

ORDINANCE No. 2006-2657

**AN ORDINANCE AMENDING THE SPRINGBROOK OAKS
SPECIFIC PLAN, CHANGING THE ZONING DESIGNATION OF
PART OF AREAS F AND G TO R-P (RESIDENTIAL-
PROFESSIONAL), AND AMENDING THE NEWBERG
DEVELOPMENT CODE, COMPREHENSIVE PLAN,
COMPREHENSIVE PLAN MAP, AND ZONING MAP**

RECITALS:

1. On May 5, 2006, MJG Development submitted a request for an amendment to the Springbrook Oaks Specific Plan.
2. On July 27, 2006, after proper notice, the Newberg Planning Commission held a hearing to consider the request.
3. On August 10, 2006, the Planning Commission recommended approval of a change to the Springbrook Oaks Specific Plan as noted in their resolution.
4. On September 5, 2006, the Newberg City Council held a hearing to consider the proposed change.
5. On October 16, 2006, the Newberg City Council held another hearing to reconsider certain aspects of the proposal.
6. The Council finds that changes to the specific plan are necessary for the reasons stated in the findings.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Zoning Map and Springbrook Oaks Specific Plan Map shall be amended as shown in Exhibit "A."
2. The Newberg Development Code and Springbrook Oaks Specific Plan text shall be amended as shown in Exhibit "B."
3. The Limited Use Bypass Corridor Overlay is hereby adopted as shown in Exhibit A and Exhibit "C."
4. The Newberg Comprehensive Plan supply and demand tables shall be amended to reflect

these changes.

5. The findings shown in Exhibit "D" are hereby adopted.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 15, 2006.

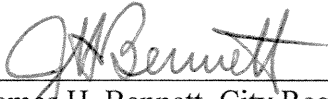
ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of October, 2006, by the following votes:

AYE: 6


NAY: 0

ABSENT: 0

ABSTAIN: 1


James H. Bennett, City Recorder

ATTEST by the Mayor this 19th day of October, 2006.


Bob Stewart, Mayor

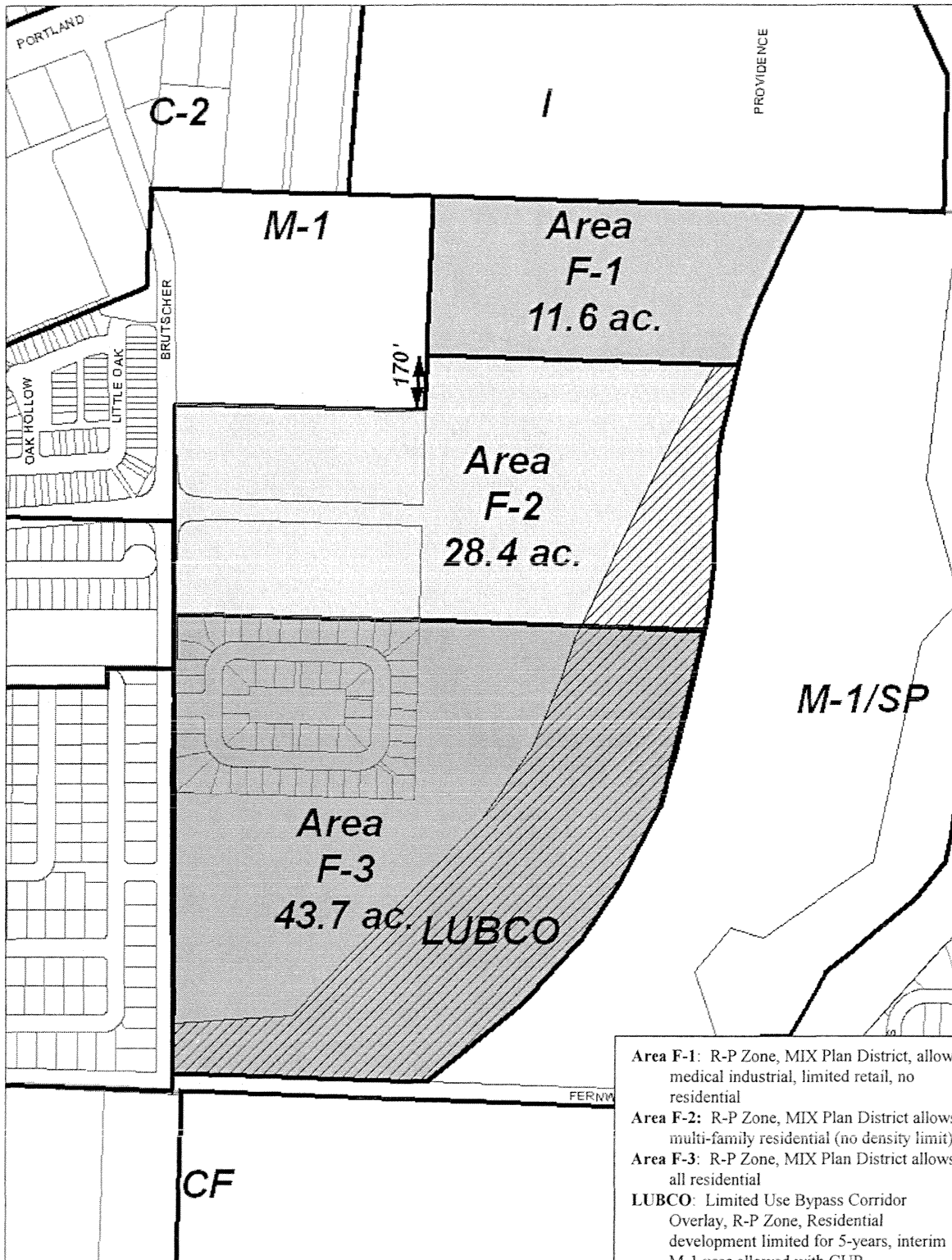
LEGISLATIVE HISTORY

By and through Newberg Planning Commission 08/ 10 /2006 meeting. Or, None.
(committee name) (date) (check if applicable)

Exhibits

- Exhibit "A": Comprehensive Plan Map Changes
- Exhibit "B": Specific Plan text amendment
- Exhibit "C": Limited Use Bypass Corridor Overlay
- Exhibit "D": Findings

**EXHIBIT "A" TO ORD. 2006-2657:
SPECIFIC PLAN MAP AMENDMENT**



- Area F-1:** R-P Zone, MIX Plan District, allows medical industrial, limited retail, no residential
- Area F-2:** R-P Zone, MIX Plan District allows multi-family residential (no density limit)
- Area F-3:** R-P Zone, MIX Plan District allows all residential
- LUBCO:** Limited Use Bypass Corridor Overlay, R-P Zone, Residential development limited for 5-years, interim M-1 uses allowed with CUP

**EXHIBIT "B" TO ORD. 2006-2657:
NEWBERG DEVELOPMENT CODE AMENDMENTS**

Section 1: Newberg Development Code § 151.511 (B) shall be amended as shown below:

Note: Deleted text is ~~struck out~~
Added text is double underlined

151.511 (B) *Springbrook Oaks specific plan.*

(2) *Permitted uses and conditional uses.* Eight development areas have been established with corresponding zones within the Springbrook Oaks specific plan. The permitted and conditional uses allowed under the "SP" subdistrict shall be the same as those uses permitted in the base zoning districts. Exceptions to this standard include the following:

(a) A golf course shall be permitted within the M-1 area, adjacent to the stream corridor; and

(b) Densities and lot sizes shall be in accordance to the standards established in division (B)(8)(a).

(c) In addition to the permitted uses in the R-P zone, Area F-1 permits

(i) Medically related industrial uses, such as medical laboratories, manufacture and wholesale distribution of medical equipment, medical research facilities, and laundries and similar services for medical facilities.

(ii) Medically related retail uses, such as a pharmacy, gift shop or café (limited to 3,000 square feet), or medical appliance sale and rental store.

(iii) Barber and beauty shops.

Area F-1 does not permit residential uses.

(d) Area F-2 does not permit single family dwellings.

(e) Areas shown in the Bypass Corridor Overlay (LUBCO) District are subject to the standards of that overlay.

(6) (a) *Residential.*

3. *Interior setbacks.* Interior yard setbacks shall be the same as the base zone. An exception to this standard is made for single family attached housing, where no interior setback is required for the "zero" lot line. Another exception is development within the R-P zones of Area F which may have a 5-foot interior setback.

(c) *Building heights.* Building height limits shall be the same as those in the base zone. An exception is for Areas F-1 and F-2, which shall have a maximum building height of 50 feet.

(8) [Residential Density Table]

Area	Zone	Minimum Lot Size (square	Minimum Lot Area Per	Maximum Density (dwelling
A	C-2	5000	NA	NA
B	R-P	1,500*	1,500*	21.8* ¹
C	R-3	2,500*	2,500*	13.1*
D	R-2	3,750*	3750	8.8
E	R-2	5000	5,000*	6.6*
F	R-P	1,500*	1,500*	21.8* ²
<u>F-1</u>	<u>R-P</u>	<u>1,500*</u>	<u>NA*</u>	<u>NA*</u>
<u>F-2</u>	<u>R-P</u>	<u>1,500*</u>	<u>None²*</u>	<u>None²*</u>
<u>F-3</u>	<u>R-P</u>	<u>1,500*</u>	<u>1,500*</u>	<u>21.8*</u>
G	M-1	20000	NA	NA
H	R-1	5,000*	10,000* ³	3.3*
<p>* Different than the standards established elsewhere in the Development Code</p> <p>1 Up to 100% of the land zoned R-P within Areas B may be developed for residential use</p> <p>2 Up to 20% of the land zoned R-P within Area F may be developed for residential use</p> <p>2 <u>There is no limit on the number of dwelling units allowed in Area F-2.</u></p> <p>3 Average lot area per dwelling in any one subdivision</p>				

(13) *Plan amendments.* Proposed amendments and adjustments to the specific plan will follow the procedure described in § 151.509. Exceptions to this amendment and adjustment procedure are as follows:

(b) Proposed boundary modifications for Development Areas F and G that ~~increases any individual area no more than 10% of its original total acreage~~ move a boundary less than 50 feet and do not change the total acreage in a development area by more than 0.1 acre will be reviewed under a Type I process. ~~Proposed Other proposed boundary modifications that change the total acreage of any of the aforementioned development areas more than 10% will be reviewed under a Type III process.~~

14. Residential development near the bypass. In order to minimize conflicts between the proposed bypass and proposed residential development in Area F, the Director shall approve a management plan prior to residential subdivision or development approval in Area F. The management plan shall be developed in coordination with the Director, ODOT, and the developer. The management plan may require any of the following or other conditions

necessary to minimize conflicts:

1. Separation between the bypass and residential development, either within or outside the eventual right-of-way.
2. Specific orientation of buildings.
3. Specific layout of streets, walkways, pedestrian paths, alleys, driveways, open spaces, and sound walls.

**EXHIBIT "C" TO ORD. 2006-2657:
LIMITED USE BYPASS CORRIDOR OVERLAY DISTRICT**

The following Limited Use Bypass Corridor Overlay District (LUBCO) creates an overlay zone (in this case over the requested R-P zone within the Bypass corridor) that:

- (a) Defers the development of residential uses and parks for five years or until the property is either purchased by or the bypass effort is terminated by the State of Oregon; whichever comes first; and
- (b) Allows a "conditional use" within the overlay zone that will allow uses consistent with that which is permitted in an M- 1 zone.

1. **Purpose.** The purpose of the Limited Use Bypass Corridor Overlay District (LUBCO District) is to limit permitted uses and activities in the area of the planned Bypass to only those uses and activities which are interim in nature in an effort to avoid construction of permanent structures for a period of five years from the date this ordinance becomes final or until the property is acquired by the State of Oregon for the Bypass or the Bypass effort is terminated by the State of Oregon, whichever first occurs.
2. **Area of Application.** The LUBCO District shall apply to that specific area for which an amendment of the Specific Plan has been approved within the Bypass corridor shown on Exhibit A and shall be delineated on a parcel specific basis on the City's official zoning map. Once ODOT develops a design for the bypass, the LUBCO District shall be modified to correspond to the adopted design.
3. The interim uses of property which is the subject of an amendment of the Specific Plan within the Bypass corridor shall be processed as conditional uses and limited to outright and conditional uses which were allowed before the Specific Plan amendment. Such interim uses shall be allowed for a period of time not to exceed five (5) years from the date the Specific Plan amendment becomes final or until the property is acquired by the State of Oregon for the Bypass, or the Bypass effort is terminated by the State of Oregon, whichever first occurs:
4. If the property has not been acquired by the State of Oregon, or the Bypass effort is terminated by the State of Oregon, within five years from the date that the Specific Plan amendment becomes final, then the LUBCO District shall be removed from the property and the City's official zoning map and the property may thereafter be used for the uses allowed outright or conditionally under the Specific Plan amendment and the zoning thereunder.

**EXHIBIT “D” TO ORD. 2006-2657:
FINDINGS:**

NDC § 151.509 AMENDMENTS AND ADJUSTMENTS TO THE SPECIFIC PLAN

(B) Major amendment Type III procedure. A major amendment to a specific plan shall be processed as a Type III comprehensive plan amendment. The amendment shall meet the criteria of §151.507. In addition findings must demonstrate that the change will not adversely affect the purpose, objectives or functioning of the specific plan.

NDC §151.507 APPROVAL CRITERIA

Adoption of the specific plan and its related subdistrict shall be based on compliance with the zone change criteria of 151.120 et seq.

NDC § 151.122 (3) COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT CRITERIA.

A. The proposed change is consistent with and promotes the objectives of the Newberg Comprehensive Plan and this Code.

Response: The following goals and objectives relate to this proposal:

SPRINGBROOK OAKS SPECIFIC PLAN SUMMARY:

Land uses for the property will be mixed. A range of housing opportunities will be provided. Residential facilities may include apartments, single family attached housing, duplexes, and single family detached homes. Light industrial and office development will provide a convenient work location for community residents as well as support the economy of the greater Newberg area.

The Specific Plan was developed under several important principals:

- Land use and zoning district locations should respond to existing surrounding uses.
- Land uses should be mixed to encourage a balanced development.
- A variety of residential densities and housing types should be developed to provide greater housing opportunities.
- Densities should be laid out so as to allow a low impact transition between use zones, ranging from most dense in the north to least dense in the south.
- Brutscher Street should be used as a buffer between zoning districts.
- The site should contain a connected street pattern that is integrated into the Newberg Transportation Plan.
- Secondary collector streets should be used as an alternative to Highway 99W.
- A strong pedestrian circulation system should be developed to provide connectivity and to reduce vehicular traffic.
- Sensitive stream corridors should be protected as much as is practical.
- Wooded areas of the property should be retained as much as is practical.
- Recreational opportunities should be provided in residential areas through neighborhood parks.
- Implementation policies should provide developers with some flexibility to respond to future design and market forces.

FINDING: The proposed zone change will address the overall goals of the Springbrook Oaks Specific Plan. As noted, the plan should provide some flexibility to respond to future design and market forces. Several changes have occurred since the original adoption of the Springbrook Oaks Specific Plan.

First, a corridor has been adopted for the Newberg-Dundee bypass. The corridor limits the amount of true buildable land within the Springbrook Oaks area. This plan amendment leaves the area within the bypass corridor as originally planned, and does not change the area as requested by the applicant. The plan amendment does allow development outside the corridor that is compatible with surrounding land uses.

Second, attempts to locate industrial uses within the plan area have not been successful, largely due to land use conflicts with the adjoining residential uses. This plan amendment would respond by rezoning the area to allow other types of employment uses, such as medical offices and skilled nursing facilities.

Third, the Providence Hospital has located to the north of this property. The proposed zone change would respond to this by allowing medical offices, medical industrial uses, and medical commercial uses in the area adjacent to the hospital.

Fourth, the City has noted a lack of multi-family residential land. This amendment would change the zoning to allow more higher density and multi-family uses.

The proposed change would help meet the plan's goals of having a mix housing and employment in close proximity to other employment uses in the area.

Areas B and F These areas are zoned Residential-Professional (R-P). The purpose of this land use designation is to create a desirable mixing of residential land uses with professional offices in possible close proximity to adjacent low density residential areas. Examples of permitted uses include group care facilities, medical labs, clinics, professional offices, and single-family dwellings.

Area G This area is zoned Limited Industrial (M-1). The purpose of this land use designation is to create, preserve and enhance areas containing manufacturing and related establishments with limited external impact, and with an open and attractive setting. Examples of permitted uses include manufacturing and assembly of electronic equipment, storage facilities, wholesale businesses, and professional offices.

FINDING: The amendment would retain both areas F and G, but it would redefine their boundaries. Area F would allow a mix of residential uses, group care facilities, and professional office uses, with office and medical uses closer to Providence Hospital. Lower density uses would be on the southern end toward Fernwood Road.

Table IV-14. Future Land Needs and Supply, Newberg Urban Area

Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres in UGB (2004)	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040	Buildable Acres In URA11 (2004)	Surplus (Deficit) 2026-2040
LDR	612	359	(253)	735		
MDR	173	142	(31)	191		
HDR	89	13	(76)	83		
COM	111	105	(6)	109		
IND	50	99	49	37		
IND (Large Site)	100	60	(40)	120		
P	85	0	(85)	115		
I, PQ, or other Inst.	164	0	(164)	233		
Total	1,384	778	(606)	1,623	467	(1,156)

FINDING: The proposed amendment fulfills many of the needs noted above. It would provide a location for high density residential uses, institutional uses, and commercial uses. The above table shows a deficit in the need for all of these uses. The amendment would limit the supply of industrial land, however, the site has not been shown as suitable for industrial uses due to proximity to other uses.

TRANSPORTATION GOAL 4: Minimize the impact of regional traffic on the local transportation system

POLICIES:

- b.. The City will continue to work with the State of Oregon, Yamhill County, and the City of Dundee to Provide an alternative route for regional traffic by constructing the Newberg-Dundee Regional Bypass in the southern alignment corridor consistent with the Location Environmental Impact Statement.
- c. The City supports a design approach for the Newberg-Dundee Bypass that limits the number of access points to freeway spacing, grade separates interchanges and crossing points, and provides for highway travel speeds while providing access to important regional roads. The facility needs to be designed to maintain connectivity to important community assets near the Willamette River, including industrial lands and Willamette Greenway recreation and open space areas. Care should be taken in the design process to minimize adverse environmental impacts associated with constructing the highway and ancillary facilities.
- o. The City of Newberg will coordinate with ODOT on any development proposal within the Bypass location corridor and interchange management areas through the City's established Site Design Review process. Development planning should consider and

complement the intended function of the bypass. Land use decisions should consider the planned corridor location and avoid conflicts where feasible.

SPRINGBROOK OAKS POLICIES C The Newberg Transportation System Plan includes a limited access highway through the Springbrook Oaks property. Property owners and developers should be made aware that this project area is included within the Newberg Transportation System Plan.

OAR 660-012-0045 (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:

- (a) Access control measures, for example, driveway and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities;
- (b) Standards to protect future operation of roads, transitways and major transit corridors;
- (c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation;
- (d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;
- (e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;
- (f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:
 - (A) Land use applications that require public hearings;
 - (B) Subdivision and partition applications;
 - (C) Other applications which affect private access to roads; and
 - (D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations.
- (g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP.

FINDING: The study corridor for the Newberg-Dundee bypass crosses a large portion of the site. ODOT is currently developing plans for a specific location for the bypass. The final location will depend on many factors and cannot be determined yet. ODOT has recently presented maps of where the corridor may be located.

It would not be possible to put no zoning or allow no uses within the bypass corridor, as doing such may result in an inverse condemnation of the property. ODOT could purchase the property. Such purchase would be consistent with ODOT's land acquisition policies.

The applicant would like to rezone the area R-P to allow future residential development of the area should the area not be purchased for the bypass. The applicant is willing to place a limited use overlay within this area that would limit residential development for five years. This would allow ODOT time to identify the exact location of the right-of-way needed, and to purchase the needed right-of-way. In the interim, the overlay could allow some uses of the property, such as

agriculture and equipment storage, that would be compatible with future bypass right of way acquisition.

The abutting area is currently zoned a combination of R-P (with no residential uses allowed) and M-1. The proposed change would rezone the area entirely to R-P, and allow residential uses. Some uses allowed in R-P would have little conflicts next to the bypass, such as offices, parking lots, open space, streets, some institutions, and laboratories. The use that would have the most conflicts would be residential uses, due to noise, dust, and similar impacts. The ordinance requires a management plan prior to residential construction in Area F to manage these impacts.

I. HOUSING

GOAL: To provide for a 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.

2. Location Policies

- a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

3. Mix Policies

- a. The City will encourage innovative approaches to solving the problem of meeting low income housing needs. Such approaches may include, but are not limited to the following: rent subsidies, federally funded development under HUD programs, state and regional housing programs.
- c. Where industrial uses abut residential zones or uses, special development standards relating to setbacks, screening, signs, building height and architectural review should be established.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

OAR 660-008-0010 Allocation of Buildable Land The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must

document the amount of buildable land in each residential plan designation.

FINDING: As shown earlier, the Newberg Urban Area has a definite need for land for housing, particularly high density housing. The amendment would change the area to a MIX comprehensive plan district, which would allow a mixed use professional office, institutional, and residential area. The applicant indicates the housing in the area could include a skilled nursing facility, a HUD senior housing project, and retirement housing. This would help meet some of the City's housing needs.

2. Industrial Areas Policies

a. Industrial expansion shall be located and designed to minimize impacts on surrounding land uses.

Land Use Planning Goal B.4.

Industrial land use needs shall be periodically evaluated.

Statewide Planning Goal 9: Comprehensive plans for urban areas shall:

3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;

4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

660-009-0020

Industrial and Commercial Development Policies

(b) Commitment to Provide Adequate Sites and Facilities. Consistent with policies adopted to meet subsection (a) of this section, the plan shall include policies committing the city or county to designate an adequate number of sites of suitable sizes, types and locations and ensure necessary public facilities through the public facilities plan for the planning area.

designations of lands in excess of two acres to or from commercial or industrial use, pursuant to OAR 660-Division 18 (a post acknowledgment plan amendment), must address all applicable planning requirements; and:

(a) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to explain the proposed amendment, pursuant 41 to OAR 660-009-0015 through 660-009-0025; or

(c) Adopt a combination of the above, consistent with the requirements of this division.

(5) The effort necessary to comply with OAR 660-009-0015 through 660-009-45 0025 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on local, state and national trends. A jurisdiction's planning effort is adequate if it uses the best or readily collectable information to respond to the requirements of this division.

Finding: The Newberg Comprehensive Plan shows a definite need for industrial land of the suitable

sites, types, and locations. The area to be changed, however, is not a suitable site for industrial uses for several reasons. First, the area is in close proximity to residential uses. Second, the site is constrained by location near the planned bypass right-of-way, making it difficult to set forth the exact location of available industrial land. Third, the site has limited transportation infrastructure. As documented in the application, many efforts to locate industrial businesses on the property have failed. The site therefore could be better used by zoning the area to allow other economically viable uses, such as medical offices, and needed housing, particularly multiple family housing.

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

Finding: Sewer, water, storm, and transportation facilities are all available in close proximity to serve the proposed uses. The trip generation from the proposed uses would be similar to the trip rates planned for in the original Springbrook Oaks Specific Plan.

CONCLUSION:

The amendment as proposed meets the goals of the Comprehensive Plan. The area within the future bypass right-of-way would be protected with the Limited Use Bypass Corridor Overlay. Other areas can be rezoned to allow a combination of office and residential uses, consistent with the comprehensive plan.