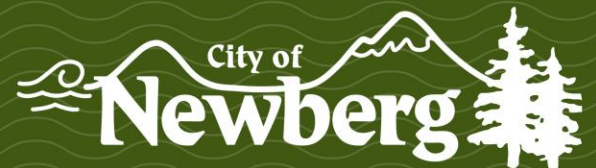


Annexation of 918 S Wynooski Street

File No. ANX23-0001

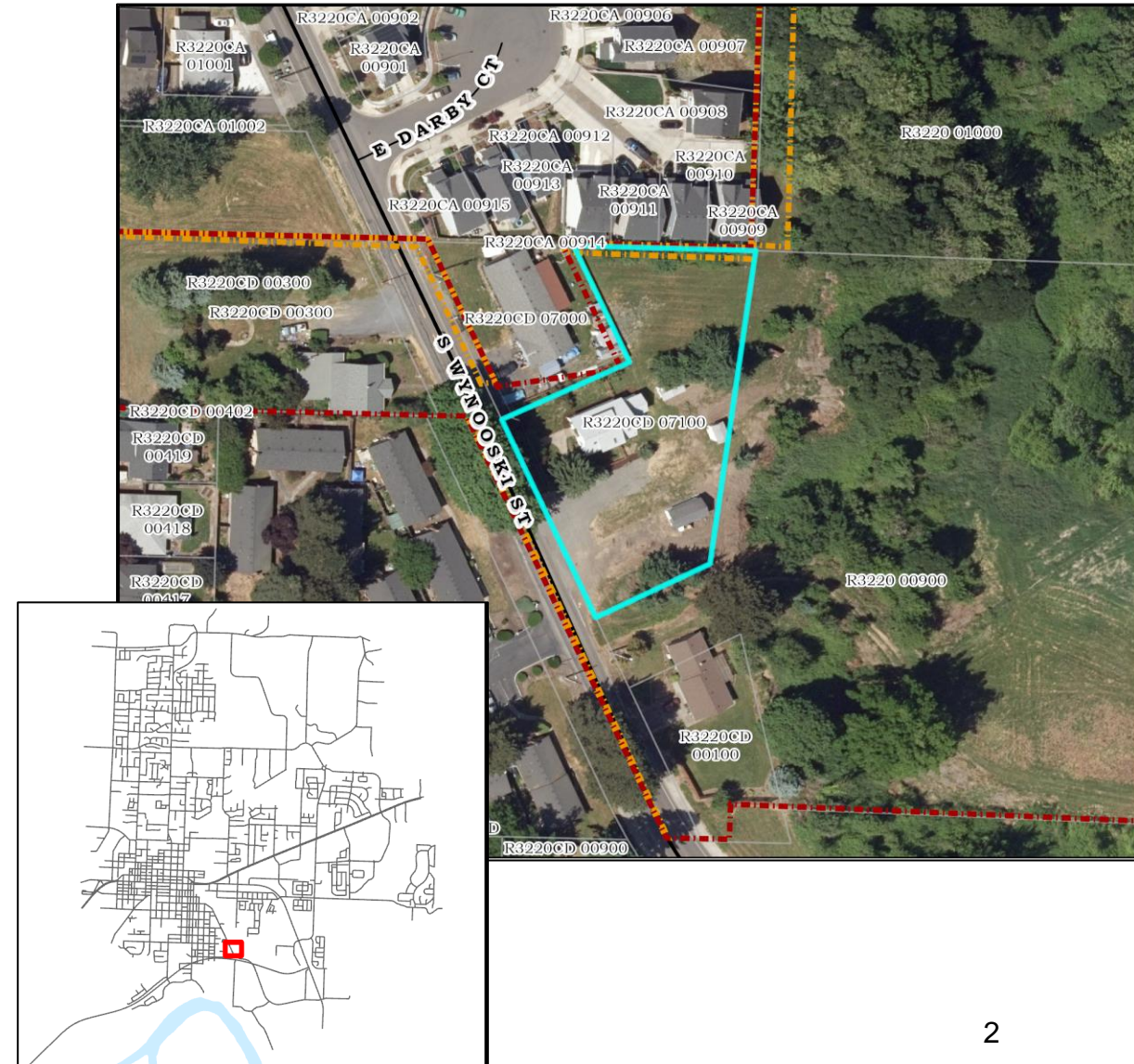
City Council Public Hearing

May 20, 2024



Background

- 918 S Wynooski Street
(R3220CD 07100)
- Applicant: Daniel Danicic
- Owners: Timothy and Danielle Richardson
- Request to annex 0.7 acres
(approx. 30,667 sq. ft.) into the
Newberg city limits to connect to
public sanitary sewer.



Zoning & Designations

- Comprehensive Plan Designation: Medium Density Residential (MDR)
- Proposed Zoning: Medium Density Residential (R-2)
- Airport Overlay Subdistrict
- Stream Corridor (SC) Overlay Subdistrict



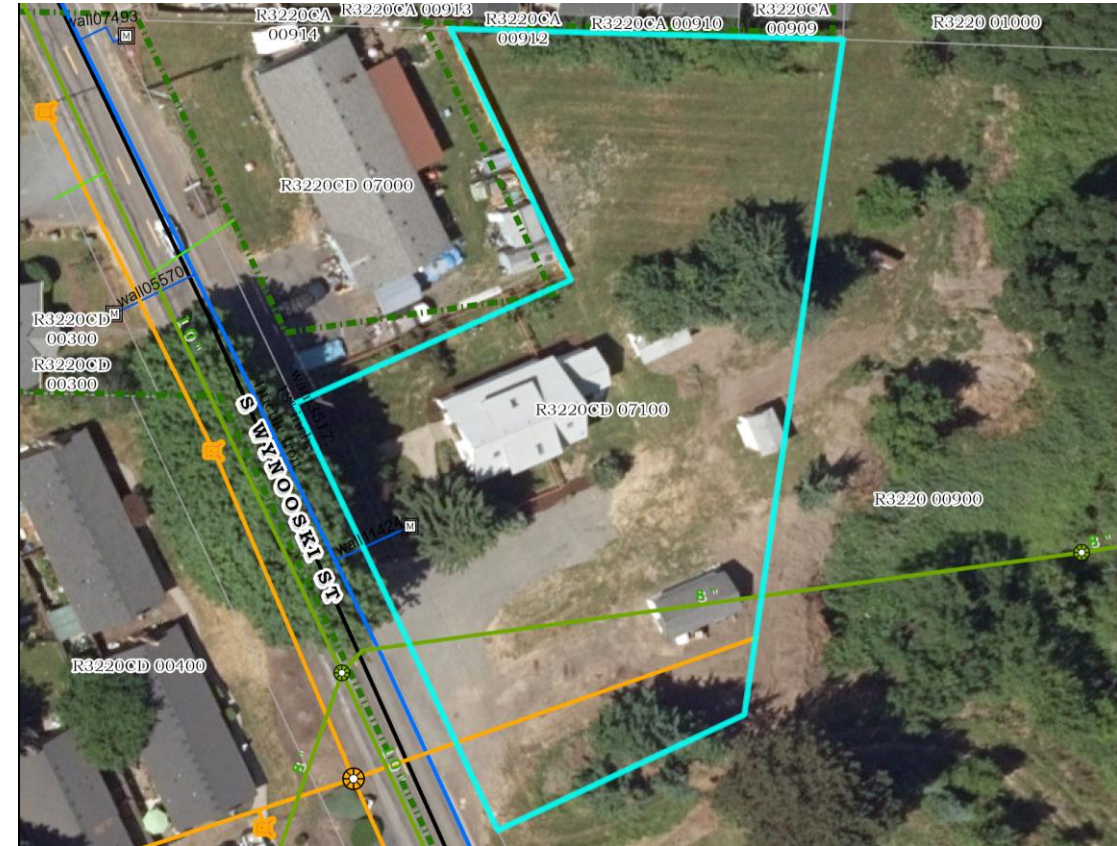
Zoning & Designations

- Comprehensive Plan Designation: Medium Density Residential (MDR)
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- Airport Overlay Subdistrict
- Stream Corridor (SC) Overlay Subdistrict
- Adjacent Zoning: R-2 and R-2/RD



Utilities

- **Water:** provided via .75-inch lateral to an 18-inch main in S Wynooski
- **Wastewater:** A 10-inch sewer main in S Wynooski and 8-inch sewer main crosses the property.
- **Stormwater:** A 15-inch stormwater pipe with inlet in S Wynooski and a 12-inch stormwater pipe runs across the property.
- **Overhead Lines:** Property is served by overhead lines.



Process

- 2/13/2024 – The application was deemed complete.
- 2/14/2024 – The application was routed for referral review.
- 2/19/2024 – The applicant mailed public notice.
- 2/20/2024 – The applicant posted public notice on the site.
- 3/28/2024 – Notice was posted in the *Newberg Graphic* and in four public places.
- 4/03/2024 – A PAPA notice was submitted to DLCD.
- 4/11/2024 – Planning Commission continued to May 9, 2024
- 4/29/2024 – The applicant mailed public notice of the City Council public hearing.
- 5/09/2024 – Planning Commission Public Hearing
- 5/09/2024 – Notice was posted in the *Newberg Graphic* and in four public places.
- 5/16/2024 – Notice was posted in the *Newberg Graphic* and in four public places.
- 5/20/2024 – City Council Hearing

Criteria – 15.250.020 Conditions for Annexation

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

Finding: Criterion is met – the subject property is within the UGB.

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

Finding: Criterion is met – the subject property is contiguous on the west and north boundaries of the proposed annexation area.

Criteria – 15.250.030 Quasi-Judicial Annexation

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: Criterion is met – The Comprehensive Plan map designation is MDR which corresponds with the requested zoning of R-2.

Redesignation of the plan map is not being requested concurrent to annexation.

Criteria – 15.250.030(A) Quasi-Judicial Annexation

- 1. Where large LDR or MDR designated parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multifamily housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.***

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10 percent of the net size of the application.

Finding: Criterion is not applicable – Proposed annexation less than 15 acres.

Criteria – 15.250.030 Quasi-Judicial Annexation

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:

Criteria – 15.250.030(B) Quasi-Judicial Annexation

- 1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg Comprehensive Plan for provision of these services.***

Finding: Met with conditions of approval – the applicant is requesting annexation to connect to public wastewater service and is already connected to public water service. The applicant is conditioned to provide the City with a recorded easement for the existing wastewater line across the subject property, and the proposed lateral must connect to the wastewater main in S Wynooski Street.

Criteria – 15.250.030(B) Quasi-Judicial Annexation

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 these costs.

Finding: Met with conditions of approval – the subject property has frontage on S Wynooski Street. The applicant is conditioned to dedicate additional right-of-way to provide 30-feet from the roadway centerline and sign a non-remonstrance agreement with the City for required improvements along the frontage.

Criteria – 15.250.030 Quasi-Judicial Annexation

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

Finding: Criterion met – Subject property is within the Tualatin Valley Fire and Rescue, Chehalem Park and Recreation, Newberg-Dundee Police Department, and Newberg School District service districts. No comments were received that adequate services could not be provided to the subject property.

Criteria – 15.250.030 Quasi-Judicial Annexation

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

Finding: Criterion met – The applicant submitted adequate information for the City to make findings that demonstrate compliance with the applicable criteria.

Criteria – 15.250.030 Quasi-Judicial Annexation

E. The city council may annex properties where urban services are not and cannot be practically made available within the three-year time frame noted in subsection (B) of this section...

Finding: Criterion is not applicable – The subject property is currently developed and adequate urban services are found to be available within the three-year time frame.

Procedures – 15.250.040 Quasi-Judicial Annexation

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.

Finding: Criterion is not applicable - The passage and adoption of Senate Bill 1573 (2016) added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote when the property meets certain requirements including being within the UGB, subject to the Comprehensive Plan, contiguous to city limits, and meets the Development Code criteria for annexation.

This will be corrected with a future code maintenance update.

Application Requirements – 15.250.050 Quasi-Judicial Annexation

Finding: The Applicant has submitted all required application materials.

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 may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.

Finding: Criterion is not applicable – the subject property is designated MDR and applicant has not requested redesignation.

15.250.080 Comprehensive Plan and Zoning Designations

B. Upon annexation, the area shall be automatically zoned to the corresponding land use classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown on the table below. The procedures and criteria of the NMC 15.302.030 shall not be required.

Comprehensive Plan Classification	Appropriate Zoning Classification
MDR	R-2, R-4

15.250.080 Comprehensive Plan and Zoning Designations

Finding: Criterion is met – the applicant has requested the subject property be classified in the Medium Density Residential (R-2) zoning district. The applicant has not requested a redesignation of the comprehensive plan map. R-4 is the City’s Manufactured Dwelling District. Because the site contains a single-family dwelling, the R-2 zoning district is more appropriate.

15.250.080 Comprehensive Plan and Zoning Designations

C. If a zoning classification is requested by the applicant other than that described in subsection (B) of this application, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.

Finding: Criterion is not applicable – the subject property is designated MDR and applicant has requested the R-2 zoning classification consistent with the appropriate zoning classifications in NMC 15.250.080(B).

15.250.080 Comprehensive Plan and Zoning Designations

D. In the event that the annexation request is denied, the zone change request shall also be denied.

Finding: Criterion is not applicable – a zone change request has not been submitted with this application.

15.250.090 Coordination

Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action for reviews and recommendations to be incorporated into the city records.

Finding: Criterion is met – agency referral was sent on 2/14/2024.

Findings for Zoning Districts (NMC Division 15.300)

Chapter 15.340 Airport Overlay (AO) Subdistrict

Finding: The subject property is within the Horizontal Zone imaginary surface of Sportsman Airpark and future development will be subject to the procedures and limitations of the Airport Overlay Subdistrict.

Chapter 15.342 Stream Corridor Overlay Subdistrict

Finding: Approximately 500 square feet of the southeast portion of the subject property is within the Stream Corridor Overlay. The approval is conditioned that any future development may be subject to the procedures and limitations of the Stream Corridor Overlay Subdistrict.

Findings for Development Standards (NMC Division 400)

15.430.410 Utility Underground Installation

A. All new utility lines, including, but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

Finding: Criterion is not applicable – no new utility services are proposed with the annexation application.

15.430.410 Utility Underground Installation

B. Existing utility lines shall be placed underground when they are relocates, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed into the city.

Finding: Criterion met with condition – existing utility lines at the subject property are overhead. As a developed area proposed to be annexed to the city, approval is conditioned that the existing utility lines on the subject property shall be placed underground.

15.430.410 Utility Underground Installation

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

- 1. The cost of undergrounding is extraordinarily expensive.***
- 2. There are physical factors that make undergrounding extraordinarily difficult.***
- 3. Existing utility facilities in the area are overhead and are unlikely to be changed.***

Finding: Criterion not applicable – no request has been made to the director to exempt the utility undergrounding requirement.

Staff Recommendation

Adopt Ordinance No. 2024-2924 annexing 0.70 acres (R3220CD 07100) into the Newberg city limits and applying the R-2 zoning district classification.

Thank You.

Questions?