

REQUEST FOR COUNCIL ACTION



Date Action Requested: May 20, 2024

Order <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/> Proclamation <input type="checkbox"/> No. 2024-2924	
Subject: Annexation of 918 S Wynooksi Street (Case File No. ANX23-0001)	Staff: James Dingwall Department: Community Development
Business Session	Order On Agenda: Public Hearings
Hearing Type: Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Not Applicable <input type="checkbox"/>	

Is this item state mandated? Yes No

If yes, please cite the state house bill or order that necessitated this action:

Recommendation: Adopt Ordinance No. 2024-2924.

Executive Summary: Yamhill Land Development Services (Applicant), on behalf of Timothy and Danielle Richardson (Owners) requested annexation of 0.7 acres comprising one tax lot (Tax Map and Parcel number R3220CD 07100) as described in Exhibit “A” into Newberg’s city limits for connection to public sanitary sewer services. Attachment 1 includes an aerial map depicting the annexation area. As discussed in Exhibit “B”, the proposed project will meet the criteria for a Type III quasi-judicial annexation upon adherence to provided conditions of approval in Exhibit “C”. Application and supplemental materials and findings of fact are Attachments 1 through 5.

On May 9, 2024, the Planning Commission approved Planning Commission Resolution No. 2024-392 (Attachment 6) which recommends that the Newberg City Council annex 918 S Wynooksi Street as shown in Exhibit “A”, based on Findings in Exhibit “B”, and subject to conditions of approval in Exhibit “C”.

The subject property is developed with an existing single-family dwelling, located within the Urban Growth Boundary and contiguous to city limits. The subject property has a Comprehensive Plan Designation of Medium Density Residential (MDR) which is depicted in Attachment 2. If approved for annexation, the area annexed would automatically be zoned to the corresponding land use zoning classification which implements the Newberg Comprehensive Plan, Medium Density Residential (R-2). Attachment 3 depicts the proposed City zoning designation.

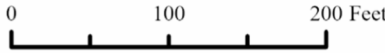
The request for annexation was coordinated with affected public and private agencies. Agency comments received are provided in Attachment 5.

Site Map:



918 S Wynooski Street

- Subject Property
- Taxlots



IMPORTANT NOTICE TO ALL USERS:
DISCLAIMER AND LIMITATION OF LIABILITY
 This information is not guaranteed to be accurate and may contain errors and omissions. The City of Newberg provides NO WARRANTY AS TO THE MERCHANTABILITY OR FITNESS FOR THE PARTICULAR PURPOSE FOR ANY INFORMATION HEREIN.

The map is created from various data sources and is subject to change without notice.
 This map is intended for general planning purposes only.
 Map updated: 11/13/2023

SITE INFORMATION:

1. Location: 918 S Wynooski Street (R3220CD 07100)
2. Size: ±0.7 acres (±30,667 square feet)
3. Current Land Uses: Residential (Single-family dwelling)
4. Natural Features: Flat terrain, landscaping
5. Adjacent Land Uses:
 - a. North: Residential
 - b. South: Residential
 - c. East: Open Space
 - d. West: Residential
6. Zoning: The following zoning districts abut the subject property.
 - a. North: Medium Density Residential (R-2)
 - b. East: Unincorporated
 - c. South: Unincorporated
 - d. West: Medium Density Residential (R-2)
7. Comprehensive Plan Designations: The following Comprehensive Plan districts abut the subject property.
 - e. North: Medium Density Residential (MDR)
 - f. East: Medium Density Residential (MDR)
 - g. South: Medium Density Residential (MDR)
 - h. West: Medium Density Residential / Riverfront District (MDR/RD)
8. Access and Transportation: The property's boundaries have frontage on the public right-of-way on S Wynooski Street to the west. Vehicular access is available from this frontage.
9. Utilities:

- a. Water: Potable water is provided via a 0.75-inch lateral connected to an 18-inch water main in S Wynooski Street.
- b. Wastewater: A 10-inch sewer main is located in S Wynooski Street. An 8-inch sewer main crosses the subject property east-west in a public utility easement.
- c. Stormwater: A 15-inch stormwater pipe with a storm inlet is located in S Wynooski Street and a 12-inch stormwater pipe runs across the southern portion of the subject property.
- d. Overhead Lines: The subject property is served by overhead utility lines. As a proposed annexation of a developed area, utility lines will need to be placed underground per NMC 15.430.010.

PROCESS:

This Annexation request (petition) was initiated by the owners of the subject property and filed pursuant to ORS 222.120 - 222.125. All owners of the subject property and all electors residing on the property have consented to this annexation. Therefore, as provided by ORS 222.120 - ORS 222.125, “Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Under Newberg Municipal Code 15.250, annexations applications are subject to the Type III procedures in Newberg Municipal Code (NMC) Chapter 15.100. The Planning Commission will hold a quasi-judicial public hearing on the application. The Planning Commission makes a recommendation on the application to City Council based on the criteria listed in the attached findings. The City Council then conducts a quasi-judicial public hearing and renders a final decision on the application, including deciding on the annexation and application of City zoning pursuant to the Comprehensive Plan.

Notwithstanding the procedures in NMC15.250 for referral of City Council approved annexations to Newberg’s electorate, the City is not permitted to refer annexation requests to the voters. State law changed with the passage and adoption of Oregon Senate Bill 1573 (2016), which added language to ORS 222.111 preempting Newberg’s requirement that annexations go to a public vote when properties meet certain requirements.

Important dates related to this application are as follows:

- 2/13/2024: The Community Development Director deemed the application complete. Application materials are provided in Attachment 4.
- 2/15/2024: Application was routed for a 15-day referral review.
- 2/19/2024: The Applicant mailed public notice of the Planning Commission hearing pursuant to NMC 15.100.200.
- 2/20/2024: The Applicant posted public notice pursuant to NMC 15.100.260.

- 3/28/2024: The *Newberg Graphic* published notice of the Planning Commission hearing and City published notice in four public places.
- 4/3/2024: A Post-Acknowledgment Plan Amendment notice was submitted to the Department of Land Conservation and Development.
- 4/11/2024: Planning Commission item (ANX23-0001 – Annexation of 918 S Wyooski Street) will be continued to a time certain date, the May 9, 2024 meeting of the Planning Commission, to provide required noticing time to the Department of Land Conservation and Development as required by ORS 197.610.
- 4/29/2024: The Applicant mailed public notice of the City Council hearing pursuant to NMC 15.100.200.
- 5/9/2024: The *Newberg Graphic* published notice of the City Council hearing and City published notice in four public places per NMC 15.100.240 and NMC 15.100.270.
- 5/9/2024: The Planning Commission held a public hearing on ANX23-0001 and adopted Planning Commission Resolution 2024-392 recommending annexation to the City Council.
- 5/16/2024: The *Newberg Graphic* published notice of the City Council hearing and City published notice in four public places per NMC 15.100.240.
- 5/20/2024: The City Council will hold a public hearing on ANX23-0001 and consider Ordinance No. 2024-2924.

AGENCY COMMENTS:

The application was routed to several public agencies for review and comment which are provided in Attachment 5. Comments and recommendations from city departments have been incorporated into the findings and conditions.

As of the writing of this report, the city received the following agency comments:

1. Building Official: Reviewed – Reviewed, no conflict.
2. City Manager: Reviewed – Reviewed, no conflict.
3. Finance: Reviewed – Reviewed, no conflict.
4. Oregon Department of Aviation: The following comment was received:

In accordance with FAR Part 77.9 and OAR 738-070-0060, future development at this site may be required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing separate notices to both the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. The applicant should receive aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.

5. Police: Reviewed – Reviewed, no conflict.

6. Public Works Maintenance: The following comment was received:

Proposed lateral must connect into the sewer mainline running on Wyooski. It can't connect into the main line heading down the hill to the Major trunk line in Hess creek.

7. Public Works Wastewater: Reviewed – Reviewed, no conflict.

8. Public Works Engineering: The following comment was received. Additional engineering comments are incorporated into the findings for NMC 15.250.030(B).

Transportation Planning Rule: Annexation of the property complies with the State Transportation Planning Rule (TPR) (Oregon Administrative Rule [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 Section 9 of the TPR. The proposed zoning of R-2 is consistent with the Comprehensive Plan Map designation of MDR. Further, there is no additional development permitted on this site until all public utility connections are available. The City of Newberg has an acknowledged TSP with includes this site as planned future urbanizable land within the UGB.

9. Waste Management: Reviewed – Reviewed, no conflict.

ANALYSIS

This is an annexation request for approximately 0.7 acres located within the City's Urban Growth Boundary and adjacent to city limits, which are located to the north and west of the subject property. The site is developed with an existing single-family dwelling, and adequate urban services are available to serve the site. The annexation is proposed to connect to City wastewater sewer service, and the subject property is already served by the City water system. The subject property has frontage onto S Wyooski Street.

The passage and adoption of Oregon Senate Bill 1573 (2016) 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;
- Conforms to the Comprehensive Plan of the City;
- Contiguous to city limits; and
- Meeting the city’s adopted Development Code criteria for annexation.

The subject property is within the Urban Growth Boundary, contiguous to city limits, and meets the City’s adopted criteria for annexation. As shown on Attachment 2, the proposed annexation and application of MDR zoning is subject to the Comprehensive Plan of the City. Pursuant to the procedures in NMC Chapter 15.100, the Planning Commission will make a recommendation to the City Council and the City Council will make the final local decision on this application for annexation.

Fiscal Impact: Annexation will add land to the city limits and generate approximately \$616.78 in additional property taxes. Staff time was allocated to review the annexation application.

Council Goals:

- G7: Increase land availability for housing.
- 3. Look at annexation opportunities.

Attachments:

City Council Ordinance No. 2024-2924

- Exhibit “A”: Legal Description and Map
- Exhibit “B”: Findings
- Exhibit "C": Conditions of Approval

- Attachment 1: Aerial Photo
- Attachment 2: Comprehensive Plan Map
- Attachment 3: Zoning Map
- Attachment 4: Application and Supplemental Materials
- Attachment 5: Agency Comments
- Attachment 6: Planning Commission Resolution 2024-392