

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2016-2805 No.

SUBJECT: An Ordinance annexing 10.37 acres of property located at 24950 NE North Valley Road, plus the area of the adjacent rights-of-way, into the City of Newberg and changing the zoning from Yamhill County AF-10 to Newberg R-1

Contact Person (Preparer) for this
Motion: Jessica Pelz, AICP
Dept.: Community Development
File No.: ANX-16-001

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION: Adopt Ordinance No. 2016-2805, annexing 10.37 acres of property located at 24950 NE North Valley Road, plus the area of the adjacent rights-of-way, into the City of Newberg and changing the zoning from Yamhill County AF-10 to Newberg R-1.

EXECUTIVE SUMMARY: This is an annexation request for 10.37 acres of property plus the area of the adjacent rights-of-way of property that is already identified as being within the Newberg urban growth boundary. The property has a Comprehensive Plan designation of PQ (Public/Quasi-Public), which corresponds with the requested zoning of R-1 (Low Density Residential) per section 15.250.080 of the Newberg Development Code. According to the most recent analysis completed as part of the recent “Martell Commons” Comprehensive Plan Map and Zone Map amendment, the city has a deficit of 37 acres of LDR land to meet 2030 housing needs. Annexation of this property will provide additional residential development opportunities to meet future housing demands.

Adequate public utilities are available to serve the site within three years – there are both public water and wastewater lines located at the intersection of Foothills Drive and Chehalem Drive. Future development will require the public utilities to be extended north along Chehalem Drive adjacent to the school property and park property to the site, and then to and through the site to serve future development.

The site is located at the southeast corner of the Chehalem Drive/North Valley Road intersection. Both roads are designated as major collectors in the Yamhill County TSP Functional Classification Map (TSP – Appendix). Street improvements to both frontages will be required at the time of development, and there will likely be a requirement for a sidewalk to be extended south along Chehalem Drive to connect at Foothills Drive. In addition, future development will likely require a traffic study, which will identify other necessary mitigation measures, including improvements to the site distance issue at the intersection.

State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg’s (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city’s adopted Development Code criteria for annexation. This property meets those criteria as outlined in the findings in Exhibit “C” and will not be sent to a public vote. The City Council will make the final local decision on this application for annexation.

FISCAL IMPACT: No direct fiscal impact to the city other than the addition of the 10.37 acres to the

property tax base.

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

ATTACHMENTS:

1. Planning Commission Resolution 2016-317 (with Exhibits “A”, “B”, and “C” by reference only and attached to Ordinance No. 2016-2805)
2. Aerial Photo
3. Concept Development Plan
4. Current Comprehensive Plan/Zoning Map
5. Application
6. Public Comments

Ordinance No. 2016-2805 with:

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



PLANNING COMMISSION RESOLUTION 2016-317

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF 10.37 ACRES OF PROPERTY, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY AF-10 TO NEWBERG R-1, FOR PROPERTY LOCATED AT 24950 NE NORTH VALLEY ROAD, TAX LOT 3207-00900

RECITALS

1. The Newberg First Baptist Church submitted an application to annex 10.37 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County AF-10 to Newberg R-1. The property is located directly north of the current Newberg city limits at the southeast corner of the Chehalem Drive/North Valley Road intersection, Tax Lot 3207-00900.
2. After proper notice, the Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable Newberg Development Code criteria as shown in the findings in Exhibit "C".
4. State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", along with a zone change to R-1, 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 10th day of March, 2016.



Planning Commission Chair

ATTEST: 


Planning Commission Secretary

**Attachment 2 to RCA ORD 2805:
Aerial Photo**



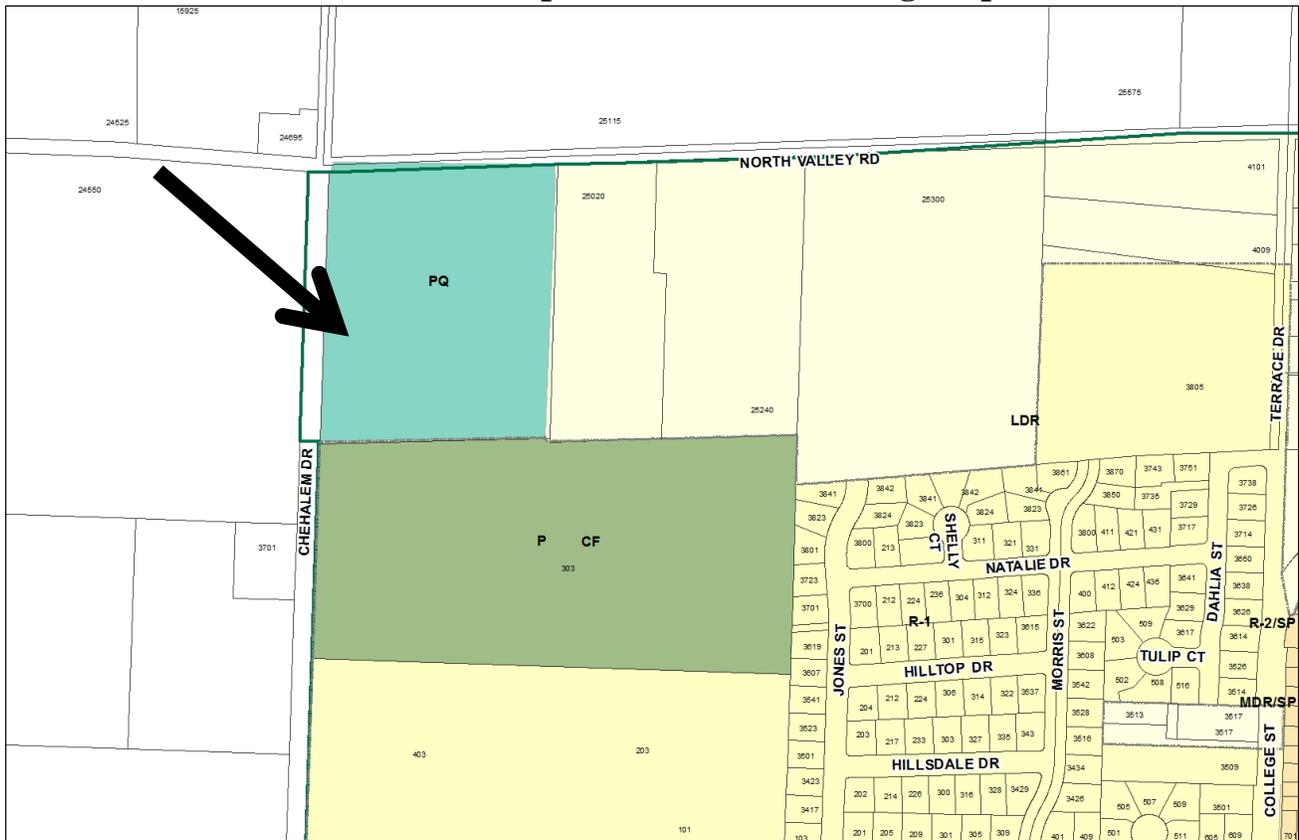
**Attachment 3 to RCA ORD 2805:
Concept Development Plan**



<u>Legend</u>	
	Water Extension
	Sewer Extension
	Open Space
	Single Family Lots
	Street ROW's

<u>Notes</u>
This site layout is conceptual and representation of what could be developed on the site.
Typical Lot size will range between 5,000 and 10,000 S.F.

Attachment 4 to RCA ORD 2805: Current Comprehensive Plan/Zoning Map



Newberg Annexation

24950 NE North Valley Road, Newberg, OR 97132

March 7, 2016

Annexation Application

Prepared for:
Newberg First Baptist Church

Prepared by:
Westlake Consultants, Inc.
15115 SW Sequoia Parkway, Suite 150
Tigard, Oregon 97224
Phone: 503.684.0652
Fax: 503.624.0157

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Application and Subject Site Summary

SUBJECT PROPERTY: Tax Map R3207 Tax Lot 00900

PROPERTY LOCATION: 24950 NE North Valley Road, Newberg, OR 97132

PROPOSAL: Annexation into City of Newberg with R-1 zoning

SITE SIZE: 10.37 acres

COUNTY ZONING DESIGNATION: AF-10 Agriculture/Forestry Small Holding District

COMPREHENSIVE PLAN DESIGNATION: PQ – Public/Quasi-Public

REQUESTED ZONING: R-1 Low Density Residential

PROPERTY OWNER & APPLICANT: Newberg First Baptist Church

Application Description

Introduction

The applicant, Newberg First Baptist Church, is the owner of the property at 24950 NE North Valley Road, Newberg, OR 97132. The church is seeking to annex the 10.37 acre parcel into the City of Newberg as R-1 Residential. A Pre-Application meeting was held with the City of Newberg in February of 2016 to discuss the annexation process and requirements.

Proposal

This annexation application requests that the site be annexed with R-1 zoning. This zoning will allow the site to be developed with detached single family homes consistent with surrounding developments in the area. Current zoning regulations would allow the 10 acre site to be developed at approximately 6 to 7 lots per acre resulting in the potential to add 60 to 70 new homes to the site.

Existing Conditions

As depicted below by Figure 1, aerial photograph, the subject site is surrounded on the east, north, and west by large lot residential and farmland. To the south of the site is Crater Park and the Darnell Wright Sports Complex. South of the park, are the Chehalem Valley Middle School and Antonia Crater Elementary School. The site is currently vacant with an open field and a few trees in the NE corner.

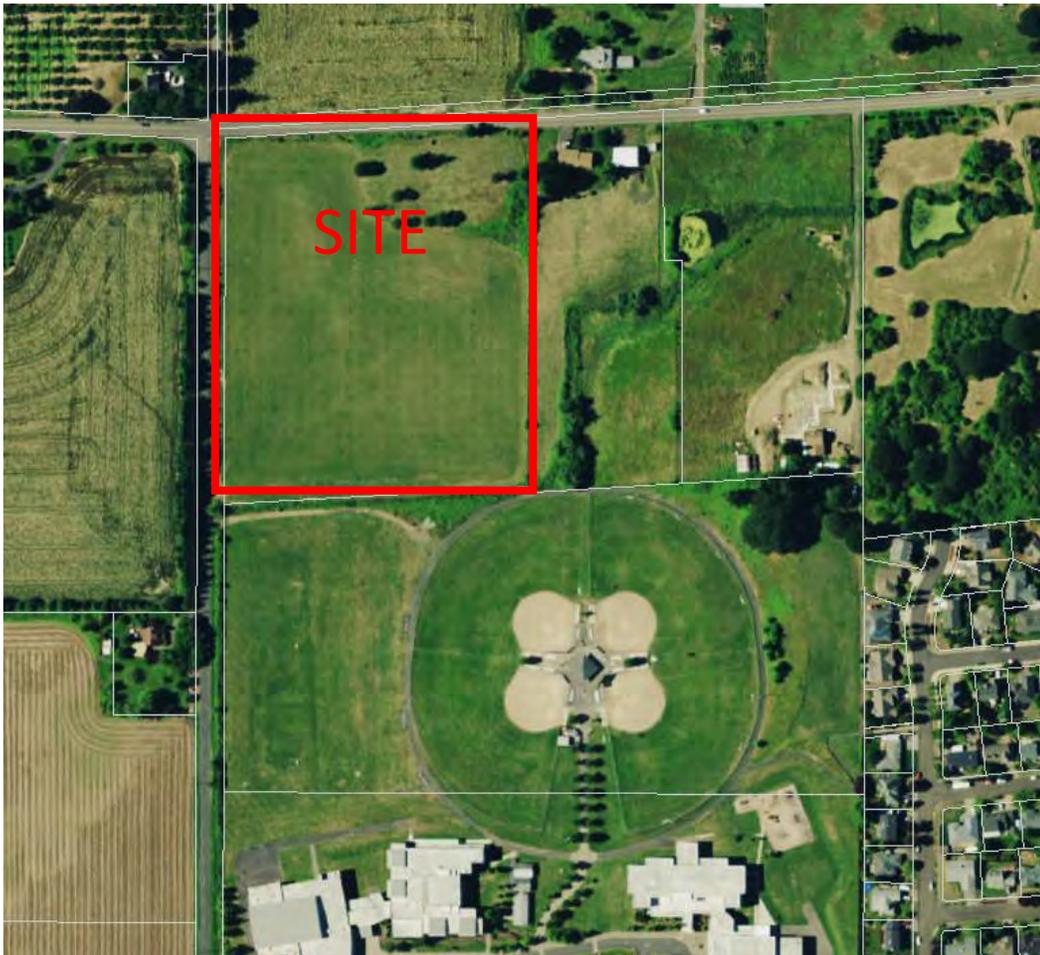


Figure 1 – Aerial Photograph

Public Facilities

1. Sanitary Sewer: There is a City of Newberg 8” sewer main located south of the site along Chehalem Drive. A public sanitary pump station is located approximately 2,600 feet south of the site along Chehalem Drive.
2. Water Service: There is a City of Newberg 8” water main located south of the site along Chehalem Drive.
3. Stormwater Management: There are stormwater lines south of the site located along Chehalem Drive.
4. Streets: Chehalem Drive and NE North Valley Road are both 2 lane roads. They are classified as Major Collectors.

City of Newberg Annexation Criteria

Applicant Narrative

The City of Newberg Municipal Code sections applicable to this Annexation Request include:

Chapter 15.250 ANNEXATIONS

- *15.250.020 Conditions for Annexation*
- *15.250.030 Quasi-judicial Criteria*
- *15.250.040 Quasi-judicial procedures*
- *15.250.050 Application requirements for quasi-judicial annexations*
- *15.250.080 Comprehensive plan and zoning designations*
- *15.250.09*

The specific applicable sub-sections from these Articles and the Applicant Responses demonstrating compliance with each are as follows:

Chapter 15.250 ANNEXATIONS

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. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.261.]*

APPLICANT'S RESPONSE:

The subject site is located within the Newberg Urban growth boundary. The subject site is contiguous to the existing city limits.

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:

Attachment 5 to RCA ORD 2805

- 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.*

APPLICANT'S RESPONSE:

The current Newberg Comprehensive Plan labels the site as PQ – Public/Quasi-public. As discussed further in this narrative, 15.250.080 states that land designated as PQ can be zoned as any type of zoning designation when being annexed into the City. The annexation application is requesting R-1, Low Density Residential be applied upon annexation to match the existing development and zoning in the area. The R-1 will also allow the future development of the site for detached single family residential.

- 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.*

APPLICANT'S RESPONSE:

The subject site can be served by municipal wastewater and water service with the extension of main lines to the site within the Chehalem Drive public right-of-way. The memo in Exhibit H demonstrates the ability of the site to be adequately and timely served by the extension of sewer services with capacity.

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.*

APPLICANT'S RESPONSE:

Street improvements will be conditioned as required through review and approval of the future development of the site as a single family residential subdivision. Consistent with the applicable provisions of this section, the Development Concept Statement demonstrates the type of development that is proposed for the site. There are no conditions present on the property preventing compliance with a waiver of remonstrance for road improvements nor participation along with the City in traffic improvement costs associated with the future development of the property.

- 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.*

APPLICANT'S RESPONSE:

The Newberg School District was contacted about the annexation request. The district verified that it had the capacity to serve a 70 home residential development on the site. The Newberg Fire and Police Departments were contacted and verified that there not be any issues with providing service to the site. These agencies will also receive this application for annexation to provide further comments during the process. Parks replies are pending and will be provided through the review process of this application.

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

Attachment 5 to RCA ORD 2805

- 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 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. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2640, 2-21-06; Ord. 2451, 12-2-96. Code 2001 § 151.262.]*

APPLICANT'S RESPONSE:

As addressed in this application, urban services are available or can be made readily available within 3 years through development of the property as a detached single family residential subdivision. Thus, this section is not applicable.

15.250.040 Quasi-judicial annexation procedures.

All quasi-judicial annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this code and ORS Chapter 222. [procedural regulations omitted for brevity]

APPLICANT'S RESPONSE:

The applicant is aware of the procedures for the annexation. This application for annexation is submitted to the City of Newberg to be considered before the Planning Commission and City Council for their vote to refer the annexation to the November 2016 general election ballot.

15.250.050 Application requirements for quasi-judicial annexations.

Applications for quasi-judicial annexations shall be made on forms provided by the planning division and include the following material:

- A. *Written consent to the annexation signed by the requisite number of affected property owners, electors, or both to conduct an election within the area to be annexed, as provided by state law. The consent shall include a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.*
- B. *Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.*
- C. *Vicinity map and map of the area to be annexed including adjacent city territory.*
- D. *General land use plan indicating types and intensities of proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and adjoining development.*
- E. *Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced.*
- F. *Annexation fees, as set by city council resolution.*
- G. *Statement outlining method and source of financing to provide additional public facilities.*
- H. *Comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part and proposed actions to mitigate such effects.*
- I. *Concurrent with application for annexation, the property may be assigned one of the following methods for development plan review:*
 1. *A planned unit development approved through a Type III procedure.*
 2. *A development agreement approved by the city council.*

3. A contract annexation as provided for in the state statutes. Development plans must be approved and an annexation contract must be signed by the city council in order to use the contract annexation process. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2693 § 1 (Exh. A(4)), 3-3-08; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.264.]

APPLICANT'S RESPONSE:

The applicant is aware of the process for the application. All applicable materials listed in this section for the submittal of this annexation are included with this application.

15.250.080 Comprehensive plan and zoning designations

- A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.
- B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.

Comprehensive

Plan Classification	Appropriate Zoning Classification
OS	Any zoning classification
LDR	R-1
MDR	R-2, R-4
HDR	R-3, R-4
COM	C-1, C-2, or C-3 as determined by the director
MIX	C-2, M-1, or M-2 as determined by the director
IND	M-1, M-2, M-3, M-4, or AI
PQ	Any zoning classification
P	CF

- C. If a zoning classification is requested by the applicant for other than that described in subsection (B) of this section, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.
- D. In the event that the annexation request is denied, the zone change request shall also be denied. [Ord. 2747 § 1 (Exh. A § 6), 9-6-11; Ord. 2720 § 1(9), 11-2-09; Ord. 2451, 12-2-96. Code 2001 § 151.267.]

APPLICANT'S RESPONSE:

The applicant is requesting that the property be zoned to R-1, Low Density Residential to match the existing development and zoning in the area. The R-1 zoning will allow the site to be developed with detached single family homes. Annexation of the property and zoning the land R-1 adds residential land to the city meeting the housing and land use goals of the Comprehensive Plan. The residential use is compatible and appropriate given surrounding residential, agricultural, and public facilities development.

CONCLUSION

As demonstrated with this narrative and the attached exhibits, the annexation of this property meets the applicable criteria and will benefit the City of Newberg. The applicant requests that the Planning Commission and City Council approve this application and refer this annexation on to the November 2016 general election ballot.

Exhibit A

Title Report

Attachment 5 to RCA ORD 2805



Ticor Title Company of Oregon

STATUS OF RECORD TITLE REPORT

1433 SW 6th Avenue, Portland, OR 97201
(503)646-4444 FAX:

March 1, 2016

TO: Keller Williams Realty Portland Premier
Attn: Kelly Hagglund
215 N Blaine Street
Newberg, OR 97132

Title Number: 471816047899-TTMIDWIL18
Regarding: 24950 North Valley Road, Newberg, OR 97132
Property Address: 24950 North Valley Road
Newberg, Oregon 97132
County: Yamhill
DATED AS OF: February 26, 2016, 08:00-AM

PROPERTY

We have searched our Tract Indices as to the following described real property:
See Exhibit A Attached Hereto

VESTING

The First Baptist Church of Newberg, an Oregon non-profit corporation, which acquired title as Newberg First Baptist Church

RECORDED INFORMATION

Said property is subject to the following on record matter(s):

1. Rights of the public to any portion of the Land lying within streets, roads and highways.
2. Development Agreement with Consent to Annexation Agreement, including the terms and provisions thereof,

Executed by: The First Baptist Church of Newberg and the City of Newberg
Recording Date: July 8, 2003
Recording No.: 200316344

END OF EXCEPTIONS

ADDITIONAL REQUIREMENTS / NOTES:

Attachment 5 to RCA ORD 2805

STATUS OF RECORD TITLE REPORT

(Continued)

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2015-2016
Amount: \$1,688.33
Levy Code: 29.2
Account No.: 23334
Map No.: R3207 00900

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

THIS REPORT IS TO BE UTILIZED FOR INFORMATION ONLY.

Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the Oregon Insurance Division.

The liability for Ticor Title Company of Oregon is limited to the addressee and shall not exceed the \$350.00 paid hereunder.

Ticor Title Company of Oregon

Deborah Clark
deborah.clark@titlegroup.fntg.com

Attachment 5 to RCA ORD 2805

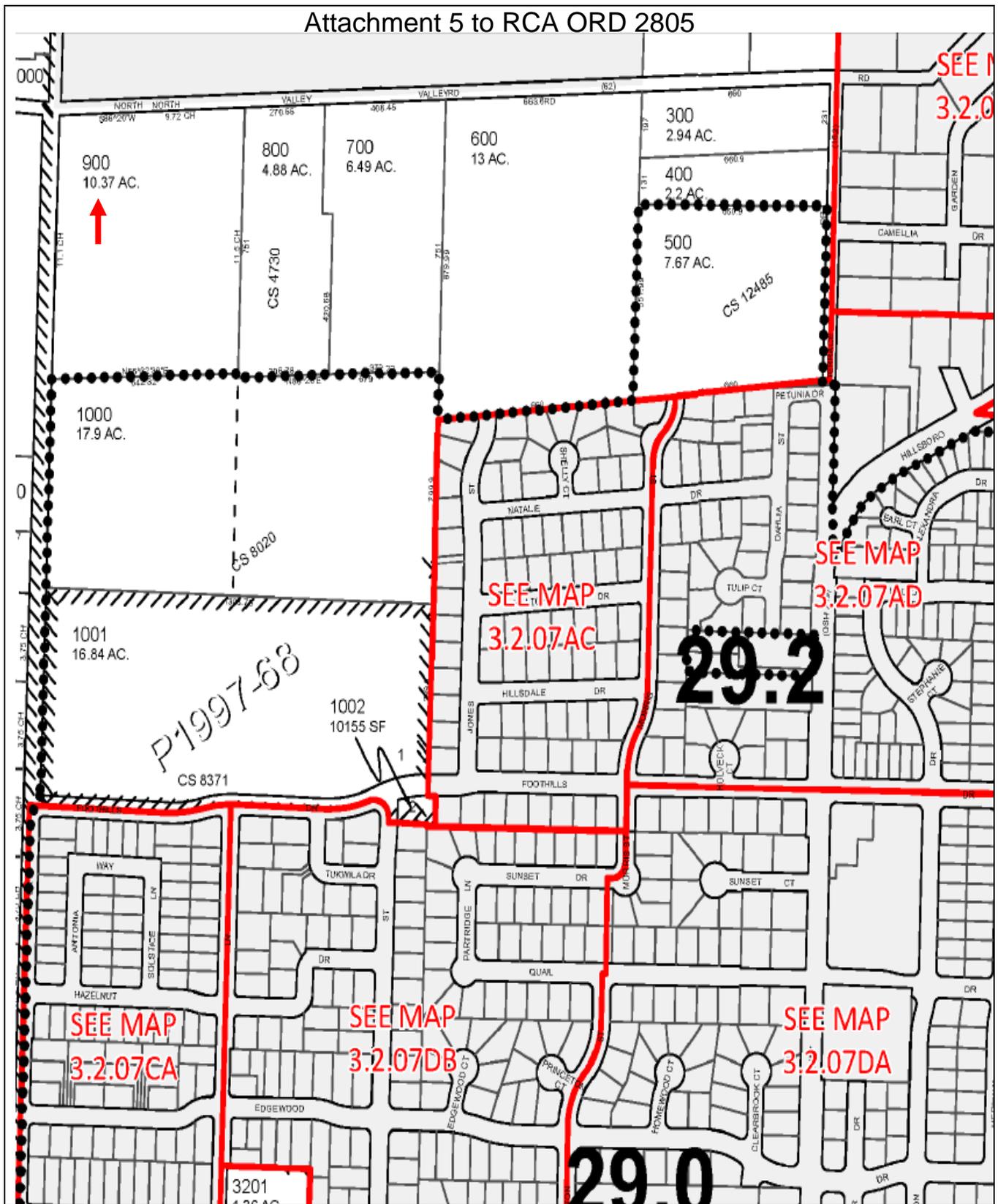
Order No.: 471816047899-TTMIDWIL18

EXHIBIT "A"

A tract of land in Yamhill County, Oregon, and being more particularly described as follows:

Being a part of the Donation Land Claim of James Morris and Lydia Morris, husband and wife, Notification No. 478, Claim No. 46 in Section 7, Township 3 South, Range 2 West of the Willamette Meridian in said County and State, and more particularly described as beginning at a point 1467.16 feet South of the Northwest corner of said Donation Land Claim in Section 7 of said Township and Range, County and State, said point also being the Northwest corner of that tract of land described in Judgment, Antonia Crater vs. Ovy D. Pratt et ux, et al, in Circuit Court, Yamhill County, Oregon, Case No. 82-1390, in which Judgment was entered October 31, 1983; thence North $86^{\circ}32'30''$ East 642.35 feet along a fence now there (July 1982), passing an iron rod at 30.06 feet, to an iron rod; thence North 11.33 chains, more or less, to center of county road; thence South $86^{\circ}20'$ West 9.72 chains, more or less, to a point exactly North of the true place of beginning of the tract herein described; and thence South 11.61 chains, more or less, to the true point of beginning.

Attachment 5 to RCA ORD 2805



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS AS CERTAINED BY ACTUAL SURVEY.

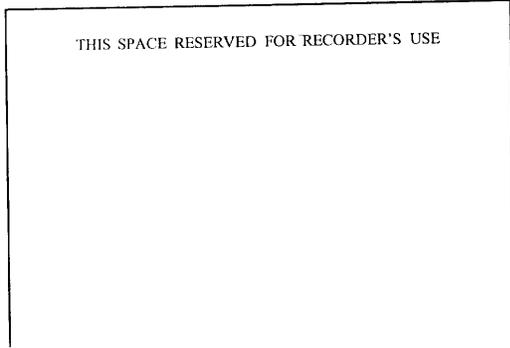




After recording return to:
Newberg First Baptist Church
PO Box 1
Newberg, OR 97132

Until a change is requested all tax statements shall be sent to the following address:
Newberg First Baptist Church
PO Box 1
Newberg, OR 97132

Escrow No. 00040719
Title No. 71289



Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK



00041159200013388002

31.00

200013388 4:01:04 PM 09/15/2000
DMR DDMR 1 - 1 TONYA
10.00 10.00 11.00

STATUTORY WARRANTY DEED

Marian Jean Poindexter, Grantor, conveys and warrants to Newberg First Baptist Church, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See attached Exhibit "A" for legal description.

This property is free of liens and encumbrances, EXCEPT:
Easements, Restrictions, Reservations, Covenants, Conditions and Agreements of record, if any, and taxes for 2000-2001, a lien not yet payable.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$125,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 14 day of September, 2000.

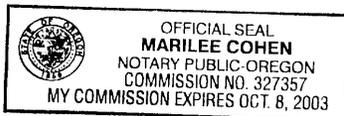
Marian Jean Poindexter
Marian Jean Poindexter

STATE OF OREGON
County of Washington } ss.

This instrument was acknowledged before me on this 14 day of September, 2000
by Marian Jean Poindexter.

Marilee Cohen
Notary Public for Oregon

My commission expires: 10/08/2003



NORTHWEST TITLE COMPANY

Attachment 5 to RCA ORD 2805

EXHIBIT "A"

A tract of land in the County of Yamhill and State of Oregon and being more particularly described as follows, to-wit:

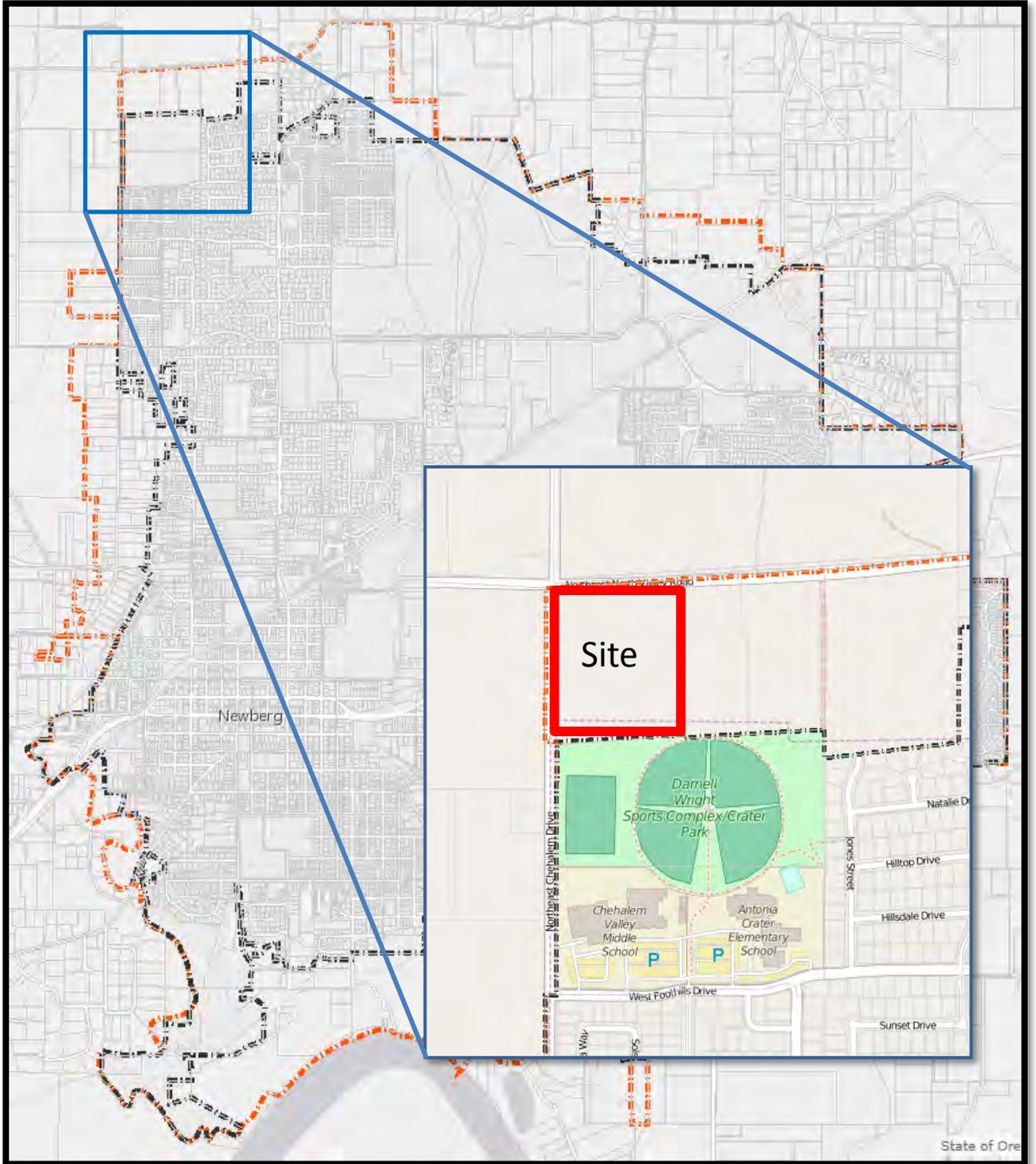
Being a part of the Donation Land Claim of James Morris and Lydia Morris, husband and wife, Notification No. 478, Claim No. 46 in Sections 7 and 18 in Township 3 South, Range 2 West of the Willamette Meridian in said County and State, and more particularly described as beginning at a point 86.9 rods South of the Northwest corner of said Donation Land Claim in Section 7 of said Township and Range, County and State; thence East 9.71 chains; thence North 11.50 chains to center of county road; thence South 86°20' West 9.72 chains, more or less, to a point exactly North of the true place of beginning of the tract herein described; and thence South 11.10 chains, more or less to the true point of beginning.

Exhibit B

Map and Legal Description

Vicinity Map

24950 North Valley Rd
Newberg, OR



Attachment 5 to RCA ORD 2805

Exhibit "A"

Newberg First Baptist Church
Proposed Annexation
February 2, 2016
Project P131-042

PROPERTY DESCRIPTION

A tract of land; situated in the North 1/2 of Section 7, T 3 S., R 2 W., W.M. Yamhill County, Oregon; being more particularly described as follows:

Beginning at a point along the West line of the J. Morris DLC # 46, which point bears South 1,467.16 feet from the northwest corner thereof, said point also being at the intersection of the north line extended to the west of that tract conveyed to "The Chehelam Park & Recreation District" as recorded in Book 308, Page 0627, Yamhill County Deed Records and the east right of way line of Chehalem Drive (Co. Rd. 67);

thence, along said north line and its westerly extension, North 86°32'30" East 642.35 feet, more or less, to the west line of that tract of land conveyed to "Robert Edward Phillips, Jr. and Barbara Jean Phillips" as recorded in Book 109, Page 1140, Yamhill County Deed Records;

thence, along last said west line, North 758.91 feet, more or less, to the northerly right of way line of North Valley Road (Co. Rd. 62);

thence, along said northerly right of way line, South 86°20'00" West 682.58 feet, more or less, to the west right of way line of said Chehalem Drive;

thence, along said west right of way line, South 756.42 feet, more or less, to its intersection with said north line extended to the west of said tract conveyed to "The Chehelam Park & Recreation District";

thence, along said westerly extension, North 86°32'30" East 40.07 feet to the Point of Beginning.

Containing 11.848 acres or 516,106 square feet, more or less.

Bearings are based upon Yamhill County Survey #8020.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 25, 1990
GARY R. ANDERSON
2434

RENEWS: 12/31/17



0 100' 200'
SCALE: 1"=200'

NW CORNER
J MORRIS
DLC 46

NORTH VALLEY ROAD (CO. RD. 62)

CHEHALEM DRIVE (CO. RD. 67)

"NEWBERG FIRST
BAPTIST CHURCH"
DOC. NO. 200013387

"PHILLIPS"
BOOK 109,
PAGE 1140

P.O.B.

"THE CHEHALEM PARK &
RECREATION DISTRICT"
BOOK 308, PAGE 0627

EXHIBIT B

PROPOSED ANNEXATION

LOCATED IN THE NORTH 1/2 OF SECTION 7
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
YAMHILL COUNTY, OREGON

DATE	3/2/16
DRAWN BY	GRA
CHECKED BY	KLS
REVISION	0
JOB NO.	P131-042

WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

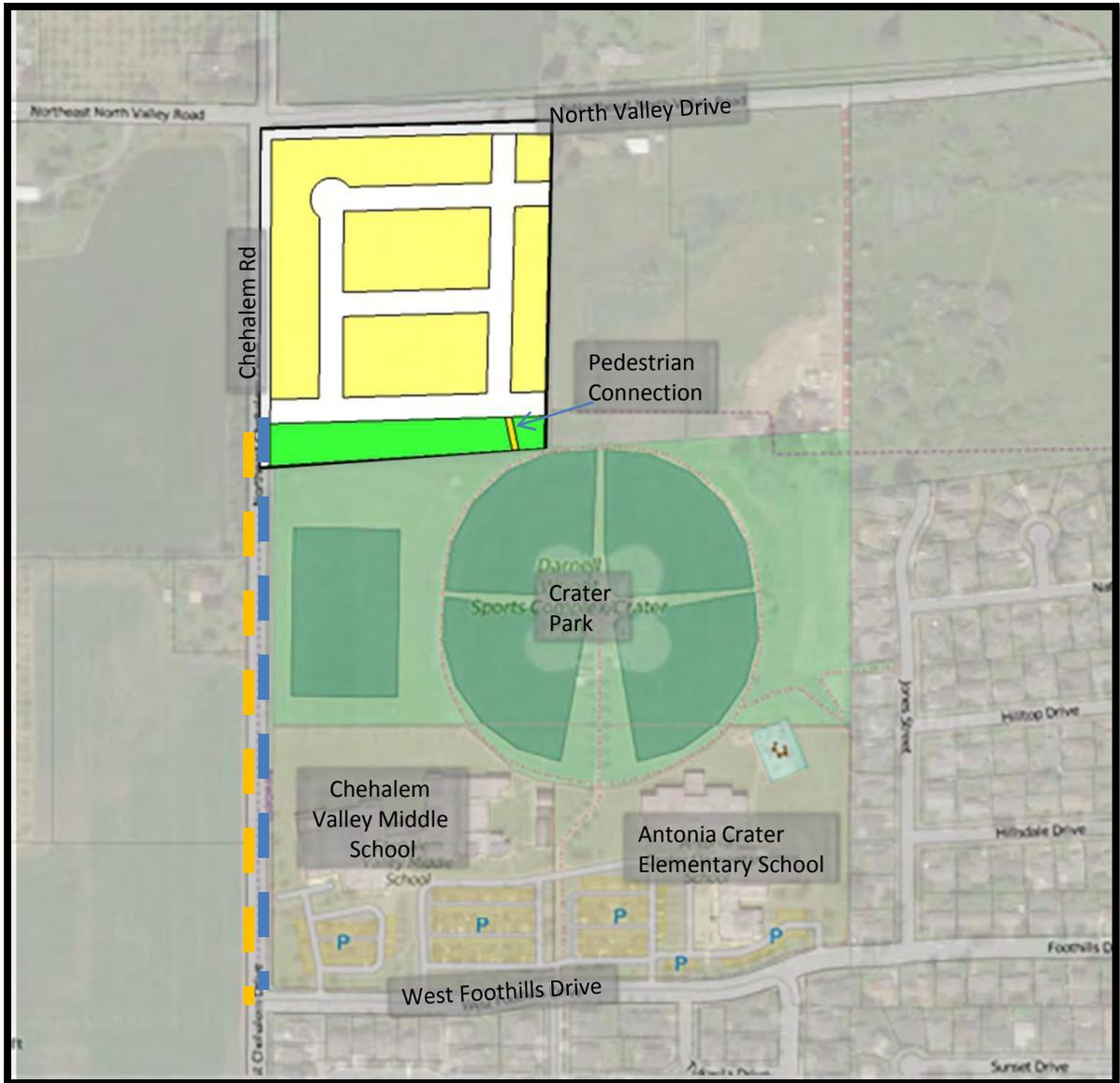
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0157

DRAWING NAME: L:\PROMO\PI31-042 10-ACRE ANNEXATIONWORK IN PROGRESS\PI31-42 WSDWG MAR 03, 2016 - 6:57AM - GRA

Exhibit C

General Land Use Plan

Attachment 5 to RCA ORD 2805 General Land Use Plan



Legend

	Water Extension
	Sewer Extension
	Open Space
	Single Family Lots
	Street ROW's

Notes

This site layout is conceptual and representation of what could be developed on the site.

Typical Lot size will range between 5,000 and 10,000 S.F.

Exhibit D

Development Concept Statement

Development Concept Statement

This annexation application requests that the site be annexed in with the R-1 zoning. This zoning will allow the site to be developed with single family homes consistent with surrounding developments in the area. Current zoning regulations would allow the 10 acre site to be developed at approximately 6 to 7 lots per acre resulting in the potential to add 60 to 70 new homes to the site.

Development of the site for single family residential would follow the City of Newberg's Type II subdivision application process. All necessary requirements and improvements for the site would be made prior to final approval. Typical improvements will include new streets and sidewalks, extension of public utilities, and landscaping. A future connectivity plan has been included to ensure accessibility and connections are provided to existing and future development of the adjacent property.

The inclusion of the site into the City of Newberg as residential will allow for development which is appropriate given the neighboring park and school facilities. The proximity of the site to an elementary and middle school will allow for pedestrian connections within a walkable area supporting the policies of the Comprehensive Plan.

A pedestrian/bikeway connection can be provided to the existing recreational path at Crater Park which ties into the Antonia Crater Elementary and Chehalem Middle Schools. Street and pedestrian connection stubs to the east would connect future development of the adjacent property to a proposed pathway to the schools/park as shown on the concept pedestrian connection plan submitted with this application.

Expected street improvements to Chehalem Dr. and North Valley Rd. frontages would bring these streets to City standards with the likely addition of bike lanes, sidewalks, and planting strips.

Exhibit E

Public Facilities Financing Statement

Public Facilities Financing Statement

The extension of public infrastructure and street improvements necessary to serve future development of the site will be financed through a combination of system development charges determined at the time of building permit applications, and on-site improvements constructed by the developer and conditioned via the land division approval process. The developer will bear the cost of any on-site improvements necessary for the development of the property.

Exhibit F

Positive and Negative Effects Statement

Positive and Negative Effects Statement

Consistent with the current Quasi-Public Comprehensive Plan designation of the property, this annexation application requests that the site be annexed into the City of Newberg and that R-1 zoning be applied upon annexation. This zoning will allow the site to be developed with detached single family homes consistent with surrounding developments in the area. Current zoning regulations would allow the approximately 10 acre site to be developed at roughly 6 to 7 lots per acre, resulting in the potential to add 60 to 70 new homes to the site.

Positive Effects

At a macro level, the annexation of the property into the City of Newberg will add new land for low density residential development, upholding the policies of the City Comprehensive Plan, which highlights a need for increased residential zoning within the City to meet the projected population growth.

The annexation and development of this site will also increase the City's jurisdiction for tax purposes and development review. Future development of the property will be required to be reviewed and approved through the City's Development process ensuring it meets applicable site development and zoning requirements.

At a micro level, the annexation and development of the site with detached single family homes will be consistent with the current development pattern in the surrounding area. A residential development will be harmonious and beneficial to adjacent residences, as well as Crater Park and Chehalem Valley Middle School and Antonia Crater Elementary School.

Annexation of the site will result in the City regulating future development, including the site's connection to surrounding properties. One major benefit will be the City's ability to ensure that pedestrian connections are provided to Crater Park, as well as Chehalem Valley Middle School and Antonia Crater Elementary School, which are adjacent to the site's southern property line.

Negative Effects

An increase in population in the area with a new residential development will put an increased demand on infrastructure and city services. Traffic in the immediate vicinity will increase and new residents will add to the school population. Additionally, the development will require water and sewerage service to the site, and the existing open space of the site will become housing.

Mitigation

In order to mitigate the effects of annexation of the property, applicable City code and development standards will condition needed infrastructure improvements. Any required future infrastructure improvements for the site will be reviewed and determined through the future subdivision process. Anticipated improvements will include the extension of water and sewage facilities to the site, street improvements and stormwater management.

Sewer

Provided with this annexation application is a memo from Westlake Consultants' Engineering division which addresses the ability of this property to be connected to the existing sewer infrastructure in the area via an upgrade to the existing sanitary sewer pump station on Chehalem Road south of the property.

Water

Water service is available and can be extended to the site along with stubs to provide for future development of neighboring properties, as well as the ability to loop the system.

Streets and Pedestrian Connections

Chehalem Drive and NE North Valley Road would have roadway frontage improvements including the dedication of any additional Right of Way needed along the property's frontages. Construction of half-street improvements to the frontages along both rights-of-way would be to City standards. Future development may also include a sidewalk extension on the east side of Chehalem Drive, south to Foothills Drive.

A pedestrian connection to the existing recreational path at Crater Park may also be considered at the time of future development. This connection would provide a pedestrian/bicycle route to the schools that can be tied into future developments of the adjacent parcels. The major benefit would be a pedestrian route separated from major streets that follows the principles of the Safe Routes to Schools Program.

Schools

The Newberg School District has stated that school capacity at the affected schools would not be an issue for the potential 60 to 70 home development at the site.

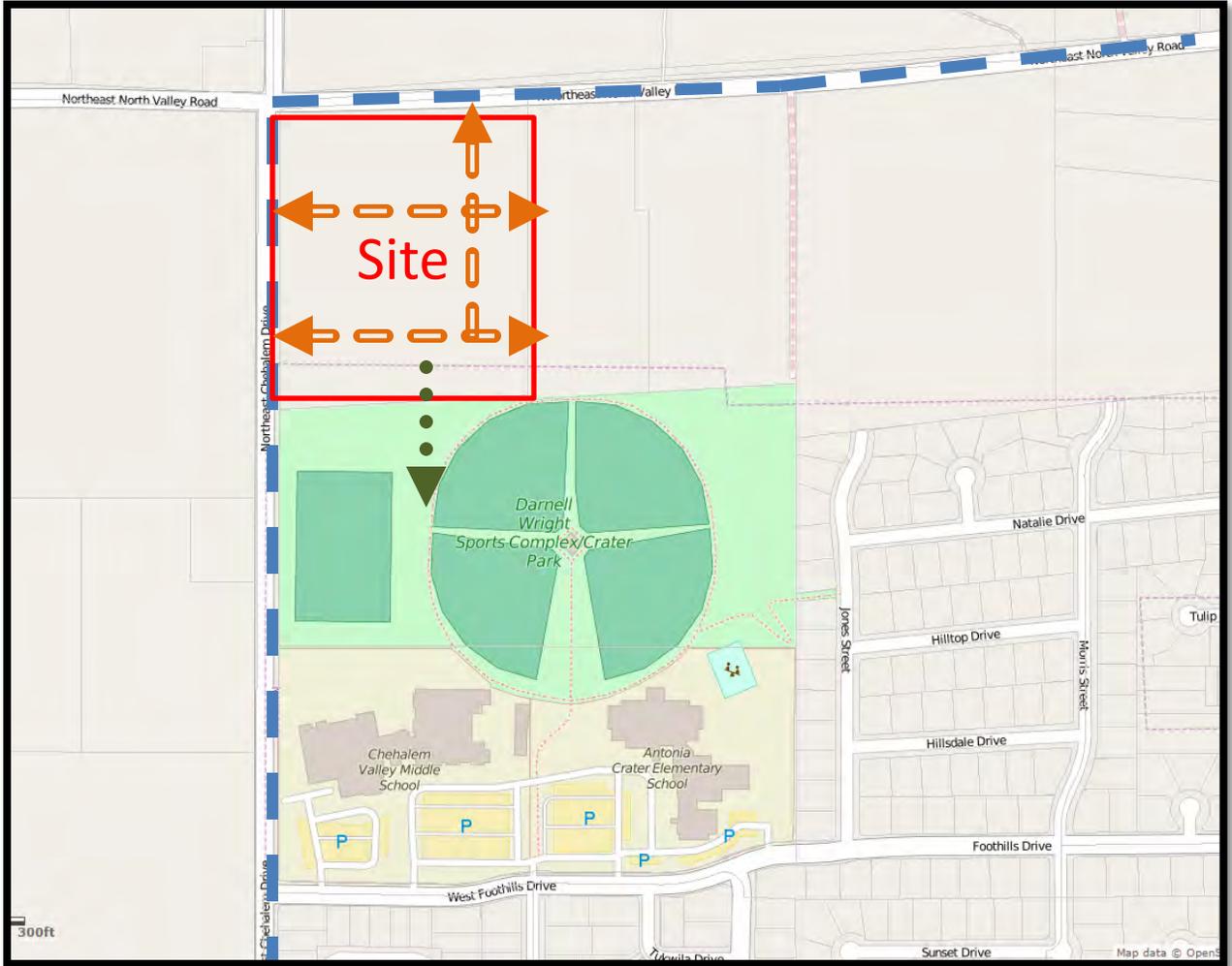
Conclusion

The annexation of the site and R-1 zoning as requested will provide the City of Newberg the ability to regulate the type of development that occurs on the site. It will increase the amount of residential acreage within the City; meeting goals of the Comprehensive Plan. Any negative effects of the development to the community will be mitigated. Furthermore, the positive benefits of this annexation clearly outweigh the negative effects.

Exhibit G

Concept Pedestrian Connection Plan

Concept Pedestrian Connection Plan



Legend

-  Future Bike Lanes
-  Road and Pedestrian Connections
-  Pedestrian Connections

Notes

All connections shown are conceptual. City standards and requirements during the subdivision process would stipulate the actual connections and locations.

Exhibit H

Memo for Sewer Availability

March 4, 2016

City of Newberg
Planning Department
414 E. 1st St.
Newberg, OR 97132

RE: Memo for Sewer Availability – Proposed Annexation of 24950 NE North Valley Road, Newberg OR 97132 (Tax Map R3207, Tax Lot 00900)

To the City of Newberg:

The purpose of this memorandum is to address the availability of municipal sanitary sewer service to the subject property. Documents reviewed include:

- City of Newberg Preliminary Engineer's Report for Crater Lane LID, dated December 2001.
- City of Newberg Technical Memorandum Regarding Parcels Adjacent to Crater Lane LID, dated February 18, 2002.
- City of Newberg Chehalem Drive Pump Station Project Summary, dated May 9, 2003.
- GIS Mapping available on the City of Newberg Website.

The subject property is located approximately 2,600 feet north of the Chehalem Drive pump station on Chehalem Drive. The pump station is located approximately 1,300 feet south of Foothills Drive. An existing gravity sewer that drains to the pump station is located approximately 1,300 feet south of the subject property. The proposed annexation site consisting of approximately 10.37 acres could be served by an extension of the gravity sanitary sewer line in Chehalem Drive. An extension of the gravity sanitary sewer line is anticipated to occur at the time of development of the subject property.

According to the City of Newberg Chehalem Drive Pump Station Project Summary, dated May 9, 2003, the pump station pump capacity is 630 gpm with a peak design flow of 554 gpm. The design flow of 554 gpm is consistent with the design flow stated in the City of Newberg Preliminary Engineer's Report for Crater Lane LID, dated December 2001. A design flow of 554 gpm compared to the pump capacity of 630 gpm indicates that there is an available additional capacity of 72 gpm at the Chehalem Drive Pump Station. The City of Newberg Technical Memorandum Regarding Parcels Adjacent to Crater Lane LID, dated February 18, 2002 indicates that seven parcels north of the LID could be served by the Crater Lane LID (Chehalem Drive) pump station, provided there was an extension of the gravity sewer in Chehalem Drive and a larger capacity pump were installed. No changes to the pump station wet well depth were anticipated to serve adjacent lots to the north.

The subject property is the western most of the seven lots referenced in the Technical Memorandum of February 18, 2002, utilizing design assumptions listed in the referenced City of Newberg documents, the approximately 10.37 acre site proposed for annexation could yield approximately 50 to 55 lots when developed. Utilizing these design assumptions preliminary estimates are for sanitary sewer flows from the developed site to be 60 to 65



gpm with an available capacity of 72 gpm at the Chehalem Drive Pump Station. Thus, based on the design assumptions listed in the referenced 2002 and 2003 documents, the Chehalem Drive Pump Station could accommodate the subject site without major modifications. Utilizing a more current density ratio the subject site could yield to 60 to 70 lots when developed. Preliminary estimates are for sanitary sewer flows from the developed site with a potential 60 to 70 lots to be 65 to 80 gpm. Development of the site at the current density ratio yielding more lots than anticipated in the City of Newberg Technical Memorandum Regarding Parcels Adjacent to Crater Lane LID, dated February 18, 2002, would likely require an upgraded pump size to be installed at the Chehalem Drive Pump Station.

At the time of development of the subject property a detailed analysis of the pump station's available capacity and developed sanitary sewer flows from the subject site is anticipated as part of infrastructure designs. At that time, a final determination of any needed upgrade in pump size could be made based on the final lot count at the time of development.

Sincerely,
WESTLAKE CONSULTANTS, INC.

Brett Musick, PE
Project Manager

BEM/mrd

Exhibit I

Measure 49 Waiver

AFTER RECORDING RETURN TO:

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

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

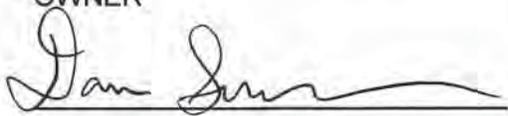
- 1) The undersigned, Newberg First Baptist Church and _____ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Annexation, _____ for the real property described in **Exhibit A** which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

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

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

Attachment 5 to RCA ORD 2805

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

OWNER


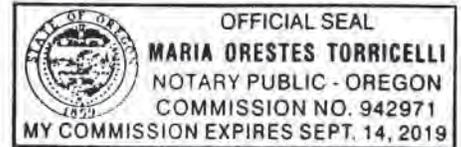
OWNER

STATE OF OREGON)

County of Yamhill) ss.
)

This instrument was acknowledged before me on this 2nd day of MARCH, 2006, by DAN SWANSON and _____.


 Notary Public for Oregon
 My Commission expires: 9/14/2019



CITY OF NEWBERG

 Norma I. Alley, City Recorder

Dated: _____

APPROVED AS TO FORM:

 Terrence D. Mahr, City Attorney

Dated: _____

Exhibit J

Annexation Consent Forms

ANNEXATION CONSENT

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

The undersigned Newberg First Baptist Church

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) 24950 N Valley Rd, OR and (tax lot) 3207 - 900, 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 2 day of March, 20 16.

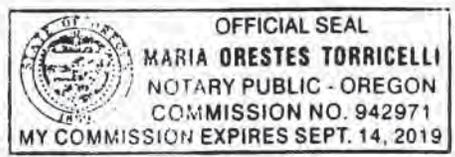
Dan Swanson

Dan Swanson

STATE OF Oregon, County of Yamhill ss 3/2/2016
Month / day / year

Personally appeared the above named DAN SWANSON

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



Before me: [Signature]

Notary Public for Oregon
My commission expires 9/14/2019

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned
Newberg First Baptist Church

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

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

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

NOW, THEREFORE:

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

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

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 2 day
of March, 20 16.

Dan Swanson
Dan Swanson

STATE OF Oregon, County of Yamhill ss 3/2/2016
month/day/year

Personally appeared the above named DAN SWANSON

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



Before me: [Signature]
Notary Public for:
Oregon
My commission expires:
9/14/19

Exhibit K

Annexation 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: Newberg First Baptist Church
 ADDRESS: PO Box 1 Newberg OR 97132
 EMAIL ADDRESS: bgilmore@coca-cola.com
 PHONE: 503-538-7468 MOBILE: 503-754-2883 FAX: 503-554-5858
 OWNER (if different from above): Newberg First Baptist Church PHONE: _____
 ADDRESS: PO Box 1, Newberg, OR 97132
 ENGINEER/SURVEYOR: Westlake Consultants PHONE: 503-684-0652
 ADDRESS: 15115 SW Sequoia PKWY, Tigard, OR 97224

GENERAL INFORMATION:

PROJECT NAME: Annexation PROJECT LOCATION: 24950 N Valley Rd
 PROJECT DESCRIPTION/USE: Annexation of Land for Residential Subdivision Development
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3207 00900 ZONE: _____ SITE SIZE: 10 SQ. FT. ACRE
 COMP PLAN DESIGNATION: PQ Public - Quasi Public TOPOGRAPHY: Flat, cleared land with few trees in NE section
 CURRENT USE: Vacant Land
 SURROUNDING USES:
 NORTH: Agricultural SOUTH: Recreational and Athletic Fields
 EAST: Large Lot Residential WEST: Agricultural

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

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

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

Dan Swanson 3-2-2016
 Applicant Signature Date
Dan Swanson
 Print Name

Dan Swanson 3-2-2016
 Owner Signature Date
Dan Swanson
 Print Name

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

Exhibit L

Transportation Planning Rule Consistency

Transportation Planning Rule Consistency

In determination of the effect of the Newberg First Baptist Church annexation of 10-acres on the City transportation system, analysis of the Transportation Planning Rule must be completed.

Division 12 of the Statewide Planning Goals implements planning regulations. Specifically, Oregon Administrative Rules (“OAR”) Section 660-012-0060 stipulates requirements for plan and land use regulation amendments which include annexations.

After review of OAR 660-012-0060, the following subsection is found applicable to the annexation request for this property with text shown in *italics*. The applicant’s findings are shown in **bold**.

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;

Applicant Response:

Facts: The current Newberg Comprehensive Plan map designated the Newberg Baptist Church property as Public/Quasi Public (“PQ”). As per Section 15.250.080 of the City of Newberg Municipal Code, property designated PQ is to be assigned any requested zoning designation when annexing into the City. To be consistent with existing City zoning in the surrounding area, this applicant is requesting and proposing R1, low density residential.

Finding: The zoning proposed through this annexation application is consistent with the existing Newberg Comprehensive Plan and does not change the Comprehensive Plan map. This requirement is met.

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

Applicant Response:

Facts: Attached are copies of pages from the Newberg Transportation System Plan (“TSP”), one is a Street System map depicting the subject property designated within an Urban Reserve Area (“URA”) and the other page is from TSP Section 3.2 confirming that the TSP study area includes URA. As addressed herein above, the requested proposed R1 zoning is consistent with the TSP.

Finding: The City of Newberg has an acknowledged TSP dated June 2005. The subject property proposed zoning is consistent with the TSP. This requirement is met.

Attachment 5 to RCA ORD 2805

(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.

Applicant Response:

Facts: Attached is a copy of City of Newberg Ordinance #2006-2661, an ordinance approved by the Newberg City Council amending the Urban Growth Boundary (UGB). This ordinance includes the subject property and approval placing the subject property within the Newberg UGB. As stated in the approval Justification Report, Pages 32 and 49 attached, transportation impacts for Urban Reserve Areas, including the subject property, were reviewed and found to be consistent with the TPR requirements upon adoption of Ordinance #2006-2661.

Finding: The subject property was not exempted from the TPR rule at the time of Urban Growth Boundary (UGB) amendment approval. This requirement is met.

Based upon satisfaction of the above TPR requirements, this annexation application of 10-acres into the City of Newberg does not significantly affect the existing or planned transportation system. As contained within this application submittal, future development of the property at R1 zoning will involve an estimated 60-70 single family detached residential houses which are estimated at 10 trips per day per residential house. Future development of the subject property will be required to provide a traffic study assessing affected intersections (e.g. levels of service, traffic volumes, sight distance, etc.). Future development will be required to dedication additional right-of-way meeting TSP requirements along the subject property's Chehalem Drive and North Valley Road frontages. Further, future development will be required to construct frontage improvements to these same two frontages.

Attachment A

Newberg Transportation Systems Plan Excerpt

Existing Conditions

3.1 INTRODUCTION

Transportation is one of the most important aspects of the economic viability and livability for a city. The City of Newberg is situated approximately 25 miles to the south and west of Portland and has experienced a population increase from 10,400 in 1980 to approximately 18,100 in 2000, an annual average growth rate of 3.7%. The growth of Newberg has placed increased demands on transportation modes in, and around the City. This section provides a summary of the existing transportation system conditions within the Newberg urban area.

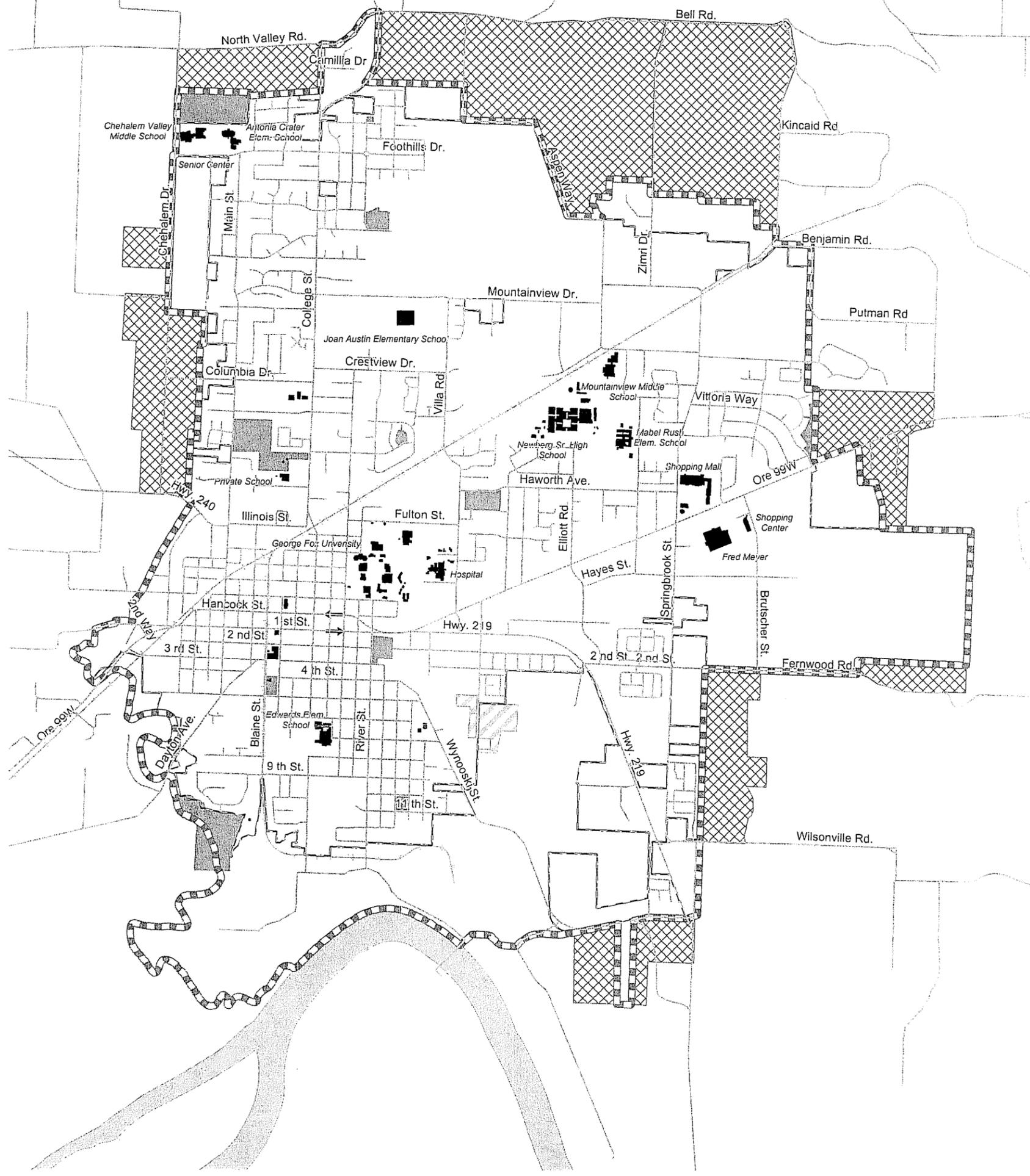
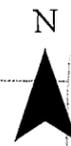
This section describes the existing condition of the City's transportation system, covering the highway, pedestrian, bicycle, transit, rail, air, water, freight movement, and pipeline/transmission transportation modes. Each mode's current performance and deficiencies are described. Also included is an inventory of existing transportation facilities. The findings of this existing conditions analysis serve as a baseline to which future conditions can be compared.

This section is a fact-finding document, in that it describes existing conditions, but does not recommend solutions to identified problems. Its findings will be combined with the findings of two other sections (plan and policy review, and future conditions) to provide a comprehensive overview of Newberg's transportation needs. Once this complete set of needs has been identified, subsequent sections will describe solution alternatives developed to meet these needs.

3.2 STUDY AREA AND LAND USE

Figure 3-1 is a street map of Newberg as of May 2004 and its immediate vicinity, with the city limits and Urban Growth Boundary (UGB) indicated. The base map used in Figure 3-1 and other maps included in this chapter provide a reference for locating other features of Newberg's transportation system. They do not depict the condition or public status of a particular roadway. The study area for the TSP generally consists of the area within the UGB and the Urban Reserve Area (URA), although in some instances areas outside the study area are also addressed, where transportation issues extend beyond the City.

Based on the requirements of Oregon's Transportation Planning Rule, only significant streets within the study area—those that can be classified as arterials or collectors—and intersections of these streets are generally addressed. Local street issues such as street connectivity and safety issues are also discussed where appropriate. Local traffic and safety issues on other roadways will be addressed in subsequent chapters through the primary analysis of the public involvement process, while the future conditions chapter presents a more extensive analysis of Newberg's development potential. However, because of the requirements of Oregon's Transportation Planning Rule, the TSP will only consider those areas currently within the City's planning area boundary (i.e., those areas currently covered by the City's comprehensive plan) when making assumptions about where Newberg will grow in the next 20-25 years.



LEGEND

- Urban Growth Boundary
- City Limits
- Urban Reserve Area
- Activity Centers
- Parks
- Cemetery
- Railroad
- Streets
- River

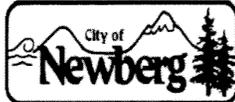
NOTE: STREET SYSTEM AS OF MAY 2004

**STREET SYSTEM MAP
NEWBERG, OR.**

FIGURE
3-1

Attachment B

Urban Growth Boundary Expansion Excerpt



ORDINANCE No. 2006-2661

AN ORDINANCE AMENDING THE URBAN GROWTH BOUNDARY TO ADD APPROXIMATELY 200 ADDITIONAL ACRES, AND APPLYING THE FOLLOWING COMPREHENSIVE PLAN DESIGNATIONS: PQ (PUBLIC/QUASI-PUBLIC), LDR (LOW DENSITY RESIDENTIAL), LDR/1A (LOW DENSITY RESIDENTIAL, 1 UNIT PER ACRE), MDR (MEDIUM DENSITY RESIDENTIAL), AND HDR (HIGH DENSITY RESIDENTIAL)

RECITALS:

1. On July 21, 2005, the Newberg City Council adopted Resolution 2005-2590, initiating amendments to the Newberg Comprehensive Plan and Development Code, generally as described in the recommendations of the Ad Hoc Committee on Newberg's Future, and directed City staff to undertake the activities needed to initiate and support a number of actions for the City to consider these amendments.
2. Consistent with Paragraph 2.c. of Resolution 2005-2590, City staff held neighborhood meetings in each general area that the Committee had recommended for addition to the Urban Growth Boundary to define specific boundaries, and is proceeding with the hearings process to create a new Urban Growth Boundary.
3. After proper notice, on September 21, 2006 a hearing was held by the Newberg Urban Area Management Commission on a specific proposal to amend the Newberg Urban Growth Boundary in the north and west. The Commission recommended approval of the urban growth boundary amendment, and recommended that the amendment areas be designated a combination of PQ (Public/Quasi-Public), LDR (Low Density Residential), LDR/1A (Low Density Residential, 1 unit per acre), MDR (Medium Density Residential), and HDR (High Density Residential). This area includes portions of Chehalem Creek as mapped and described in the June 2006 "Water Features Inventory" report appendix to the "Justification and Findings Report" (Exhibit "C").
4. After proper notice, on November 6, 2006, the Newberg City Council held a hearing to consider the request.
5. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The property described in Exhibit "A" and shown in Exhibit "B" is hereby included within the Newberg Urban Growth Boundary.

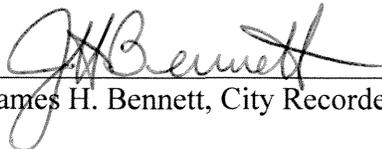
Attachment 5 to RCA ORD 2805

2. The Comprehensive Plan Designations for the property described in Exhibit "A" and shown in Exhibit "B" are hereby changed to Low Density Residential (LDR), Low Density Residential 1 Dwelling Unit Per Acre (LDR-1), Medium Density Residential (MDR), High Density Residential (HDR), and Public/Quasi-Public (PQ) as shown in Exhibit "B". The "Newberg, Oregon Comprehensive Plan Map" shall be amended to indicate this change. The Newberg Comprehensive Plan supply and demand tables shall be amended to reflect this change.
3. The stream corridors and generalized locations for future park sites shown in Exhibit "B" shall be added to the City's Inventory of Natural and Cultural Resources. Upon annexation, the stream corridors will be added to the Stream Corridor Overlay Sub-District (SC).
4. The findings which are attached hereto as Exhibit "C" are incorporated herein.
5. This ordinance is subject to adoption of the same Urban Growth Boundary and Comprehensive Plan changes by Yamhill County.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: December 6, 2006.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of November, 2006, by the following votes:

AYE: **NAY:** **ABSENT:** **ABSTAIN:**


James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of November, 2006.


Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through Newberg Urban Area Management Commission at 9/21/2006 meeting.

Exhibits

- Exhibit "A": List of Tax Lots
- Exhibit "B": Comprehensive Plan Map Designations
- Exhibit "C": Findings

EXHIBIT "A"
LIST OF TAX LOTS
UGB-05-011

LDRIA	LDR		MDR	HDR	PQ
3218CD 00205	3218BA 00400	3218BD 00900	3207 04100	3218CA 01900	3207 00900
3218CD 00206	3218BA 00301	3218BD 00800	3207 04000	3218CA 01800	3208 02701
3218CD 00202	3218BA 00700	3218BD 00702	3207 03900	3218CA 01700	3208 02802
3218CD 00203	3207 00300	3218BD 00700	3218AB 01401		3208 02800
3218CD 00204	3207 00600	3218BD 00701	3218AB 01500		3208 02801
3218CD 00211	3207 00700	3218BA 00900	3218AB 01600		3208 02703
3218CD 00210	3207 00800	3218BA 00800	3218AB 01700		3208 02702
3218CD 00209	3207 00400	3218BA 00600	3218AB 01701		3208 02700
3218CD 00220	3207 00500	3218BA 00500	3218AB 01702		
3218CD 00200	3218BD 00200	3218BA 00302	3218CD 01000		
3218CD 00208	3218BD 00100	3218BA 00303	3218CD 01400		
3218CD 00201	3218BD 00500	3218BA 00304	3218CD 00702		
3219BB 00102	3218BD 01000	3218BA 00300	3218CD 00700		
3219BB 00101	3218BD 00401	3218BA 00100	3218CD 00701		
3219BB 00100	3218BD 00600	3218BA 00101	3218CD 00900		
3218CD 00218	3218CA 02500	3218BA 00200	3218CD 01100		
3218CD 00217	3218CA 02400	3208 02900	3218CD 01200		
3218CD 00219	3218CA 02300	3218CA 02201	3218CD 01300		
3218CD 00214	3218CA 02100	3218CA 02200	3218CD 01600		
3218CD 00215	3218CA 02000	3218BD 00403	3218CD 00300		
3218CD 00216	3218CA 03300	3218BD 00402			
3218CD 00213	3218CA 03400	3218BD 00400			
3218CD 00207	3218CA 03200	3218BD 00300			
	3218CA 03100	3218BD 00301			
	3218CA 03500	3218CA 02800			
	3218CA 03000	3218CA 02801			
	3218CA 02900				
	3218CA 02700				
	3218CA 02600				
	3218BD 01100				

Note: Some parcels may be only partially in the amendment area. See map.

Exhibit "B"
Newberg Comprehensive Plan Designations

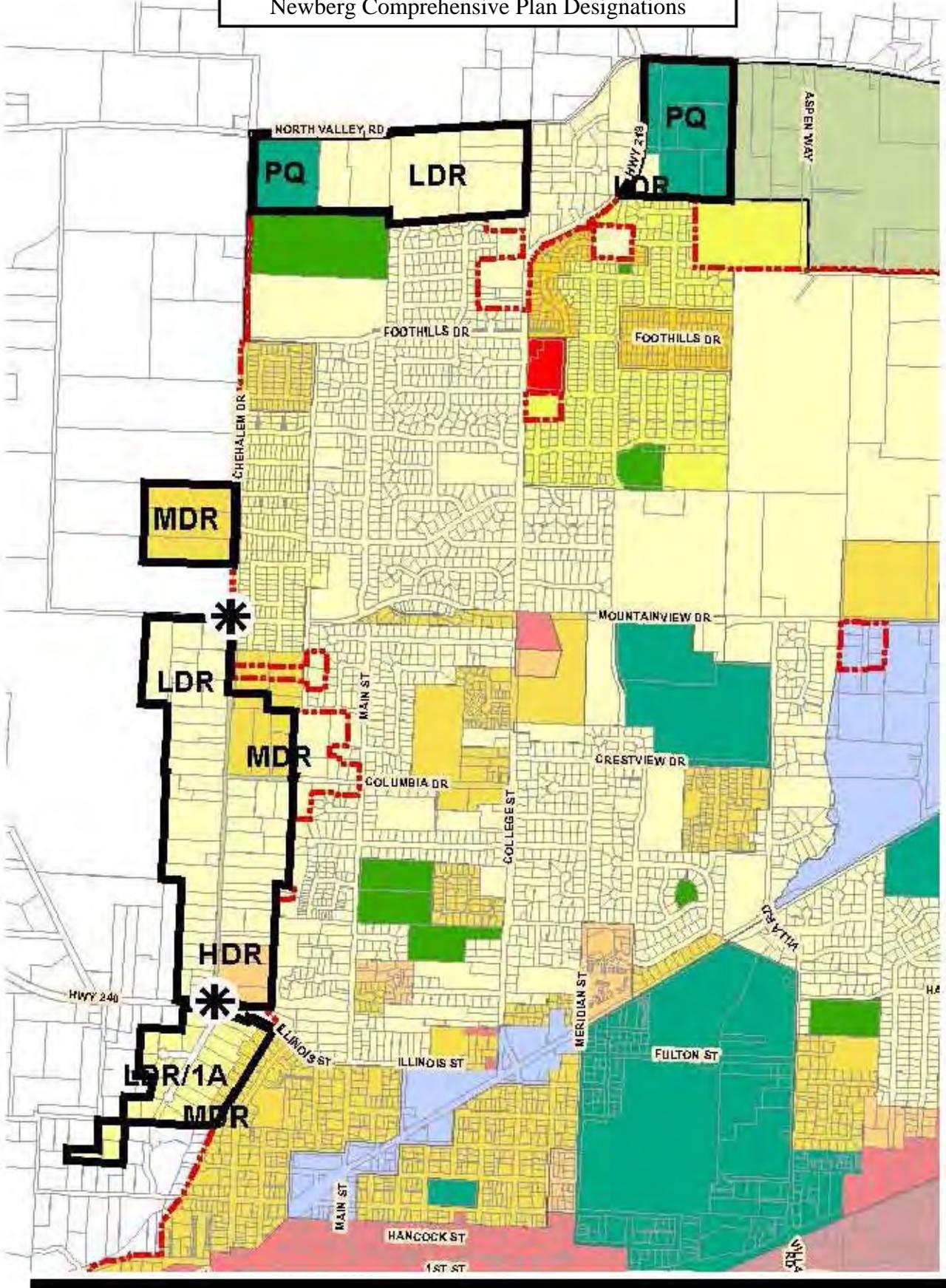


Exhibit “C”

Please see “Northwest Newberg 2006 UGB Expansion,
Justification & Findings Report,”
City of Newberg, Oregon, August 3, 2006
(provided as a separately bound document)

NORTHWEST NEWBERG

2006 UGB EXPANSION

JUSTIFICATION & FINDINGS REPORT

**City of Newberg, Oregon
Adopted November 6, 2006**

In evaluating alternative areas for possible inclusion in the UGB, these factors require consideration of each Urban Reserve Area's relative serviceability and efficiency in accommodating identified land needs. The City of Newberg determined which Urban Reserve Areas could be most efficiently developed for identified land needs and economically provided with public facilities and services.

Transportation System Extension

In 2005, the Newberg City Council adopted the Newberg Transportation System Plan (TSP).²⁵ The findings adopting the TSP addressed Statewide Planning Goal 14 – Urbanization as follows:

Statewide Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Finding: *The study area for the TSP update includes the Newberg Urban Growth Boundary and Urban Reserve areas. In order to provide an orderly and efficient transition from rural to urban land use, a comprehensive transportation plan is necessary. This plan provides that comprehensive system. Small segments of a few transportation facilities are currently shown on rural lands, which are not currently under the jurisdiction of Newberg. These facilities are not planned to accommodate any urban uses outside Urban Growth Boundaries. Any such recommended improvements will need to be coordinated with Yamhill County. All the facilities can be approved without an exception to Goal 14, as stated in the findings addressing Goal 3 above. Thus, the plan is consistent with Goal 14.*

Thus, the TSP specifically addressed transportation impacts resulting from planned development within the 2004 UGB plus the 1995 URA. Map 5, Transportation Systems Plan for UGB Expansion Areas (2005)²⁶, shows Chehalem Drive, North Valley Road, Foothills Drive, College Street, Main Street, Columbia Drive, Highway 240 (Illinois Street), and Aspen Way as the primary collector and arterial street system serving the 2006 UGB Expansion Areas.

Section 6.2 of the TSP identifies the intersection improvements necessary to accommodate increased traffic resulting in part from anticipated development within the 2006 UGB Expansion Areas. Specific transportation projects identified in the TSP include substantial improvements to Main Street, Chehalem Drive, Oregon Highway 240, Illinois Street, Columbia Drive, College Street and Foothill Drive. With these improvements, the local and state transportation system will have the capacity to accommodate planned development within the 2004 UGB and the 2006 UGB Expansion Areas.

Efficiency and Serviceability

Newberg Public Works evaluated the cost of extending sewer, water, and storm drainage services to each of the Urban Reserve Areas. (See *Newberg Urban Reserve Area Public Facilities Cost Estimates*, Planning and Building Department (2006).)

²⁵ See Ordinance 2005-2619.

²⁶ This map is identified as Figure 6-1, Functional Classification Plan, in the adopted Newberg TSP.

D. AGRICULTURAL LANDS GOAL STATEMENT

1. *To conserve Yamhill County's farm lands for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.*

Proposed Findings

Goal 14 – Urbanization and ORS 197.298 balance the competing land needs of agriculture and forestry on the one hand, and future urban growth on the other. Goal 14 requires that cities provide enough land for 20-year growth needs. ORS 197.298 defines land within URAs as the “highest priority” for expanding urban growth boundaries to meet 20-year land needs. Since Newberg is expanding almost exclusively on high priority URA land, the agricultural policies listed above are met. Agricultural lands are not affected by the decision to expand into the Aspen Estates rural residential exception areas, because (a) exception areas are not defined as “agricultural land,” and (b) none of the lots included within the UGB abut agricultural land.

E. TRANSPORTATION GOAL STATEMENT

1. *To provide and encourage an efficient, safe, convenient and economic transportation and communication system, including road, rail, waterways, public transit and air, to serve the needs of existing and projected urban and rural development within the county, as well as to accommodate the regional movement of people and goods and the transfer of energy, recognizing the economic, social and energy impacts of the various modes of transportation.*

Policies

- e. *Yamhill County will cooperate with and support the State Highway Division, the Mid-Willamette Valley Council of Governments, and any other county or regional transportation agency in an effort to establish a viable and productive regional transportation planning process and operations system geared to identifying, prioritizing and resolving both present and future transportation needs, with special reference to our county and regional network.*
- k. *All county transportation-related decisions will be made in particular consideration of energy efficiency and conservation.*
- o. *All transportation-related decisions will be made in support of the efficient and economic movement of people, goods, and services throughout the region, and will be based on the location and adequacy of facilities for such goods and services.*

Proposed Findings

The 2005 Newberg TSP addresses transportation impacts resulting from development within the 2004 UGB plus all URAs adopted by the City and County in 1995.

Attachment 6 to RCA ORD 2805

We are mailing you information about this proposal because you own land within 500 feet of the proposed annexation site. We invite you to send any written comments about the proposal to the Planning Division at:

Written Comments
File No. ANX-16-001
Newberg Planning Division
PO Box 970
Newberg, OR 97132

All written comments must be received by 12:00 p.m. on May 9, 2016. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

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

All interested persons may appear and provide testimony at the hearings. Only those persons who participate either orally or in writing during the hearing proceedings leading to the adoption of any action may appeal the decision. 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 annexation are found in Newberg Development Code Sections 15.250.050.

The Planning Commission will make a recommendation to the Newberg City Council about this proposal. The Planning Commission recommendation will be forwarded to City Council for a hearing in the near future. If you participate in the hearing process, either orally or in writing, we will send you information about any decision made by the City relating to this project.

Date mailed: April 18, 2016

We continue to have many serious traffic accidents at the corner of Chehalum Drive and North Valley. Something must be done about this dangerous corner particularly if another 50+ houses are built on the adjoining property. At minimum the intersection should be aligned to avoid the jog required traveling on Chehalum Drive. I don't see how it makes any sense to allow this development unless this intersection fix is part of the deal.

Sincerely,
Paul Jellum
15925 NE Chehalum Dr.

REC
4/21/16
JP



ORDINANCE No. 2016-2805

AN ORDINANCE ANNEXING 10.37 ACRES OF PROPERTY LOCATED AT 24950 NE NORTH VALLEY ROAD, TAX LOT 3207-00900, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGING THE ZONING FROM YAMHILL COUNTY AF-10 TO NEWBERG R-1

RECITALS:

1. The Newberg First Baptist Church submitted an application to annex 10.37 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County AF-10 to Newberg R-1. The property is located directly north of the current Newberg city limits at the southeast corner of the Chehalem Drive/North Valley Road intersection, Tax Lot 3207-00900.
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 PQ (Public/Quasi-Public), which is consistent with the proposed zoning of R-1 (Low Density Residential). Adequate public services and utilities are or can be made available to serve the property within three years.
3. The Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, deliberated, and voted to approve Planning Commission Resolution No. 2016-317 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 AF-10 to Newberg R-1. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.

2. This decision is based on the findings shown in Exhibit "C". 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 5, 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. 2016-2805
Property Map – First Baptist Annexation**

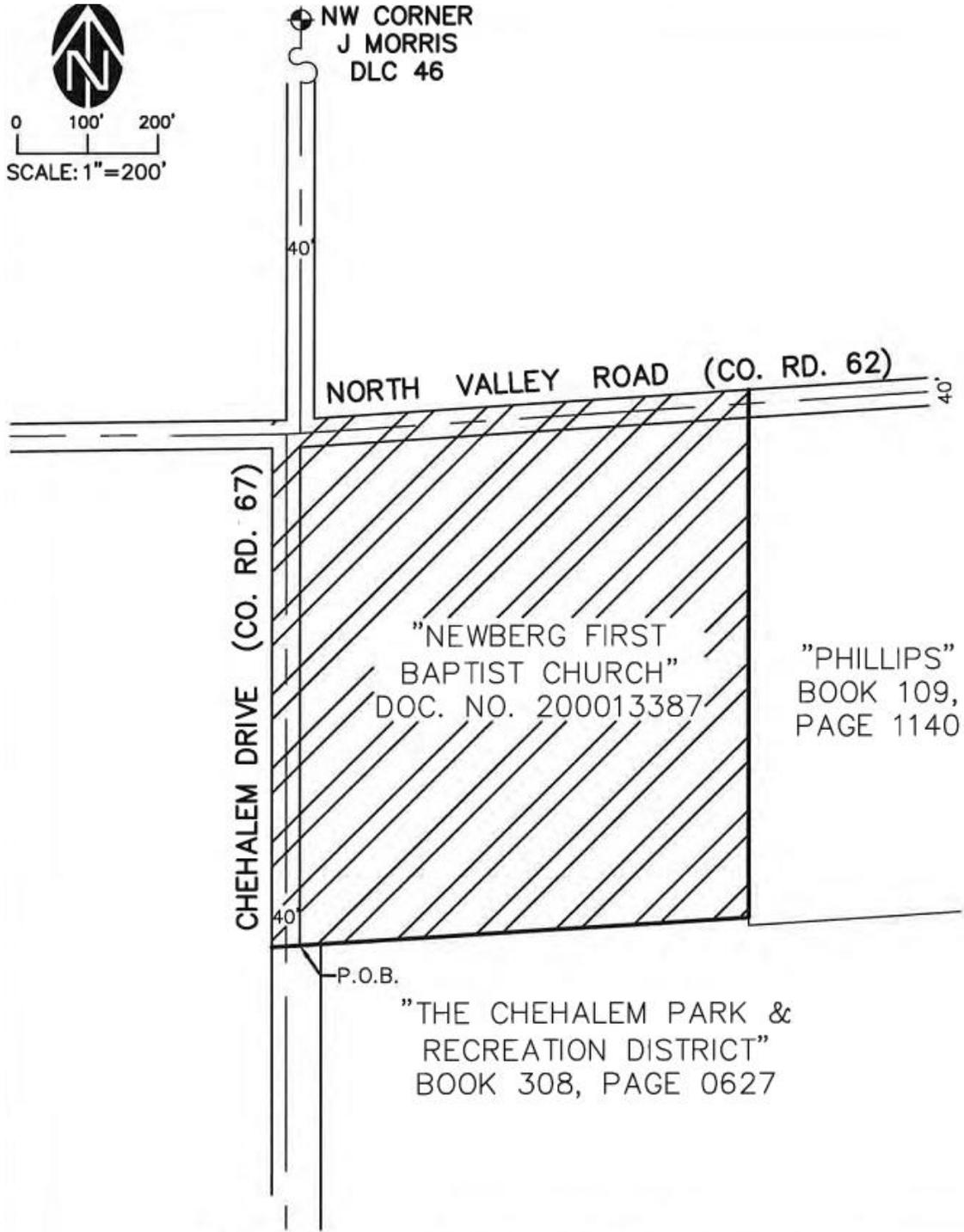
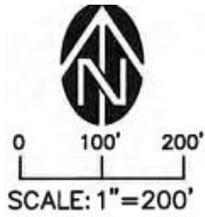


EXHIBIT B
PROPOSED ANNEXATION
 LOCATED IN THE NORTH 1/2 OF SECTION 7
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
 YAMHILL COUNTY, OREGON

DATE	3/2/16
DRAWN BY	GRA
CHECKED BY	KLS
REVISION	0
JOB NO.	D131-049

 WESTLAKE CONSULTANTS INC.	ENGINEERING ♦ SURVEYING ♦ PLANNING
	PACIFIC CORPORATE CENTER 15115 S.W. SEQUOIA PARKWAY, SUITE 160 (503) 684-0662 TIGARD, OREGON 97224 FAX (503) 624-0157

**Exhibit "B" to Ordinance No. 2016-2805
Legal Description – First Baptist Annexation**

Newberg First Baptist Church
Proposed Annexation
February 2, 2016
Project P131-042

PROPERTY DESCRIPTION

A tract of land; situated in the North 1/2 of Section 7, T 3 S., R 2 W., W.M. Yamhill County, Oregon; being more particularly described as follows:

Beginning at a point along the West line of the J. Morris DLC # 46, which point bears South 1,467.16 feet from the northwest corner thereof, said point also being at the intersection of the north line extended to the west of that tract conveyed to "The Chehelam Park & Recreation District" as recorded in Book 308, Page 0627, Yamhill County Deed Records and the east right of way line of Chehalem Drive (Co. Rd. 67);

thence, along said north line and its westerly extension, North 86°32'30" East 642.35 feet, more or less, to the west line of that tract of land conveyed to "Robert Edward Phillips, Jr. and Barbara Jean Phillips" as recorded in Book 109, Page 1140, Yamhill County Deed Records;

thence, along last said west line, North 758.91 feet, more or less, to the northerly right of way line of North Valley Road (Co. Rd. 62);

thence, along said northerly right of way line, South 86°20'00" West 682.58 feet, more or less, to the west right of way line of said Chehalem Drive;

thence, along said west right of way line, South 756.42 feet, more or less, to its intersection with said north line extended to the west of said tract conveyed to "The Chehelam Park & Recreation District";

thence, along said westerly extension, North 86°32'30" East 40.07 feet to the Point of Beginning.

Containing 11.848 acres or 516,106 square feet, more or less.

Bearings are based upon Yamhill County Survey #8020.



**Exhibit “C” to Ordinance No. 2016-2805
Findings –File ANX-16-001 – First Baptist Annexation**

A. 15.250.020 Conditions for annexation.

The following conditions must be met prior to or concurrent with city processing of any annexation request:

A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.

B. The subject site must be contiguous to the existing city limits.

Finding: The First Baptist property, located at 24950 NE North Valley Road, Tax Lot 3207-00900, is located within the urban growth boundary and is contiguous to the Newberg city limits along its southern boundary. The legal description of area to be annexed includes the adjacent Chehalem Drive and North Valley Road rights-of-way, which provides for future continuity of the city limits. This criterion is met.

B. 15.250.030 Quasi-judicial annexation criteria.

The following criteria shall apply to all annexation requests:

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

Finding: The property has a Comprehensive Plan designation of PQ (Public/Quasi-Public), which corresponds with the requested zoning of R-1 (Low Density Residential). Section 15.250.080 of the Newberg Development Code says that any zoning designation is consistent with the PQ Comprehensive Plan designation. The PQ designation is typically used to indicate the location of public/quasi-public uses such as schools and churches; these uses are typically permitted in any zone, which is why any zone can be applied under a PQ designation. The PQ designation was likely applied at the time of the urban growth boundary expansion in consultation with the property owners to pave the way for a future church on the site; however, the property owners would be permitted to develop the property with any permitted or conditionally permitted use in the R-1 zone and not held to only a PQ type of development. This criterion is met.

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

1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and

the ability of the city to provide for those costs.

Finding: City water, sanitary sewer and stormwater lines are not located adjacent to this property. The nearest services are located at the intersection of Foothills Drive and Chehalem Drive, but there is adequate capacity for the utilities to be extended to the property within three years. At the time of development, services could be extended to the north along Chehalem Drive to serve the property. Downstream of the property, the sanitary sewer flows to the Chehalem Pump Station. At the time of development, an analysis of the pump station is required, and any necessary upgrades to the pump station would be completed by the developer.

There appears to be wetlands located at the southern end of the property. At the time of development, a wetland delineation/determination will be required, along with all associated permits.

The property has road frontage along Chehalem Drive and North Valley Road. Future development of this property will necessitate roadway frontage improvements, along all property frontages, to City standards. Due to limited sight distance at the intersection of North Valley Road and Chehalem Drive, improvements to this intersection will be necessary to meet engineering sight distance standards. Additionally, a pedestrian sidewalk will be required to be installed from the property south along Chehalem Drive to Foothills Drive.

C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

Finding: The city sends 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. In addition, the applicants indicate that they contacted the Newberg School District and the Police and Fire Departments, and verified that there were no issues with serving future development on this site. The School District did comment that a future pedestrian path from the development to the adjacent park would be critical due to the unsafe pedestrian conditions on Chehalem Drive. There is no information to suggest that city services could not support the addition of the 10.37 acres of property, plus the area of the adjacent rights-of-way, to the city limits, and in fact future development of the site helps fund these city services and other System Development Charge or permit fee funded services such as the School District and CPRD. It should be noted that the City of Newberg does not do future planning for the Parks District or the School District; however, the city coordinates with those agencies on a regular basis in regards to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

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 PQ (Public/Quasi-Public), which corresponds with the requested zoning of R-1 (Low Density Residential) as section 15.250.080 of the Newberg Development Code says that any zoning designation is consistent with the PQ Comprehensive Plan designation. The Comprehensive Plan Housing Goal says “To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.” Annexations meet the intent of the Goal because they provide land to meet the needs of City residents. The buildable land data in the Comprehensive Plan is rather outdated, but the most recent analysis done for a recent zone change showed a need for 37 acres of LDR land. Annexation of this property would help the city meet this deficiency. This criterion is met.

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

Finding: As demonstrated in the finding to 15.250.030.B. above, the applicant has demonstrated that adequate public facilities and services can be reasonably made available to support future development of the property at R-1 permitted densities.

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

Finding: Annexation of the property complies with the State Transportation Planning Rule (TPR) (OAR 660-012-0060) because it meets the requirements for an amendment to a zoning map that does not significantly affect an existing or planned transportation facility as permitted by Subsection (9) of the TPR: the proposed zoning of R-1 is consistent with the existing comprehensive plan map designation of PQ; the City of Newberg has an acknowledged TSP which included this area in the urban reserve as planned future urbanizable land; this property was brought into the urban growth boundary in 2006 as part of a larger urban growth boundary amendment that included a full report with adequate justifications for transportation and other public facilities.

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.