

Exhibit “B”: Findings

CPTA-17-002 – 2014 Stormwater Master Plan – Resolution No. 2017-330

Applicable Newberg Comprehensive Plan (NCP) Goals and Policies & Applicable Oregon Statewide Planning Goals (SPG)

SPG 1/NCP A. Citizen Involvement. Goal: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The city meets this requirement by having various citizen committees with opportunities for the public to testify on general or specific matters. For the Stormwater Master Plan it went before the Newberg City Council on July 7, 2014 which provided the opportunity for public comment. Additionally, the proposal will go to both the Planning Commission and the City Council, providing multiple opportunities for citizen participation. Finally, notice was published in the Newberg Graphic newspaper. The SPG 1 and NCP A goals are met.

SPG 2. Land Use Planning. Goal: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties.

The City of Newberg last updated its Stormwater Master Plan in 2001. The 2014 Stormwater Master Plan updates and will be incorporated by reference into the Newberg Comprehensive Plan as noted in Exhibit “C”. The SPG 2 goal is met.

SPG 6/NCP E. Air, Water, and Land Resource Quality. Goal: To maintain and, where feasible, enhance the air, water, and land resource qualities within the community.

Finding: Goal 6 addresses the quality of air, water, and land resources. In the context of a comprehensive plan amendment, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards. The 2014 Stormwater Master Plan address the land use pattern and density consistent with the acknowledged Newberg Comprehensive Plan to ensure that air, water and land resource quality through efficient use of the land supply through the provision of stormwater facilities. The SPG 6 and NCP E goals are met.

SPG 9. Economic Development/NCP H. The Economy. Goal: To develop a diverse and stable economic base.

Finding: The 2014 Stormwater Master Plan provides for adequate stormwater service provision for all residential, commercial, industrial and institutional uses that are anticipated in the acknowledged Newberg Comprehensive Plan for hydrologic and hydraulic models, develop an integrated stormwater system capital improvement program, evaluate stream channel conditions, review the overall

stormwater management program, and identify implementation priorities, through the identification of necessary stormwater system improvements based on projected population growth which will ensure a diverse and stable economic base of the community over the 20-year planning horizon. SPG 9 and NCP H goals are met.

SPG 13/NCP M. Energy. Goal: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

Finding: The 2014 Stormwater Master Plan has taken into consideration the acknowledged Newberg Comprehensive Plan and the Population Forecasts for Yamhill County, and its Cities and Unincorporated Areas 2011-2035 for population projections to provide an energy efficient conveyance and treatment stormwater system within the Newberg Urban Growth Boundary. SPG 13 and NCP M goals are met.

SPG 11/NCP L. Public Facilities and Services. Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Finding: The 2014 Stormwater Master Plan outlines the provision of the City of Newberg's stormwater system for conveyance, treatment, and capital improvement program as identified in Exhibit "A". The plan lays out the necessary improvements for the system and extension of the stormwater system to service all lands within the Newberg Urban Growth Boundary in a timely, orderly and efficient arrangement for urban development and meets SPG 11 and NCP L.

Applicable Oregon Revised Statute

197.712 Commission duties; comprehensive plan provisions; public facility plans; state agency coordination plans; compliance deadline; rules.

(2) By the adoption of new goals or rules, or the application, interpretation or amendment of existing goals or rules, the Land Conservation and Development Commission shall implement all of the following:

(e) A city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The public facility plan shall include rough cost estimates for public projects needed to provide sewer, water and transportation for the land uses contemplated in the comprehensive plan and land use regulations. Project timing and financing provisions of public facility plans shall not be considered land use decisions.

Finding:

The 2014 Stormwater Master Plan is an element of the City of Newberg public facility plan covering the urban growth boundary of the City and updates the 2001 Stormwater Master Plan. The City of Newberg population is 23,465. The 2017 Water System Master Plan includes cost estimates for the land uses contemplated in the comprehensive plan and land use regulations and meets the requirement.

Applicable Oregon Administrative Rules (OARs)

OAR Chapter 660, Division 11 Public Facilities Planning

OAR 660-011-0000

Purpose

The purpose of this division is to aid in achieving the requirements of Goal 11, Public Facilities and Services, OAR 660-015-0000(11), interpret Goal 11 requirements regarding public facilities and services on rural lands, and implement ORS 197.712(2)(e), which requires that a city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11. The division contains definitions relating to a public facility plan, procedures and standards for developing, adopting, and amending such a plan, the date for submittal of the plan to the Commission and standards for Department review of the plan.

Finding: The City of Newberg is a community of 23,465 individuals with an acknowledged Comprehensive Plan and Urban Growth Boundary. Because the population is greater than 2,500 Newberg is required to have an adopted public facility plan (Stormwater Master Plan). The City of Newberg currently has a 2001 Stormwater Master Plan which is proposed to be updated by the 2014 Stormwater Master Plan to assure that urban development in Urban Growth Boundary is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban area to be serviced, and that stormwater facilities are provided in a timely, orderly and efficient arrangement. The proposed 2014 Stormwater Master Plan is consistent with the Purpose of OAR 660-011-0000.

OAR 660-011-0005

Definitions

(1) "Public Facilities Plan": A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500. Certain elements of the public facility plan also shall be adopted as part of the comprehensive plan, as specified in OAR 660-11-045.

Finding: The City of Newberg population estimate as of July 2016, as determined by Portland State University Population Research Center, is 23,465. The 2014 Stormwater Master Plan is being adopted as a support document and as part of the Newberg Comprehensive Plan. The 2014 Stormwater Master Plan supports the land use designations in the acknowledged Newberg Comprehensive Plan which covers the Newberg Urban Growth Boundary. The 2014 Stormwater System Plan as part of the overall Public Facilities Plan meets the definition of OAR 660-011-0005(1).

(2) "Rough Cost Estimates": Rough cost estimates are approximate costs expressed in current-year (year closest to the period of public facility plan development) dollars. It is not intended that project cost estimates be as exact as is required for budgeting purposes.

Finding: the 2014 Stormwater Master Plan, Exhibit A, contains cost estimates as noted under OAR 660-011-0010 and meets the definition.

(3) "Short Term": The short term is the period from year one through year five of the facility plan.

Finding: The 2014 Stormwater Water Master Plan, Exhibit "A", contains a short term horizon of five years consistent with the definition of OAR 660-011-0005(3).

(4) "Long Term": The long term is the period from year six through the remainder of the planning period.

Finding: The 2014 Stormwater Master Plan, Exhibit "A", contains a long term horizon of six years to the end of the planning horizon of 20-years consistent with the definition of OAR 660-011-0005(3).

(5) "Public Facility": A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities.

Finding: The 2014 Stormwater Master Plan, Exhibit "A", is a public facility per the definition of OAR 660-011-0005(5).

(6) "Public Facility Project": A public facility project is the construction or reconstruction of a water, sewer, or transportation facility within a public facility system that is funded or utilized by members of the general public.

Finding: The 2014 Stormwater Master Plan, Exhibit "A", contains identified projects per the definition of OAR 660-011-0005(6).

(7) "Public Facility Systems": Public facility systems are those facilities of a particular type that combine to provide water, sewer or transportation services.

For purposes of this division, public facility systems are limited to the following:

(a) Water:

(A) Sources of water;

(B) Treatment system;

(C) Storage system;

(D) Pumping system;

(E) Primary distribution system.

Finding: The 2014 Stormwater Master Plan is not a water master plan and does not apply.

(b) Sanitary sewer:

(A) Treatment facilities system;

(B) Primary collection system.

Finding: The 2014 Stormwater Master Plan is not a Sanitary Sewer Plan and does not apply.

(c) Storm sewer

(A) Major drainageways (major trunk lines, streams, ditches, pump stations and retention basins);

(B) Outfall locations.

Finding: The 2014 Stormwater Master Plan, Exhibit "A", is a part of the Public Facility Systems and includes the required elements of OAR 660-011-0005(7)(b).

(8) "Land Use Decisions": In accordance with ORS 197.712(2)(e), project timing and financing provisions of public facility plans shall not be considered land use decisions as specified under ORS 197.015(10).

Finding: The City of Newberg has a rolling Five Year Capital Improvement Program that address project timing and financing and is not considered a land use decision per OAR 660-011-0005(8) which is included as Attachment 4.

(9) "Urban Growth Management Agreement": In accordance with OAR 660-003-0010(2)(c), and urban growth management agreement is a written statement, agreement or set of agreements setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be completed and by which the urban growth boundary may be modified (unless the same information is incorporated in other acknowledged documents).

Finding: The City of Newberg has a Newberg Urban Area Growth Management Agreement with Yamhill County that was initially adopted in 1979 (as amended) that is an agreement on the management of the unincorporated area within the Newberg Urban Growth Boundary and contains requirements on how the Urban Growth Boundary may be modified consistent with the definition in 660-011-0005(9). This Agreement is included as Attachment 3.

OAR 660-011-0010

The Public Facility Plan

(1) The public facility plan shall contain the following items:

(a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, includes an assessment of the condition of the overall stormwater system that supports the designated uses in the acknowledged Newberg Comprehensive Plan and meets the requirement.

(b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, Sections 6 and 7 identifies the significant projects with descriptions to support the estimated population and land uses identified in the acknowledged Newberg Comprehensive Plan and meets the requirement.

(c) Rough cost estimates of each public facility project;

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, Section 7 and Appendix D provides costs estimates for projects as noted in Table 7-1 and meets the requirement.

(d) A map or written description of each public facility project's general location or service area;

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, contains descriptions and maps of the public facility projects as noted in Tables 6-2, 7-1, Figure 6-1 and Appendix D and meets the requirement.

(e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, identifies that the City of Newberg is the stormwater service provider within the city limits and as annexations occur to lands within the Urban Growth Boundary. This is consistent with the Newberg Urban Area Growth Management Agreement included as Attachment 3 and meets the requirement.

(f) An estimate of when each facility project will be needed; and

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, Table 7-1 includes an estimate of the time horizons of when stormwater system capital improvements are estimated to occur. This is broken out in the horizons of 1-5 years, 6-10 years, 10 years and beyond which meets the requirement.

(g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, Section 6 and 7, and Appendix D identifies the proposed capital improvement projects, costs and funding mechanisms and meets the requirement.

(2) Those public facilities to be addressed in the plan shall include, but need not be limited to those specified in OAR 660-011-0005(5). Facilities included in the public facility plan other than those included in OAR 660-011-0005(5) will not be reviewed for compliance with this rule.

Finding: OAR 660-011-0005(5)(c) identifies stormwater and its subsets of major drainageways (major trunk lines, streams, ditches, pump stations and retention basins) and outfall locations. The 2014 Stormwater Master plan addresses all of these components as noted in Exhibit “A” and meets the requirement.

(3) It is not the purpose of this division to cause duplication of or to supplant existing applicable facility plans and programs. Where all or part of an acknowledged comprehensive plan, facility master plan either of the local jurisdiction or appropriate special district, capital improvement program, regional functional plan, similar plan or any combination of such plans meets all or some of the requirements of this division, those plans, or programs may be incorporated by reference into the public facility plan required by this division. Only those referenced portions of such documents shall be considered to be a part of the public facility plan and shall be subject to the administrative procedures of this division and ORS Chapter 197.

Finding: The City of Newberg is proposing to update and adopt the 2014 Stormwater Master Plan. Other than the proposed Stormwater Capital Improvement Plan included as Attachment 4 no other special district or regional functional plan is being referenced.

OAR 660-011-0015

Responsibility for Public Facility Plan Preparation

(1) Responsibility for the preparation, adoption and amendment of the public facility plan shall be specified within the urban growth management agreement. If the urban growth management agreement does not make provision for this responsibility, the agreement shall be amended to do so prior to the preparation of the public facility plan. In the case where an unincorporated area exists within the Portland Metropolitan Urban Growth Boundary which is not contained within the boundary of an approved urban planning area agreement with the County, the County shall be the responsible agency for preparation of the facility plan for that unincorporated area. The urban growth management agreement shall be submitted with the public facility plan as specified in OAR 660-011-0040.

Finding: The Newberg Urban Area Growth Management Agreement, Attachment 2, Section V. Urban Services identifies the City of Newberg as the ultimate provider of urban services within the Urban Growth Boundary and specifically notes that service expansion plans are the responsibility of the City of Newberg, which meets the requirement of OAR 660-011-0015.

(2) The jurisdiction responsible for the preparation of the public facility plan shall provide for the coordination of such preparation with the city, county, special districts and, as necessary, state and federal agencies and private providers of public facilities. The Metropolitan Service District is responsible for public facility plans coordination within the District consistent with ORS 197.190 and 268.390.

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, has been coordinated with Yamhill County. No other service providers are responsible for stormwater service provision within the Newberg Urban Growth Boundary, which meets the requirement of OAR 660-011-0015(2). As part of the Post Acknowledgement Plan Amendment process through the Oregon Department of Land Conservation and Development other State agencies that have an interest in Newberg’s Stormwater Management Plan will be notified to be in compliance with OAR Chapter 333, Division 61.

(3) Special districts, including port districts, shall assist in the development of the public facility plan for those facilities they provide. Special districts may object to that portion of the facilities plan adopted as part of the comprehensive plan during review by the Commission only if they have completed a special district agreement as specified under ORS 197.185 and 197.254(3) and (4) and participated in the development of such portion of the public facility plan.

Finding: There are no special districts within the stormwater service provision area of the Newberg Urban Growth Boundary.

(4) Those state agencies providing funding for or making expenditures on public facility systems shall participate in the development of the public facility plan in accordance with their state agency coordination agreement under ORS 197.180 and 197.712(2)(f).

Finding: No State agency funding sources have been identified at this time for capital expenditures to implement the 2014 Stormwater Master Plan. Future opportunities may be identified.

OAR 660-011-0020

Public Facility Inventory and Determination of Future Facility Projects

(1) The public facility plan shall include an inventory of significant public facility systems. Where the acknowledged comprehensive plan, background document or one or more of the plans or programs listed in OAR 660-011-0010(3) contains such an inventory, that inventory may be incorporated by reference. The inventory shall include:

(a) Mapped location of the facility or service area;

(b) Facility capacity or size; and

(c) General assessment of condition of the facility (e.g., very good, good, fair, poor, very poor).

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, contains an inventory of all significant stormwater facility systems and includes a mapped location, facility capacity and size, and an assessment of the condition of the stormwater system in compliance with OAR 660-011-0020(1)(a-c) and meets the requirement.

(2) The public facility plan shall identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The public facility plan shall

list the title of the project and describe each public facility project in terms of the type of facility, service area, and facility capacity.

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, identifies stormwater system facility projects that support the projected population and land uses designated in the acknowledged Newberg Comprehensive Plan and lists by project title and description of each project within the plan in compliance with OAR 660-011-0020(2) and meets the requirement.

(3) Project descriptions within the facility plan may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or site availability. The public facility plan should anticipate these changes as specified in OAR 660-011-0045.

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, identifies capital improvement projects over the next 20 years. As these projects are further developed through the City’s 5-Year Stormwater Capital Improvement Program, Attachment 4, and as project designs start the environmental impacts, facility master plans and capital improvement program adjustment may be necessary and will be addressed at that time and any necessary project description modifications in the 2014 Stormwater Master Plan will be addressed, which meets the requirement.

OAR 660-011-0025

Timing of Required Public Facilities

(1) The public facilities plan shall include a general estimate of the timing for the planned public facility projects. This timing component of the public facilities plan can be met in several ways depending on whether the project is anticipated in the short term or long term. The timing of projects may be related directly to population growth, e.g., the expansion or new construction of water treatment facilities. Other facility projects can be related to a measure of the facility's service level being met or exceeded, e.g., a major arterial or intersection reaching a maximum vehicle-per-day standard. Development of other projects may be more long term and tied neither to specific population levels nor measures of service levels, e.g., sewer projects to correct infiltration and inflow problems. These projects can take place over a long period of time and may be tied to the availability of long-term funding. The timing of projects may also be tied to specific years.

Finding: The 2014 Stormwater Master Plan, Exhibit “A”, includes a general estimate of the timing of the planned public improvements based on population and urban development activities within the Newberg Urban Growth Boundary. The timing is broken down into time horizons of 1-5 years, 6-10 years, 10 years and beyond which meets the requirement of OAR 660-011-0025(1).

(2) Given the different methods used to estimate the timing of public facilities, the public facility plan shall identify projects as occurring in either the short term or long term, based on those factors which are related to project development. For those projects designated for development in the short term, the public facility plan shall identify an approximate year for development. For those projects designated for development over the long term, the public facility plan shall

provide a general estimate as to when the need for project development would exist, e.g., population level, service level standards, etc. Timing provisions for public facility projects shall be consistent with the acknowledged comprehensive plan's projected growth estimates. The public facility plan shall consider the relationships between facilities in providing for development.

Finding: The 2014 Stormwater Master Plan, Exhibit "A", identifies short-term and longer term projects identified as horizons of 1-5 years, 6-10 years, 10 years and beyond projects. The Plan does not identify the estimated year within the 1-5 year horizon. Instead the City is utilizing our 5-Year Capital Improvement Program to identify the timing of the short term projects. A copy of the most recent 5-Year Capital Improvement Program is included as Attachment 4. Mid-term and long term projects are based on population growth estimates provided by Portland State University as part of the Population Forecasts for Yamhill County, its Cities and Unincorporated Area 2011-2035 which can be used for planning purposes. The requirement to comply with OAR 660-011-0025(2) has been met.

(3) Anticipated timing provisions for public facilities are not considered land use decisions as specified in ORS 197.712(2)(e), and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or 197.835(4).

Finding: The 2014 Stormwater Master Plan, Exhibit "A", identifies short term, mid-term, and long term projects.

OAR 660-011-0030

Location of Public Facility Projects

(1) The public facility plan shall identify the general location of the public facility project in specificity appropriate for the facility. Locations of projects anticipated to be carried out in the short term can be specified more precisely than the locations of projects anticipated for development in the long term.

Finding: The 2014 Stormwater Master Plan, Exhibit "A", Sections 6 and 7 identifies the general location of short term, mid-term and long term projects in compliance with OAR 660-011-0030(1) and meets the requirement.

(2) Anticipated locations for public facilities may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or land availability. The public facility plan should anticipate those changes as specified in OAR 660-011-0045.

Finding: The 2014 Stormwater Master Plan, Exhibit "A", identifies capital improvement projects over the next 20 years. As these projects are further developed through the City's 5-Year Capital Improvement Plan and project designs start environmental impacts, facility master plans and capital improvement program adjustment may be necessary and will be addressed at that time and any necessary project description modifications in the 2014 Stormwater Master Plan will be addressed, which meets the requirement.

OAR 660-011-0035

Determination of Rough Cost Estimates for Public Facility Projects and Local Review of Funding Mechanisms for Public Facility Systems

(1) The public facility plan shall include rough cost estimates for those sewer, water, and transportation public facility projects identified in the facility plan. The intent of these rough cost estimates is to:

(a) Provide an estimate of the fiscal requirements to support the land use designations in the acknowledged comprehensive plan; and

(b) For use by the facility provider in reviewing the provider's existing funding mechanisms (e.g., general funds, general obligation and revenue bonds, local improvement district, system development charges, etc.) and possible alternative funding mechanisms. In addition to including rough cost estimates for each project, the facility plan shall include a discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system. These funding mechanisms may also be described in terms of general guidelines or local policies.

Finding: the 2014 Stormwater Master Plan, Exhibit "A", contains cost estimates for the stormwater system. The Newberg City Council approved the 2017-2021 Stormwater Capital Improvement Program and the funding sources for the stormwater improvements. This overall process meets the requirement of OAR 660-011-0035(1)(a).

The 2014 Stormwater Master Plan, Exhibit "A", identifies funding methodology for stormwater system improvements in compliance with OAR 660-011-0035(1)(b).

(2) Anticipated financing provisions are not considered land use decisions as specified in ORS 197.712(2)(e) and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or 197.835(4).

Finding: The 2014 Stormwater Master Plan, Exhibit "A", has financing provisions included in Section 7.

OAR 660-011-0040

Date of Submittal of Public Facility Plans

The public facility plan shall be completed, adopted, and submitted by the time of the responsible jurisdiction's periodic review. The public facility plan shall be reviewed under OAR Chapter 660, Division 25, "Periodic Review" with the jurisdiction's comprehensive plan and land use regulations. Portions of public facility plans adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review will be reviewed pursuant to OAR Chapter 660, Division 18, "Post Acknowledgment Procedures".

Finding: the 2014 Stormwater Master Plan will be reviewed under OAR Chapter 660, Division 18, "Post Acknowledgment Procedures" as the City of Newberg is not currently in a Periodic Review process under OAR Chapter 660, Division 25.

Adoption and Amendment Procedures for Public Facility Plans

(1) The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan:

(a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;

(b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and

(c) The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.

Finding: The 2014 Stormwater Master Plan, Exhibit "A", is being adopted as a supporting document to the acknowledged Newberg Comprehensive Plan and is being adopted as part of the Newberg Comprehensive Plan as noted in Exhibit "C" and complies with OAR 660-011-0045(1). The 2014 Stormwater Master Plan includes a listing of projects as identified in Exhibit "A" and meets the requirement of OAR 660-011-0045(1)(a). A map of the location of stormwater system improvements is included in Exhibit "A" and meets the requirement of OAR 660-011-0045(1)(b). The Newberg Urban Area Growth Management Agreement (Attachment 3) identifies that City of Newberg is the service provider of the water system within the Urban Growth Boundary and the Newberg city limits and meets the requirement of OAR 660-011-0045(1)(c).

(2) Certain public facility project descriptions, location or service area designations will necessarily change as a result of subsequent design studies, capital improvement programs, environmental impact studies, and changes in potential sources of funding. It is not the intent of this division to:

(a) Either prohibit projects not included in the public facility plans for which unanticipated funding has been obtained;

(b) Preclude project specification and location decisions made according to the National Environmental Policy Act; or

(c) Subject administrative and technical changes to the facility plan to ORS 197.610(1) and (2) or 197.835(4).

Finding: The 2014 Stormwater Master Plan, Exhibit "A", has a list of capital projects to be implemented over the ensuing 20 year period. As new funding options may be identified in the

future or environmental reviews requiring modifications to a proposed project, the plan may have to be revisited on an as needed basis in conformance with OAR 660-011-0045(2).

(3) The public facility plan may allow for the following modifications to projects without amendment to the public facility plan:

(a) Administrative changes are those modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity, or other general characteristic of the project;

(b) Technical and environmental changes are those modifications to a public facility project which are made pursuant to "final engineering" on a project or those that result from the findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the National Environmental Policy Act of 1969 (40 CFR Parts 1500-1508) or any federal or State of Oregon agency project development regulations consistent with that Act and its regulations.

(c) Public facility project changes made pursuant to subsection (3)(b) of this rule are subject to the administrative procedures and review and appeal provisions of the regulations controlling the study (40 CFR Parts 1500-1508 or similar regulations) and are not subject to the administrative procedures or review or appeal provisions of ORS Chapter 197, or OAR Chapter 660 Division 18.

Finding: No administrative or technical changes are anticipated at this time for the 2014 Stormwater Master Plan. If these situations arise the City of Newberg will comply with the provisions of OAR 660-011-0045(3).

(4) Land use amendments are those modifications or amendments to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan and which do not qualify under subsection (3)(a) or (b) of this rule. Amendments made pursuant to this subsection are subject to the administrative procedures and review and appeal provisions accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18.

Finding: No land use amendments are anticipated at this time that would trigger OAR 660-011-0045(4). If such amendments occur in the future the City of Newberg will comply with OAR 660-011-0045(4).