JOHN P. MACAULAY and ELSIE T. MACAULAY, husband and wife, hereinafter referred to as the Parties of the First Part, and the CITY OF NEWBERG, a municipal corporation of Yamhill County, State of Oregon, hereinafter referred to as the Party of the Second Part,

WITNESSETH:

That for and in consideration of the sum of TEN AND NO/100 DOLLARS, cash in hand paid to the parties of the First Part, the receipt of which is hereby acknowledged, and for other valuable considerations, the Parties of the First Part have this day bargained and sold, and by these presents do bargain, sell, convey, transfer and deliver unto the Party of the Second Part, its successors and assigns, a permanent easement and right of way for a sewer, as hereinafter described, including the perpetual right to enter upon the real estate hereinafter described, at any time that it may see fit, and construct, maintain and repair underground sewer lines and works, including both sanitary sewer lines and storm sewer lines, together with such connections and equipment as may be necessary or desirable to be used in connection therewith, for the purpose of conveying sewage and storm drainage through and under the land hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of said sewer lines and equipment and the further right to excavate and refill the same for the purpose of inspection, maintenance and repair of said sewer lines and equipment and the replacement thereof, and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction, inspection, repair and maintenance of said sewer lines, equipment and connections.

The land affected by the grant of this Easement and Right of Way hereinafter described as the "Principal Tract", is located in the City of Newberg, County of Yamhill and State of Oregon, and is more particularly described as follows:

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Yamhill County Tax Lot No. 1932-137-1, and being Lot No. 4 of Hurley's Fruit Land Subdivision in said City of Newberg.

The Easement and Right of Way hereby granted is more particularly described as follows, to-wit:

A part of a sewer easement 20 feet in width having the following described center line, to-wit:

Beginning at a point on an existing 10 inch sewer line approximately 442.5 feet West of the intersection of Third Street and Harrison Street in the City of Newberg, Oregon, said place of beginning being North of a point on the North line of Lot #4 of Hurley's Fruitland Subdivision, 155 feet Easterly of the Northwest corner of Lot 5 of said Subdivision; thence South 00°04' West, 668.0 feet to a point in Fifth Street; thence East 702.0 feet to the intersection of Fifth and Lincoln Streets; thence South 00°37' West, 205.0 feet to a point; thence South 22°33' West, 346.05 feet to a point; thence South 07°15' West, 306.7 feet; thence South 56°25' East, 101.3 feet to a point in Dayton Avenue, said point being 208.8 feet North 41°17' East from a city monument; thence South 56°25' East, 255.3 feet; thence South 43° East, 151 feet to the pumping station.

The part of said sewer easement hereby granted being the portion thereof which lies upon and across said "Principal Tract" as hereinabove defined and described.

TO HAVE AND TO HOLD said Easement and Right of Way unto the Party of the Second Part and unto its successors and assigns forever.

The Parties of the First Part have and do hereby covenant with the Party of the Second Part that they are lawfully seized and possessed of the real property above described and granted; and that they have a good and lawful right to convey it, or any part of it; and that it is free from all encumbrances except as hereinafter stated, and that they will forever warrant and defend title thereto against the lawful claims of all persons whomsoever, except as hereinafter stated.

ENCUMBRANCES AS FOLLOWS:

Reservations and Exceptions in Deed from the Reconstruction Finance Corporation to Cargo Lumber and Timber Corporation, recorded August 23, 1950 in Book 158, Page 482, Deed Records. Reserves fissionable minerals, if any.

The Parties of the First Part have and do hereby further remise, release and quitclaim unto the Party of the Second Part, its successors and assigns, all of their right, title and interest in and to any portion of the within described Easement and Right of Way running from said Third Street to said Pumping Station, not lying within the "Principal Tract",

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as hereinabove defined and described.

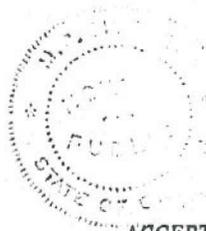
IN WITNESS WHEREOF, we have hereunto set our hands the day and year first hereinabove written.

John P. Macaulay (SEAL)
Elsie T. Macaulay (SEAL)
Parties of the First Part

STATE OF Oregon }
County of Yamhill } ss.

BE IT REMEMBERED, That on this 8 day of ~~May~~ JUNE, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named JOHN P. MACAULAY and ELSIE T. MACAULAY, husband and wife, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



W. Gilbert
NOTARY PUBLIC FOR OREGON
My Commission Expires:
the 13th day of Dec. 1963

ACCEPTED by the City of Newberg, a Municipal Corporation of the State of Oregon, this 27~~E~~ day of JUNE, 1962, by Order of the Council.

STATE OF OREGON

67917
W. Gilbert
RECORDER

County of Yamhill
the 27th day of June 1962
received
35
62-3-54
LACK PUBL

Miss Sherill

QUITCLAIM DEED AND BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, That RECONSTRUCTION FINANCE CORPORATION, a Corporation created by Act of Congress, in consideration of SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00) cash, receipt of which is hereby acknowledged, and the execution and delivery concurrently herewith of a Note in the sum of TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00), secured by a Mortgage made by CAROO LUMBER & TIMBER CORP., a Corporation organized and existing under the Laws of the State of New York, does hereby remise, release and forever quitclaim to CAROO LUMBER & TIMBER CORP., its successors and assigns, all its right, title and interest in and to the following described real property, with the tenements, hereditaments and appurtenances, situate in the County of Yamhill, State of Oregon, bounded and described as follows, to-wit:

- (1) Part of Lots Numbered 4 and 5 of Hurley's Fruit Land Subdivision of the City of Newberg, Yamhill County, State of Oregon, being a part of the Original Donation Land Claim of John H. Hess and Selby Hess, his wife, Claims No. 39 and 40 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian in said County and State, said part being bounded and particularly described as follows:

Beginning at the Northwest corner of Lot Numbered 3, said point being on the South line of Third Street in Newberg, Oregon, thence East along the South line of Third Street 165 feet, thence South parallel to the West line of said Lot Numbered 3, 378 feet to the South line of Lot Numbered 4 of Hurley's Fruit Land Subdivision; thence West along the South line of Lots Numbered 4 and 5, 165 feet to the Southwest corner of Lot Numbered 3; thence North along the West line of Lot Numbered 3, 378 feet to the point of beginning.

- (2) That portion of the South Half of the original Donation Land Claim of John H. Hess and Selby Hess, his wife, being Claims No. 39 and 60 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian in Yamhill County, Oregon, lying or being bounded on the East by the West line of Tract 5 of Hurley's Fruit Land Subdivision, being also designated upon the plat and map as Lot 5, Hurley & Large's Addition to the Town (now City) of Newberg as platted and of record in the office of the County Clerk of said County and State; on the West by the Southern Pacific Railroad Right-of-way; on the South by the line of said Claim and on the North by Third Street in said City; the above described tract being also recorded as Lot 6 of said Subdivision. - -

And excepting from this conveyance and reserving to the United States of America, in accordance with Executive Order 9908, approved on December 5, 1947, (12 Fed. Reg. 8223), all uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761), to be peculiarly

essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such materials had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the commission does not require delivery of such material to it, the reservation hereby made shall be of no further force or effect.

RECONSTRUCTION FINANCE CORPORATION further transfers, sells, delivers and conveys to CARGO LUMBER & TIMBER CORP. the mill machinery and equipment located on the above described premises in its present condition and location without any representations or warranties whatsoever, either expressed or implied, which mill machinery and equipment includes the following:

- 1 Goulds Pump - 2" V-belt drive, no motor, Figure 7769 - broken castings
- 1 Ponds Saw - Iron Frame, 8' blade with friction clutch. Powered by G. E. 5 h.p. Motor No. 593506 with starter switch
- 1 Iron-saw Filing Frame
- 3 Peavies
- 1 8' Power Saw Blade
- 2 Pike Poles - 10' Aluminum Handle
- 1 Log Haul Drum with Line and Hook, 10" x 30", Gear Reduction, Friction Drive, from Head Rig
- 1 Log Turner, Drum and Cable with Hook, Friction Drive from Head Rig
- 1 Kicker and Turner, Friction Drive, H.M.
- 1 24' Carriage, S.M., 3 Block 48" opening with Electric Set Works, Cleveland Gear Reducer Size 50 AT - 29-1 ratio, No. 46-94829 and 5 h.p. G.E. Motor

158 PAGE 484

- 1 Friction Feed Works, Chain driven from Head Rig
- 1 Head Rig, 2 52" Saws, Mandrels, Shafting Bearings, Wood Frame with Belt Drive to Top Saw. Powered by G. E. 150 h.p. Motor No. 323508 - 440 volt, with Counter Shaft, Sheaves and Bearing and 150 h.p. Allis-Chalmers Starter and Switch
- 1 6-line Roll-off Bearer Chain Driven by G.E. Gear Motor, 3 h.p. Model K28401629, Speed 1150 - No. 105577
- 1 Iron Frame 3-chain Transfer Chain to Edger, Gear Drive
- 1 Set 5-line Rolls, Belt Drive, 6" x 30" Rolls
- 1 3-saw Edger, Newport No. 3
- 1 3-chain Transfer to Trim Saw, Iron Frame, S.M., Driven by Master Gearhead 2 h.p. Motor No. TD12802 with Starter and Control Station
- 5 3" x 14" Rollers in Wood Case
- 1 Fay & Egon Swing Mandrel Saw
- 1 7-1/2" x 30" Rolls in Iron Case
- 1 3-chain Green Chain, 75' long, Wood Frame, with Shafting, Sprockets, Bearings and Chain Drive; driven by 7-1/2 h.p. G.E. Gear Motor No. 6360672
- 1 Swing Mandrel Saw, S.M., Steel Frame, Belt Drive, driven by 10 h.p. Westinghouse Motor, no number, Gibbs Electric Co.
- 1 Wood Roll Case, 16 Rolls, 6" x 20"
- 1 Wood Conveyor to Bunker, 50' long with Shafting, Sprockets and #2 Chain
- 1 Trim Conveyor, 30' with Chain, Sprockets, Shafting and Bearings, driven by Master Gearhead Motor, 2 h.p., No. GA5369 - 48 r.p.m. Chain Drive
- 1 Sawdust Conveyor, 40' long with Chain, Shafting, Bearings and Sprockets, driven from Head Rig
- 1 American No. 80 Planer, driven by 40 h.p. Allis Chalmers Motor No. R16X60194-33 and 50 h.p. G.E. Motor No. XG6681430 with 2 Trumbull Master Switches No. 243554 and G.E. Starter, 35 h.p. No. 1537905 and 50 h.p. Starter, no number
- 1 Blower - 60" Archer, with Ducts and Pipe to Pit, approx. 225', Powered by 50 h.p. Skeen Electric Motor, no number
- 1 Double Drum Yarding Donkey, powered by Ford V-8 Motor, no number, with Cable, Yarding Blocks, Log Tongs and Cold Deck and Unloading Rigging
- 1 Chevrolet Truck, 1941 - 1-1/2 ton
- 1 Trailer, 1941 Trombley Dual Axle
- 7 Lengths 4" Irrigation Pipe
- 1 3" Pump, Centrifugal with Foot Valve and Pipe - Broken Casing and Rotor
- 1 Willamette Carrier, Model G.P. 2 - No. 612, 1940 Model
- 1 4" B.S. Vise
- 1 52" Hoe Saw
- 1 Dismantled 6' Chain Saw, Parts Only

The following items of machinery and equipment are expressly excluded from the foregoing list, and are subject to any or all claims that one J. N. HESS, as a Sublessee, may assert with respect thereto, arising out of the installation thereof by the said J. N. HESS, or otherwise, upon the above described premises:

- 1 Cutler Hammer 50 H.P. Starter
- 1 Planer Feeder H.M., Belt driven by 2 H.P. G.E. Motor 5K221V88 with controls
- 2 2" 4 blade side heads
- 2 4" 6 knife blades
- 1 short portable green chain w/1/2 H.P. Motor

TO HAVE AND TO HOLD the same to the said CARGO LUMBER & TIMBER CORP. and to its successors and assigns forever.

This DEED AND BILL OF SALE is without warranty and representation as to

158 PAGE 485

location, as to title, quantity or condition of real and personal property, or in any other respect whatsoever.

IN WITNESS WHEREOF, RECONSTRUCTION FINANCE CORPORATION has executed this instrument this 16th day of August, 1950, by WILLIAM KENNEDY, its Attorney in Fact, hereto fully authorized by power of attorney, duly executed and recorded.

RECONSTRUCTION FINANCE CORPORATION

By William Kennedy

Attorney in Fact

STATE OF OREGON)
County of Multnomah) ss

On this 18th day of August, 1950, before me personally appeared

WILLIAM KENNEDY, who, being duly sworn, did say that he is the Attorney in Fact for RECONSTRUCTION FINANCE CORPORATION, and that he executed the foregoing instrument by authority of, and on behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.

Before me:

Olga Batten

Notary Public for Oregon

My Commission Expires: 1-25-54

(Notarial Seal)

25759

STATE OF OREGON,) ss.
County of Yamhill,

I, A. R. McLAUGHLIN, County Clerk in and for said County and State, do hereby certify that the within Instrument of Writing was received and has been by me duly recorded on Page _____ of Volume _____ of the Records of _____ A. D. 1950, at _____ o'clock, A.M.

23 day of Aug A.D. 1950, at 8:40
In testimony whereof, I have hereto subscribed my name and affixed my Official Seal.
By A. R. McLaughlin Deputy
County Clerk

CISTOT000004MAR0716

NEXT ACTIVITY

YAMHILL COUNTY

STATEMENT OF ACCOUNT

PIN#: R3219BD 01000 001 ACCOUNT 52908 INT/DISC TO: 03152016 EXT PIN

START YEAR: 2009

03/15/2016

YEAR	LEVIED TAX	UNPAID TAX	FEE(S)	INT/DISC	PAYMENTS	AMOUNT DUE
2015						
2014	5960.99+				5960.99-	
2013	5766.63+				5766.63-	
2012	5581.71+				5581.71-	
2011	5405.01+				5405.01-	
2010	5547.74+				5547.74-	
2009	5357.27+				5357.27-	

TOTAL DUE:

---- ACTIONS ----

SI: 520 W 3RD ST

NEWBERG CITY OF
414 E 1ST ST
NEWBERG OR 97132

TXBL: 372099+

PEN: M#:

OMIT/HIST:

DQTX: LEVY CODES: 29.0 29.2

LEGAL: HURLEY & LARGE'S ADDITION = 4.40 ACRES 4.4 AC IN LT 5 & 6 & P

XMT | NEXT | BACK

PARI T000005MAR0716

NEXT ACTIVITY:

EXEMPT
CITY OF NEWBERG

YAMHILL COUNTY
REAL PROP ASSESSMENT INQUIRY #1

PIN#: R3219BD 01000

1 ACCOUNT#: 52908

LEVY CODE(S): 29.0 29.2

PCA: 9413 STAT CLASS: 680 NBRHOOD: INW3

OWNER: NEWBERG CITY OF
BUYER:
AGENT:
ADDRESS: 414 E 1ST ST
NEWBERG OR 97132 -

EXEMPTION-ORS #: 307.090
 EXEMPT: X
 1/4 %:
 SR CIT:
 DISABLED CIT:

CURRENT YR (2015) ASS'D VALUES		CURRENT YR RMV:	PRIOR YR (2014) VALUES		
ASSESSED VALUE:	372,099+	LAND:	261,244	RMV:	877,782
TOTAL EXEMPTIONS:	372,099+	IMPS:	616,538	TAXABLE:	361,264
TOTAL TAXABLE:		TOTL:	877,782		

SPECIAL ASSESSMENTS
-TYPE- -UNITS-

PERSONAL PROP: P13074 *MORE PP*

RELATED PIN'S: R3219BD 01000 00A0

RELATED MFD STR:

DISQ TAX:
DISQ REASON:

DISQ DATE:

XMT | NEXT | BACK

PAR2 T000006MAR0716

NEXT ACTIVITY

EXEMPT
CITY OF NEWBERG

YAMHILL COUNTY
REAL PROP ASSESSMENT INQUIRY #2

PIN#: R3219BD 01000

1 ACCOUNT#: 52908

SITUS:	HOUSE #:	520	STREET:	W 3RD ST
	UNIT:		CITY:	NEWBERG

LEGAL: HURLEY & LARGE'S ADDITION = 4.40 ACRES
4.4 AC IN LT 5 & 6 & PT LT 4

VOL/PAGE:	/ 0000	INSTR YR/NBR:	2015/05496	PARENT PIN#:
COURT DEC:				PAR1 MH#:
REVIEW:				MH PIN#:
BOPTA:				MH PIN#:
MAGISTRATE:				MH PIN#:
D OF R:				
TAX CT:				

NOTES: AFF #9788 & AFF #9789
AFF #11180 1996 INCORRECT
VALUES ENTERED

ZONES: M2

AFFIDAVITS:

SPECIAL CONDITION CODE:

LAST UPDATE: 07/13/2015

XMT	NEXT	BACK
-----	------	------

LEGAL000007MAR0716

NEXT ACTIVITY

EXEMPT
CITY OF NEWBERG

YAMHILL COUNTY
LEGAL DESCRIPTION

PIN#: R3219BD 01000

001 ACCOUNT #: 52908

EXT PIN

LOT/BLOCK/SUBDIV:

HURLEY & LARGE'S ADDITION

ACREAGE: 4.40

SQUARE FOOTAGE: 0 NEXT LEGAL 0'

A/C/D	DESCRIPTION	LINE
	4.4 AC IN LT 5 & 6 & PT LT 4	1
		2
	#2010/04377 RE-RECORDED AS #2010/005654	6
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0

CARTOG NOTES: NO
 YES
 GO

REVISION REMARKS: NO
 YES
 GO

XMT | NEXT | BACK



EXHIBIT E: ANNEXATION CONSENT FORM

ANNEXATION CONSENT

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

The undersigned City of Newberg

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) a portion of 520 W. 3rd Street and (tax lot) a portion of 3219BD-1000, 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.

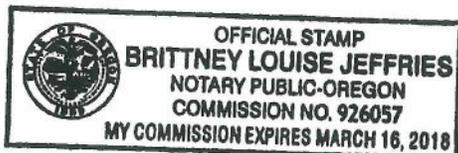
IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 29th day of Feb, 20 16.

Stephen A. Rhodes

STATE OF Oregon, County of Yamhill ss 2 / 29 / 2016
Month / day / year

Personally appeared the above named Stephen Rhodes, City Manager
Pro-Tem

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



Before me: [Signature]
Notary Public for City of Newberg
My commission expires 3/16/2018



**EXHIBIT F: LEGAL DESCRIPTION AND
EXHIBIT MAP OF AFFECTED TERRITORY**



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5157

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

Annexation Legal Description for the City of Newberg

A tract of land located in the Northwest One-Quarter of Section 19, Township 3 South, Range 2 East, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the northwesterly corner of Lot 16 of the plat "Little Homes", said point being on the southerly line of Document Number 201505496, Yamhill County Records; thence along said southerly line South 89°52'20" West 83.90 feet to a point on the City of Newberg city limits line, and also being the True Point of Beginning of the tract of land herein described; thence continuing along said southerly line South 89°52'20" West 189.09 feet to the centerline of Chehalem Creek, and also being the Urban Growth Boundary line; thence along said Urban Growth Boundary line Northwesterly 129.6 feet, more or less, to the southeasterly right-of-way line of Southern Pacific Railroad (30.00 feet from centerline); thence along said southeasterly right-of-way line North 43°46'29" East 416.16 feet to the southerly right-of-way line of W 3rd Street (30.00 feet from centerline), and also being a point on the City of Newberg city limits line; thence along said city limits line South 00°05'05" East 378.00 feet to the True Point of Beginning.

The above described tract of land contains 1.41 acres, more or less.

3/14/2016

REGISTERED
PROFESSIONAL
LAND SURVEYOR

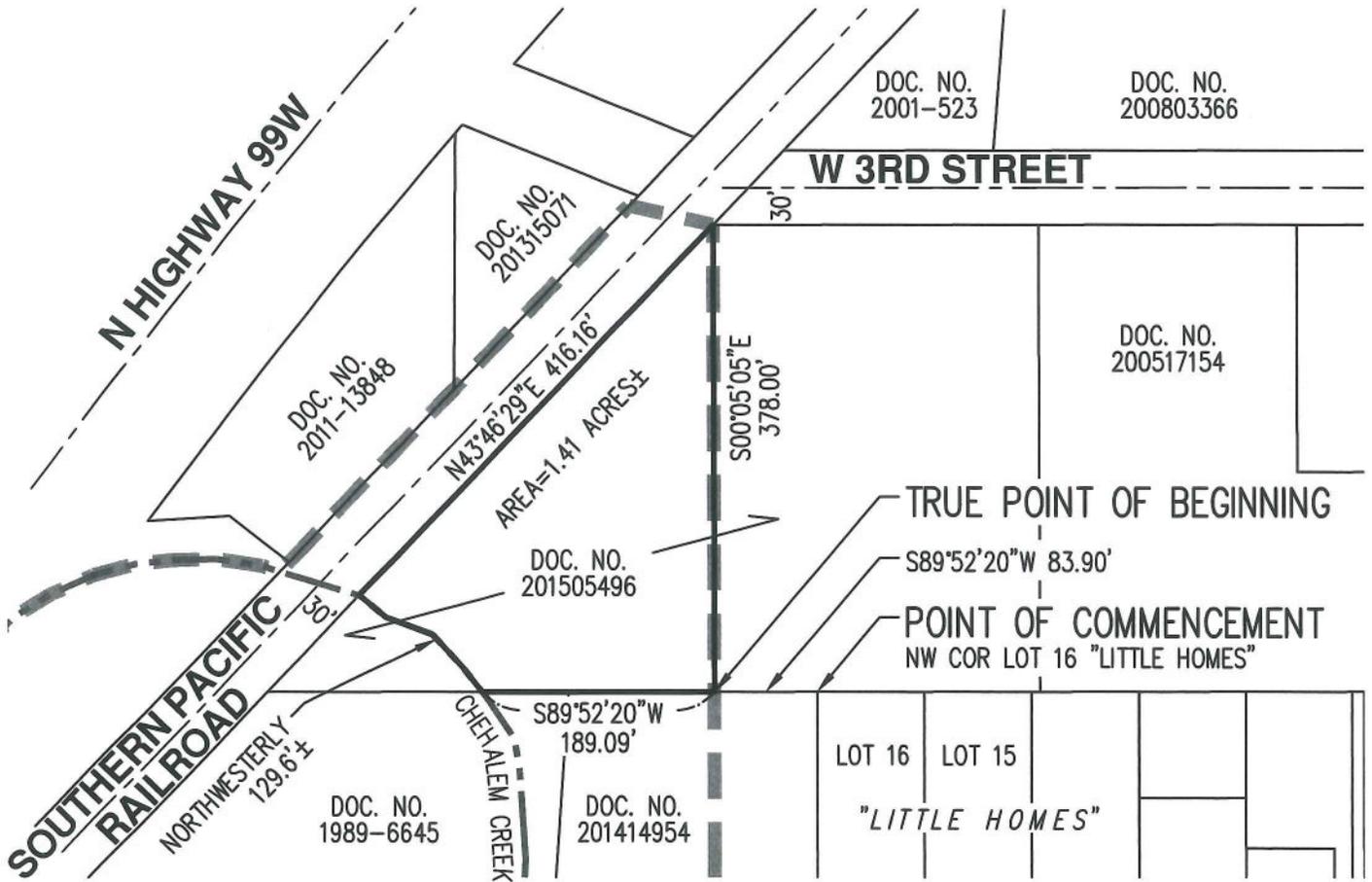
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

EXHIBIT B

CITY OF NEWBERG ANNEXATION

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON



LEGEND

- URBAN GROWTH BOUNDARY
- CITY OF NEWBERG CITY LIMITS

03/14/2016

PREPARED FOR

CITY OF NEWBERG
414 EAST FIRST STREET
NEWBERG, OR 97132

SCALE 1" = 150 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

ANNEXATION EXHIBIT
520 W 3RD STREET - NEWBERG

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT
B

DRWN: WCB
CHKD: NSW

AKS JOB:
5157



**EXHIBIT G: VICINITY MAP/GENERAL
LAND USE PLAN OF AREA TO BE ANNEXED**



NOTES:

1. THIS MAP IS FOR PLANNING PURPOSES ONLY AND DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
2. THE PROPERTY LINES SHOWN HEREON ARE DERIVED FROM YAMHILL AND COUNTY ASSESSOR'S INFORMATION.
3. THE CONTOURS SHOWN HEREON ARE PER NOAA NAD83 LIDAR DATED 2007 WITH AN INTERVAL OF 1 FOOT.
4. THE AERIAL PHOTOGRAPH IS FROM GOOGLE EARTH.

LEGEND

- - - - - ZONING BOUNDARIES
- - - - - NEWBERG CITY LIMITS
- - - - - URBAN GROWTH BOUNDARY

AKS
 AKS ENGINEERING & FORESTRY, LLC
 12085 SW HERMAN RD STE 100
 TUALATIN, OR 97062
 P: 503.563.6151
 F: 503.563.6152
 aks-eng.com

520 W 3RD STREET
NEWBERG
 OREGON
 TAX MAP 3 2 198D
 TAX LOT 1000

VICINITY MAP

DESIGNED BY:
 DRAWN BY:
 CHECKED BY: NW
 SCALE: AS NOTED
 DATE: 03/15/2016

PRELIMINARY

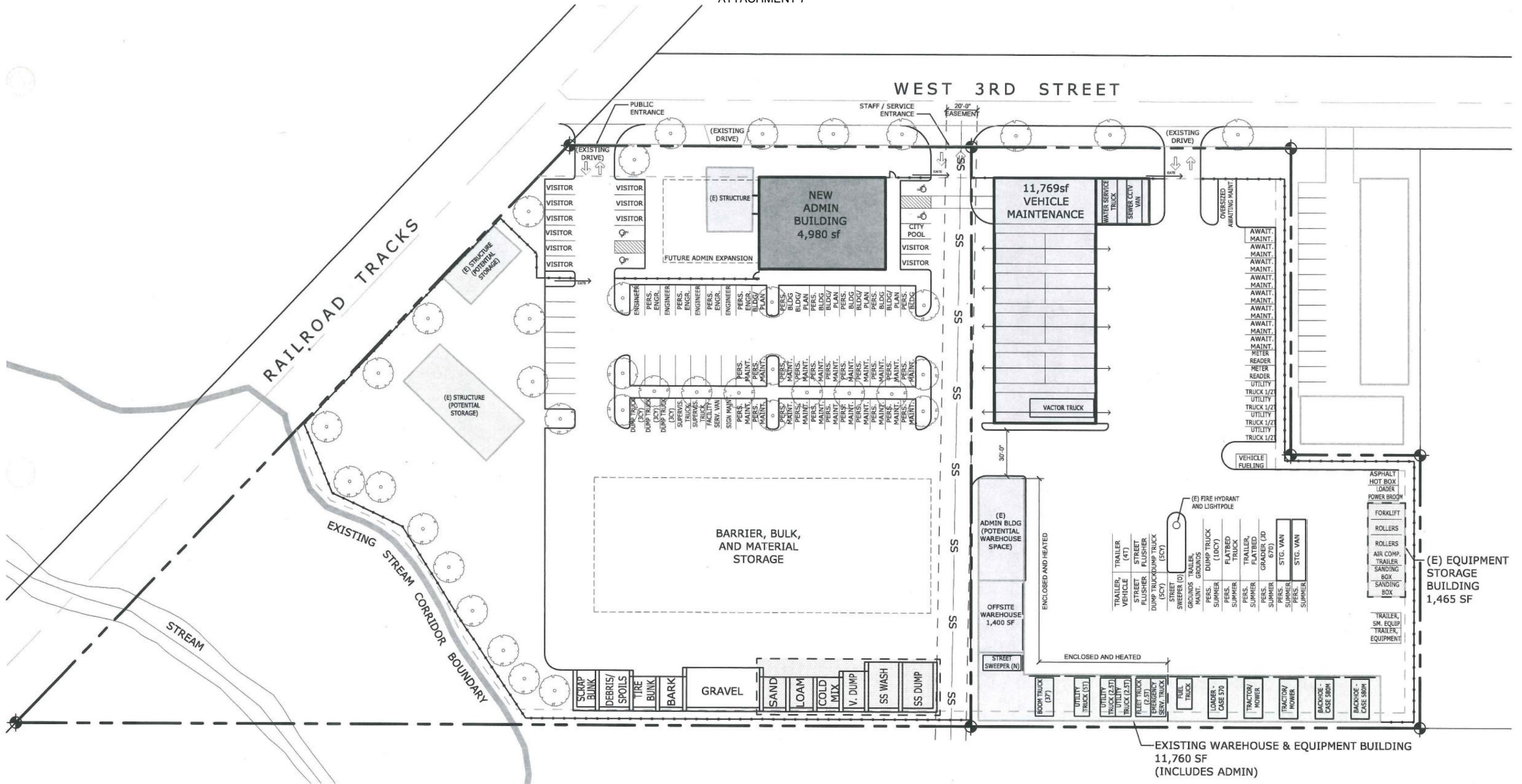
REVISIONS

JOB NUMBER
 5157

SHEET
 01



**EXHIBIT H: CONCEPT DEVELOPMENT
PLAN**



CITY OF NEWBERG MAINTENANCE YARD - Conceptual Site Study - DRAFT

500 W. 3rd Street, Newberg, Oregon 97132
 1" = 60'-0"
 November 16, 2015

150200

620 SW 5th Avenue, Suite 500
 Portland, Oregon 97204
 503.236.6000
 www.myhregroup.com



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**EXHIBIT I: TRANSPORTATION PLANNING
RULE (OAR 660-012-0060) ANALYSIS**

March 16, 2016

Steve Olson, AICP
Senior Planner
City of Newberg
414 E. First Street
Newberg, OR 97132

RE: Transportation Planning Rule Analysis – 520 W. 3rd Street

Dear Mr. Olson,

We are submitting this analysis of Oregon Administrative Rule 660-012-0060, more commonly known as the Oregon Transportation Planning Rule, as it relates to the annexation of an approximately 1.4 acre portion of the property at 520 W. 3rd Street.

Per Oregon Administrative Rule (OAR) 660-012-0060(9), a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if, (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 proposed zoning is consistent with the City's acknowledged TSP; and (c) the TSP accounts for urbanization of the subject property. The zoning map amendment included in this application seeks to change the current Yamhill County Heavy Industrial (HI) designation to Newberg's Light Industrial (M-2) designation and is consistent with, and does not alter, the City's Comprehensive Plan. Further this property was included in the Urban Growth Boundary and was accounted for in the City's 2005 TSP. This zoning map amendment therefore satisfies all of the above-referenced conditions and the City can find that it does not significantly affect a transportation facility.

Further OAR 660-012-0060(1) clearly defines those amendments to a plan or land use regulation that are considered to significantly affect a transportation facility. These amendments include, plan or land use regulation amendments that would: (a) Change the functional classification of an existing or planned transportation facility; (b) Change standards implementing a functional classification system; or (c) result in ((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.

The zoning map amendment included in this application will not change the functional classification of any existing or planned roadways in the City of Newberg nor will it change the standards implementing a functional classification system. Finally, as shown in Table 1 below, and as described in more detail in the following paragraphs, the future zoning designation will not result in the degradation of performance of any transportation facilities that provide access to and from the property.

Table 1 Approximate Trip Generation from Previous and Anticipated Future Uses at 520 W. 3rd Street

Use Category	Weekday PM Peak Hour Trip Generation Rate (per acre)	Estimated Weekday PM Peak Hour Trip Impact
Cement Plant (ITE Land Use Code 140 – Manufacturing)	8.35	31
Operations/Maintenance Yard (ITE Land Use Code 110 – Light Industrial)	7.62	28

Source: ITE Trip Generation Manual, 8th Edition

The property takes access from and is intended to continue to take access from W. 3rd Street, which is classified as a minor collector street in the City's TSP. In 2005, the intersection of OR Hwy 99W and W. 3rd Street operated at a LOS E during the evening peak hour even though observed traffic volumes accounted for only one-fifth of available capacity. This relatively constrained LOS is due to delay for vehicles making left turns from this unsignalized intersection onto OR Hwy 99W during the peak hour.

Rather than encourage access to OR Hwy 99W from its intersection with W. 3rd Street, the TSP encourages these motorists to instead use the signalized intersection at OR Hwy 99W and Main Street, hence the TSP does not identify specific capital projects planned for the intersection of W. 3rd Street and OR Hwy 99W. Further, under the 2025 Preferred Network Alternative (which includes the Newberg-Dundee Bypass that is currently under construction), the TSP forecasts that this intersection will operate at a LOS C (which exceeds the LOS E performance standard).

The intended future use of this site creates fewer impacts to the City's transportation facilities than the former use of the site. The ITE Trip Generation Manual estimates a Weekday PM peak hour trip generation rate of 8.35 trips per acre for manufacturing uses (Land Use Code 140), such as the cement manufacturing plant that previously occupied this site. This equates to 31 PM peak hour trips for this approximately 3.8 acre property (see Table 1, above).

The ITE Trip Generation manual does not include a land use category for government operated maintenance yards, such as that intended for the future use of this site; the most similar use category listed in the ITE Trip Generation Manual is general light industrial (Land Use Code 110). ITE estimates a Weekday PM peak hour trip generation rate of 7.62 trips per acre for light-industrial uses. This equates to 28 PM peak hour trips for this approximately 3.8 acre property. Based on ITE estimates, PM peak hour trips generated from the intended use on this site will be slightly less than those previously generated on-site. Because the trip impacts from the anticipated uses on this site are lower than those which existed on this site when the 2005 TSP was adopted and because the TSP accounted for all land within the UGB, we conclude this annexation will not significantly affect a transportation facility. Please feel free to contact me anytime to discuss this matter.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



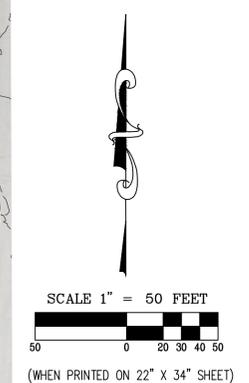
Chris Goodell, AICP, LEED^{AP}



**EXHIBIT J: PROPERTY OWNER ADDRESS
LIST**

520 W. 3rd Street Annexation
 City of Newberg
 Property Owners within 500-ft of Subject Site

First Name	Last Name	Address	City	State	ZIP
Apolinar	Perez	4205 SE Riverside Lp	McMinnville	OR	97128
Todd	Albertson	400 W 5th St	Newberg	OR	97132
Danika	Porter	3221 SW Primrose St	Portland	OR	97219-5314
Lawrence & Gracia	Landes	420 S Harrison St	Newberg	OR	97132
Ronald & Patricia	Hamilton	414 S Harrison St	Newberg	OR	97132
Eric	Hanson	416 S Harrison St	Newberg	OR	97132
Gary & Nancy	Mehlhoff	1150 NE 17th St	McMinnville	OR	97128
Roger & Katherine	Muckey	13650 NW Willis Rd	McMinnville	OR	97128
Carol	Miller	314 W 3rd St	Newberg	OR	97132
Angela	Vachter	315 W 4th St	Newberg	OR	97132
	Us Bank	115 Old Highway 99w	Newberg	OR	97132-4604
Ray & Janet	Goedel	201 Old Highway 99w	Newberg	OR	97132
Cong Ly	Voong	105 Old Highway 99w	Newberg	OR	97132
Ray & Janet	Goedel	201 Old Highway 99w	Newberg	OR	97132
Derek & Nicholette	McGraw	15048 Swallow Ct	Klamath Falls	OR	97601
Scott	Johnson	205 Old Highway 99w	Newberg	OR	97132
	Jsh LLC	23167 NE Sunnycrest Rd	Newberg	OR	97132
Jose	Pena	215 Old Highway 99w	Newberg	OR	97132
James & Carolyn	Keller	217 Old Highway 99w No 36	Newberg	OR	97132
	Nwt Development LLC	PO Box 490	Newberg	OR	97132
Adam	Drew	800 W 1st St No 7	Newberg	OR	97132
	Hurl Bros LLC	720 NW Michelbook Ct	McMinnville	OR	97128
Donald & Patricia & Samuel	Hulse	1203 N Main St	Newberg	OR	97132
Jason & Emanuela	Martin	111 S Harrison St	Newberg	OR	97132
Gary	Peters	201 S Harrison St	Newberg	OR	97132
Joyce	Colling	959 SW 7th St	Dundee	OR	97115
	Hurl Bros LLC	720 NW Michelbook Ct	McMinnville	OR	97128
	Newberg City Of	414 E 1st St	Newberg	OR	97132
	Dto LLC	18467 Ballinger Way NE	Lake Forest Park	WA	98155
	Yamhill County	434 NE Evans St	McMinnville	OR	97128
John & Lalonie	Self	301 S Harrison St	Newberg	OR	97132
	Triangle Holdings II LLC	3121 SW Moody Ave	Portland	OR	97239
Nancy	Fox	20805 NE Highway 240	Newberg	OR	97132
Gary & Karen	Burkholder	405 S Harrison St	Newberg	OR	97132
Leatrice	Wyatt	407 S Harrison St	Newberg	OR	97132
Cecelia	Glaser	5136 Perth Glen Dr	Antelope	CA	95843
Mario	Sanchez	560 SE Locust St	Dundee	OR	97115-9693
Donald & Orpha	Thumler	3558 Bursell Rd	Central Point	OR	97502
Alfred & Karen	Littau	409 W 5th St	Newberg	OR	97132
Brian	Behner	419 S Harrison St	Newberg	OR	97132
Mario	Sanchez	560 SE Locust St	Dundee	OR	97115-9693
Jorge Fonseca	Reyes	411 W 5th St	Newberg	OR	97132
Silvio	Carbone	8253 Tivoli Cove Dr	Las Vegas	NV	89128
Reed	Burch	501 W 5th St	Newberg	OR	97132
Brian	Fox	507 W 5th St	Newberg	OR	97132-2505
Lucas & Michelle	Buyas	517 W 5th St	Newberg	OR	97132
Melanie	Harrison	511 W 5th St	Newberg	OR	97132
James & Mary	Forkner	521 W 5th St	Newberg	OR	97132
	Sewatt Properties LLC	7881 SW Peters Rd	Tigard	OR	97224
	Pacwest Energy LLC	3450 Commercial Ct	Meridian	ID	83642
	Newberg Marine Center LLC	12128 NE Honey Ln	Newberg	OR	97132
Joseph & Joseph	Clements	604 W 1st St	Newberg	OR	97132
Jamie	Nibler	616 W 1st St	Newberg	OR	97132
John & Janice	Bertoglio	412 W 5th St	Newberg	OR	97132
Adrian & Marnie	Kole	504 W 5th St	Newberg	OR	97132
Jonathan & Laura	Umfleet	502 W 5th St	Newberg	OR	97132
Wendy	Ross	1205 W Highland Ave No A2	Hermiston	OR	97838
Dwight & Carolyn	Hageman	510 W 5th St	Newberg	OR	97132
Allen	King	520 W 5th St	Newberg	OR	97132
Jimmy & Mary	Parrack	24400 NE Zard Ln	Newberg	OR	97132
James & Carolyn	Keller	217 Old Highway 99w No 36	Newberg	OR	97132



- NOTES:**
1. THIS MAP IS FOR PLANNING PURPOSES ONLY AND DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
 2. THE PROPERTY LINES SHOWN HEREON ARE DERIVED FROM YAMHILL AND COUNTY ASSESSOR'S INFORMATION.
 3. THE CONTOURS SHOWN HEREON ARE PER NOAA NAD83 LIDAR DATED 2007 WITH AN INTERVAL OF 1 FOOT.
 4. THE AERIAL PHOTOGRAPH IS FROM GOOGLE EARTH.

LEGEND

	ZONING BOUNDARIES
	NEWBERG CITY LIMITS
	URBAN GROWTH BOUNDARY

AKS
 AKS ENGINEERING & FORESTRY, LLC
 12065 SW HERMAN RD. STE 100
 TUALATIN, OR 97062
 P: 503.563.6151
 F: 503.563.6152
 aks-eng.com

520 W 3RD STREET
NEWBERG OREGON
 TAX LOT 1000

VICINITY MAP

DESIGNED BY:
 DRAWN BY:
 CHECKED BY: NW
 SCALE: AS NOTED
 DATE: 03/15/2016

PRELIMINARY

REVISIONS
 JOB NUMBER
5157
 SHEET
01



ORDINANCE No. 2016-2804

AN ORDINANCE ANNEXING PROPERTY LOCATED AT 520 W. THIRD STREET, YAMHILL COUNTY TAX LOT 3219BD-1000, INTO THE NEWBERG CITY LIMITS AND WITHDRAWING IT FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT, AND CHANGING THE CURRENT ZONING FROM YAMHILL COUNTY HI TO CITY M-2

RECITALS:

1. The City of Newberg Public Works Department submitted an application to annex 1.41 acres of property into the City of Newberg and change the zoning from Yamhill County HI to Newberg M-2. The annexation site is the western portion of 520 W. Third Street, Yamhill County tax lot 3219BD-1000.
2. The property is located within the Newberg urban growth boundary and is adjacent to the Newberg city limits. The Comprehensive Plan designation of the property is IND (Industrial), which is consistent with the proposed zoning of M-2 (Light Industrial). There is a Stream Corridor overlay on the southwest corner of the property. Adequate public services and utilities are available to serve the property within three years.
3. After proper notice, 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. 2016-318 recommending that the City Council approve the annexation request and concurrent zone change.
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.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The property shown in Exhibit "A" and described in Exhibit "B" is hereby annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District, and the zoning of the property is changed from Yamhill County HI to Newberg M-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 5th day of July, 2016, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

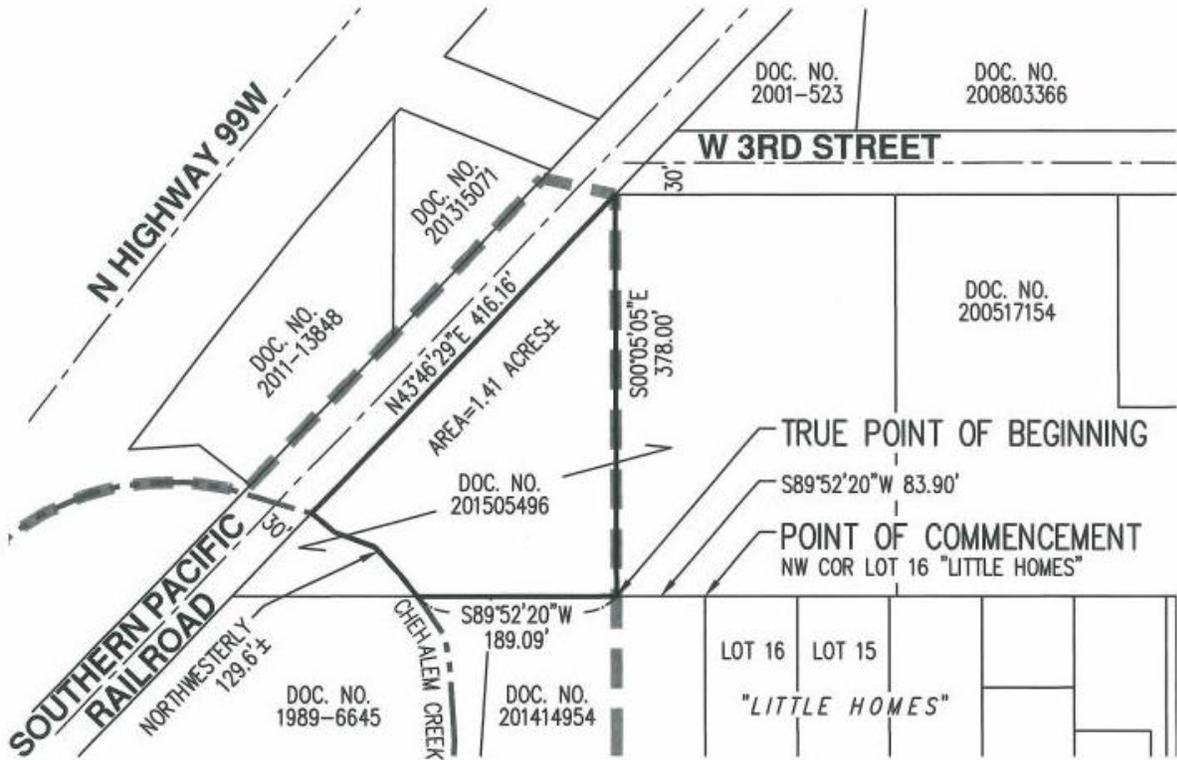
Sue Ryan, City Recorder

ATTEST by the Mayor this 7th day of July, 2016.

Bob Andrews, Mayor

**Exhibit "A" to Ordinance No. 2016-2804
Annexation Map – 520 W. Third Street**

CITY OF NEWBERG ANNEXATION
A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON



LEGEND

- URBAN GROWTH BOUNDARY
- CITY OF NEWBERG CITY LIMITS



03/14/2016

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

PREPARED FOR

CITY OF NEWBERG
414 EAST FIRST STREET
NEWBERG, OR 97132

SCALE 1" = 150 FEET



ANNEXATION EXHIBIT 520 W 3RD STREET - NEWBERG		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: WCB CHKD: NSW AKS JOB: 5157



**Exhibit “B” to Ordinance No. 2016-2804
Legal Description – 520 W. Third Street Annexation**

Annexation Legal Description for the City of Newberg

A tract of land located in the Northwest One-Quarter of Section 19, Township 3 South, Range 2 East, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the northwesterly corner of Lot 16 of the plat “Little Homes”, said point being on the southerly line of Document Number 201505496, Yamhill County Records; thence along said southerly line South 89°52’20” West 83.90 feet to a point on the City of Newberg city limits line, and also being the True Point of Beginning of the tract of land herein described; thence continuing along said southerly line South 89°52’20” West 189.09 feet to the centerline of Chehalem Creek, and also being the Urban Growth Boundary line; thence along said Urban Growth Boundary line Northwesterly 129.6 feet, more or less, to the southeasterly right-of-way line of Southern Pacific Railroad (30.00 feet from centerline); thence along said southeasterly right-of-way line North 43°46’29” East 416.16 feet to the southerly right-of-way line of W 3rd Street (30.00 feet from centerline), and also being a point on the City of Newberg city limits line; thence along said city limits line South 00°05’05” East 378.00 feet to the True Point of Beginning.

The above described tract of land contains 1.41 acres, more or less.

3/14/2016



**Exhibit “C” to Ordinance No. 2016-2804
Findings & Conditions –File ANX-16-002 – 520 W. Third Street**

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 site, located at 520 W. Third Street, is located within the urban growth boundary and is contiguous to the existing city limits on its east boundary.

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 IND (Industrial), with a Stream Corridor overlay on the southwest corner. The applicant has requested M-2 (Light Industrial) zoning for the site. The M-2 zoning district is consistent with the IND comprehensive plan designation, and a Stream Corridor zoning overlay will be placed on the southwest corner of the site. This criterion is met.

The Department of State Lands (DSL) commented that Chehalem Creek, on the southwest side of the site, has been designated Essential Salmonid Habitat. Based on the information provided, work within the developed footprint of this tax lot should not impact jurisdictional wetlands or waters. DSL will require a permit for any impact to the creek and its associated wetlands; contact DSL prior to any work outside of the developed footprint of the site to determine if a permit and/or wetland inspection will be needed.

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: Adequate urban services are currently available to the property. There is a 15-inch diameter wastewater line that runs north-south through the site along its eastern property line, and an 8-inch diameter wastewater line in Third Street. A 12-inch water main and two ¾-inch laterals in Third Street provide water service to the site. Stormwater is currently connected via an existing main in Third Street.

The proposed use as part of the Public Works Maintenance yard is expected to generate fewer trips than the previous use as a cement plant. Future redevelopment of the property may require improvements to the street frontage along Third Street. This criterion is met.

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. No departments or agencies noted any problems with providing services to the proposed annexation site. The public services provided by the Public Works Maintenance Division support the services provided by these other public departments and agencies. Police, fire, parks and school services are found to be adequate for the proposed annexation.

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 IND (Industrial), with a Stream

Corridor overly on the southwest corner of the site. The requested M-2 (Light Industrial) zoning designation, with a Stream Corridor zoning overlay on the southwest corner of the site, corresponds to the Comprehensive Plan designation. The proposed zone change is therefore consistent with the Newberg Comprehensive Plan, and 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 are available to the property.

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 M-2 is consistent with the existing comprehensive plan map designation of IND; the City of Newberg has an acknowledged TSP and the proposed zoning is consistent with the TSP; the TSP accounts for the future urbanization of this property.

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-mentioned findings, the application meets the criteria of the Newberg Development Code, as conditioned.

Conditions of approval

1. Department of State Lands: DSL will require a permit for any impact to the creek and its associated wetlands; contact DSL prior to any work outside of the developed footprint of the site to determine if a permit and/or wetland inspection will be needed.