

UGB AMENDMENT APPLICATION
QUASI-JUDICIAL REVIEW
URBAN GROWTH BOUNDARY AMENDMENTS ONLY

TYPES - PLEASE CHECK ONE:

- Urban Growth Boundary Amendment
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT:
ADDRESS:
PHONE: MOBILE: FAX:
OWNER (if different from above): PHONE:
ADDRESS:
ENGINEER/SURVEYOR: PHONE:
ADDRESS:

GENERAL INFORMATION:

PROJECT NAME: PROJECT LOCATION:
PROJECT DESCRIPTION/USE:
MAP/TAX LOT NO.(i.e. 3200AB-400): ZONE: SITE SIZE: SQ. FT. or ACRE:
COMP PLAN DESIGNATION: TOPOGRAPHY:
CURRENT USE
SURROUNDING USES:
NORTH: SOUTH:
EAST: WEST:

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

- General Checklist: Fees, Noticing Information, Title Report, Criteria Response, Owner Signature/Letter of Consent
UGB Amendment Checklist: Site Plan, Map and Legal Description, Dedications, Easements, Measure 49 Waiver

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 either sign the application giving applicant authorization, or submit letters of consent. Incomplete or missing information may delay the approval process.

Applicant Signature Date

Owner Signature Date

Print Name

Print Name

Attachments: General Information, Criteria, Noticing Procedures, City of Newberg Fee Schedule, Checklist, Yamhill County Application, Yamhill County Fee Schedule

URBAN GROWTH BOUNDARY AMENDMENT CHECKLIST

The following information shall be submitted with each application. Diagrams/maps/plans must be drawn to scale. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Some items may be included on the same plan sheet. Check with the Planning Staff regarding additional requirements for your project.

Submit one original 8-1/2x11" reproducible document together with 20 copies of the following information. In addition, submit two (2) full size copies of all plans.

- FEES**
- PUBLIC NOTICE INFORMATION**
- CITY OF NEWBERG APPLICATION**
- TITLE REPORT**
- YAMHILL COUNTY APPLICATION**
- CRITERIA RESPONSE**
- MAP AND LEGAL DESCRIPTION**

Provide a map and legal description which correspond to one another. The map and description must be capable of closure and be certified by an engineer or surveyor. If not certified, the map and description must be approved by the Department of Revenue as per ORS 308.225.
- GENERAL LAND USE PLAN**

Indicate types and intensities of existing and proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, agricultural land classification, and adjoining development. Describe how the proposal will address housing supply, employment opportunities, and livability.
- ESEE ANALYSIS**

Describe what environmental, energy, economic and social consequences will occur if the request is approved. Provide a comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development. Address the potential effects both on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part. Describe what proposed actions will be taken to mitigate negative effects.
- PUBLIC FACILITIES PLAN**

Describe what public facilities and services exist in the area and how such services will be impacted. Explain how public facilities and services can be extended to the site. Outline method and source of financing to provide additional public facilities.
- MEASURE 49 WAIVER**

Provide Measure 49 waivers signed by all owners of property in the proposed amendment area.

GENERAL INFORMATION

Urban Growth Boundary Process (Quasi-Judicial Hearing)

OVERVIEW

Urban Growth Boundary applications are reviewed by the Newberg Urban Area Management Commission (NUAMC) and criteria include a mix of objective and subjective standards. Public notice is provided to property owners within five hundred (500) feet of the site. Any interested party may appear before the NUAMC and comment on the project. Following the Public Hearing, the NUAMC shall make and forward its findings and decision directly to the Newberg City Council and Yamhill County Board of Commissioners. Each of those governing bodies shall then make a determination based upon the facts and record presented at the NUAMC hearing. These bodies may also refer the application to their respective Planning Commissions for information. If the governing bodies do not concur in their final decision within sixty days of referral of the matter to them by the NUAMC, a joint meeting shall be held to resolve differences. If agreement cannot be reached, procedures for resolutions of conflict provided within ORS 197.300 may be invoked.

PRE-APPLICATION CONFERENCE

Although a pre-application conference is not required, you are strongly encouraged to schedule one prior to submitting an urban growth boundary amendment application. Development Review meetings at the City of Newberg are held every Wednesday. This meeting provides the opportunity to get advance information from the planning, engineering, and building divisions all at once. It is likely to save you time and effort later. The non-refundable pre-application conference fee is \$100, payable prior to the conference. If you continue with the application process after the pre-application conference, the pre-application fee will be applied to reduce the application fee for the project.

1. **Submit Application**

- Complete and submit both City and County application form(s) and other required information.
- Pay City of Newberg and Yamhill County joint application fee. The joint fee for individual amendment shall be the sum of fees established from time to time by each governing body.
- Applications are accumulated and referred quarterly to the Newberg Urban Area Management Commission for a Public Hearing. You will be advised as to the time and date of this hearing.

2. **Processing**

- Staff will perform a completeness check of the application and notify you in writing if any information is missing.
Processing Time: 0 to 30 days.
- Staff will route the application to affected agencies and City departments and publish notice as required.
Processing Time: 14 to 20 days.
- Applicant will provide copies of mailed and posted notices to the City for review, mail the approved notice to property owners within 500 ft of the site, post the site and provide staff with an affidavit verifying that the notice was mailed and posted. **Processing Time:** 14 to 20 days.
- Staff will prepare a written report for review by the NUAMC. A copy will be available for review seven (7) days prior to the hearing. A copy will be mailed to the applicant seven (7) days prior to the hearing.

3. **NUAMC Hearing**

- At the NUAMC Hearing, the applicant and all interested parties are encouraged to testify. Testimony may be given orally or in writing.
- After public testimony, the NUAMC may approve, deny, or table a decision on the matter. This decision will then be forwarded to the Newberg City Council and Yamhill County Board of Commissioners for ratification. If the decision is not ratified by these agencies within sixty (60) days of referral by NUAMC, a joint meeting shall be held to resolve differences. If agreement cannot be reached, procedures for conflict resolution provided within ORS 197.300 may be invoked.

4. **Appeals**

- If the applicant, or other parties providing written testimony prior to or at the hearing, or parties providing oral testimony at the hearing; are dissatisfied with the decision of the NUAMC, they may file an appeal within 14 calendar days of the issuance of the decision. NUAMC decisions may only be appealed to the Land Use Board of Appeals.

HELPFUL TIPS:

- **Questions?** Information is free! Please do not hesitate to call (503) 537-1215 prior to submitting the application.
- **Partial Applications:** Please do not submit partial applications. If the application, plans, fee, and noticing are not submitted together; the processing will be delayed and the application may not be accepted for review. Please go through the detailed checklist to make sure you have everything. The more work you can do before submittal, the faster the application can be processed.
- **Face-to-Face:** It is best to submit an application in person. That way you can receive immediate feedback if there's missing information or suggestions for improvements.

Exhibit "A"

NEWBERG PERMIT CENTER FEE SCHEDULE Effective Date: July 1, 2014

PRE-APPLICATION REVIEW	\$100
TYPE I (ADMINISTRATIVE REVIEW)	
ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$156
PROPERTY CONSOLIDATION	\$156
CODE ADJUSTMENT	\$387
DESIGN REVIEW - TYPE I (DUPLIX OR COM./IND. MINOR ADDITION REVIEW) 0.3% OF PROJECT VALUE, \$387 MINIMUM	
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION	\$156
MAJOR MODIFICATION OF TYPE I DECISION	50% OF ORIGINAL FEE
PARTITION FINAL PLAT	\$774 + \$70 PER PARCEL
PROPERTY LINE ADJUSTMENT	\$774
SIGN REVIEW	\$70 PLUS \$1.00 PER SQ. FT. OF SIGN FACE
SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT	\$1548 + \$70 PER LOT OR UNIT
TYPE II (LAND USE DECISION)	
ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$774
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION	\$156
MAJOR MODIFICATION OF TYPE II DECISION	50% OF ORIGINAL FEE
DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS) 0.6% OF TOTAL PROJECT COST, \$774 MINIMUM*	
PARTITION PRELIMINARY PLAT	\$774 PLUS \$70 PER PARCEL
SUBDIVISION PRELIMINARY PLAT	\$1548 PLUS \$70 PER LOT
VARIANCE	\$774
*FOR ANY DESIGN REVIEW FEE IN EXCESS OF \$10,000, 50% OF THE DESIGN REVIEW FEE IS DUE AT TIME OF APPLICATION AND 50% DUE AT TIME OF BUILDING OR SIMILAR PERMIT ISSUANCE.	
TYPE III (QUASI-JUDICIAL REVIEW)	
ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$1639
ANNEXATION	\$2155 PLUS \$210 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC)	\$2021
CONDITIONAL USE PERMIT	\$1639
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION	\$156
MAJOR MODIFICATION OF TYPE III DECISION	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION	\$0
HISTORIC LANDMARK ELIMINATION	\$1880
SUBDIVISION PRELIMINARY PLAT	\$1548 PLUS \$70 PER LOT
PLANNED UNIT DEVELOPMENT	\$3273+\$70 PER LOT OR UNIT
ZONING AMENDMENT (SITE SPECIFIC)	\$2069
TYPE IV (LEGISLATIVE AMENDMENTS)	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2322
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$2322
APEALS	
TYPE I OR II APPEAL TO PLANNING COMMISSION	\$445
TYPE I OR II APPEAL TO CITY COUNCIL	\$805
TYPE III APPEAL TO CITY COUNCIL	\$945
TYPE I ADJUSTMENTS OR TYPE II VARIANCES THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT	\$250
OTHER FEES	
COMMUNITY DEVELOPMENT FEE	0.75% OF PROJECT COST
CITY HALL FEE	0.25% OF PROJECT COST
(THE ABOVE TWO CHARGES ADDED TO ANY BUILDING PERMIT APPLICATION)	
EXPEDITED LAND DIVISION	\$5750 + \$70 PER LOT OR UNIT
URBAN GROWTH BOUNDARY AMENDMENT	\$3675
VACATION OF PUBLIC RIGHT-OF-WAY	\$1525
LICENSE FEES	
PEDDLER/SOLICITOR/STREET VENDOR	No fee (Business License fee only)
TEMPORARY MERCHANT	\$95/45 days or \$310/perpetual

ADOPTION AND REVISION HISTORY:

Adopted by: Resolution 98-2122, July 6, 1998
Amended by: Resolution 99-2214, December 8, 1999
Resolution 2000-2265, October 2, 2000
Resolution 2001-2318, November 19, 2001
Executive Order January 2, 2007 (Reso. 99-2210)
Executive Order October 24, 2008

Executive Order, December 16, 2002 pursuant to Resolution 99-2210
Executive Order, January 22, 2002 pursuant to Resolution 99-2210
Resolution 2004-2466, November 3, 2003
Resolution 2007-2752, December 3, 2007
Executive Order November 29, 2011(2011-32)
Executive Order October 24, 2012(2012-34)
Resolution 2014-3140, May 19, 2014

CITY OF NEWBERG REQUIREMENTS FOR MAILED NOTICES

For all Type II and Type III land use applications, mailed notice must be sent to all property owners within five hundred (500) feet of the site. Newberg Development Code § 15.100.210 sets forth the requirements for mailed notices. The applicant is responsible for preparing and mailing the notices, for paying the postage, and for submitting an affidavit of mailing within two days of mailing the notices.

Mailing List:

- The applicant must create a mailing list including the tax lot numbers and addresses of property owners within five hundred (500) feet of the outer boundaries of the tax lot or tax lots of the proposed project. This information can be obtained at a local title company.
- The Planning and Building Department may request that notice be provided to people other than those who own property within five hundred (500) feet of the site, if the Department believes that they are affected or otherwise represent an interest that may be affected by the proposed development.
- The mailing list and a copy of the mailed notice should be submitted with the affidavit of mailing.
- Envelopes returned to the post office should go to the Planning and Building Office so that they can be kept with the application file. The return address on the notices should read:

City of Newberg Planning and Building Office
P.O. Box 970
Newberg, OR 97132

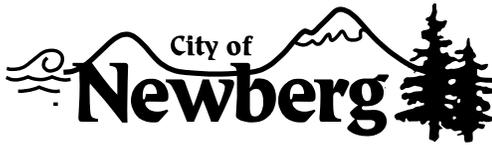
A return address stamp is available at the Planning and Building Office for your convenience.

Mailed Notice Deadlines:

- Before mailing the notice, the applicant must submit a copy for approval to the Planning and Building Office at 414 E. First Street.
- For Type II actions, the notice must be mailed at least fourteen (14) days before a decision is rendered. For Type III actions, the notice must be mailed at least twenty (20) days before the first new hearing, or if two or more hearings are required, ten (10) days before the first new hearing.
- The affidavit of mailing must be submitted to the Planning and Building Office within two (2) days of mailing the notice.

Sample Notices:

Sample notices are included for each type of land use application. Information to be filled in by the applicant is indicated by italicized text.



Planning and Building Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTICE OF HEARING ON URBAN GROWTH BOUNDARY AMENDMENT

A property owner in your neighborhood submitted an application to amend Newberg's Urban Growth Boundary. The Newberg Urban Area Management Commission will hold a public hearing on **(Date of hearing)** at 7 p.m. at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the Commission's review of this project by sending in your written comments or by testifying before the Newberg Urban Area Management Commission. For more details about giving comments, please see the back of this sheet.

The application would change the Comprehensive Plan designation of this parcel and expand the City's Urban Growth Boundary by **(describe how many acres)** acres of **(describe the proposed use of the land; describe anticipated street improvements, and any proposed construction or demolition anticipated on the site.)**.

APPLICANT: *Applicant's name*

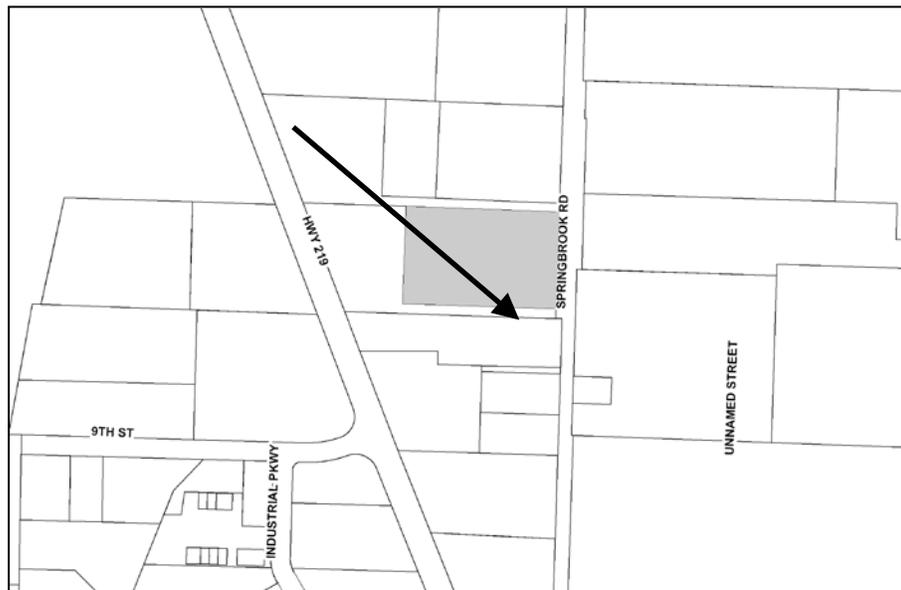
TELEPHONE: *Applicant's phone number*

PROPERTY OWNER: *Property owner name*

LOCATION: *Project Address*

TAX LOT NUMBER: *Yamhill County Tax Map and Lot Number (i.e. 3219AB-1400)*

Insert site map with the project location highlighted as shown on the adjacent sample map.



We are mailing you information about this project because you own land within 500 feet of the proposed urban growth boundary amendment site. We invite you to participate in the land use hearing scheduled before the Newberg Urban Area Management Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No.XX **(City staff will give you the file number for
your project at the time of application)**
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

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 written comments must be received by 4:30 p.m. on ***(enter date seven days from date of the hearing.)*** 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.

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 an urban growth boundary amendment is found in Newberg Development Code Section 15.302.030, Newberg Urban Area Growth Management Agreement, and Yamhill County Zoning Ordinance.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: ***Date notice is mailed***

CITY OF NEWBERG REQUIREMENTS FOR POSTED NOTICES

For all Type II and Type III land use applications, the site must be posted with an approved notice. Newberg Development Code §15.100.260 establishes the standards for posted notices. Before notice is posted on the site, a copy of the notice must be submitted to the Planning and Building Office for review. Within two (2) days of posting the site, an affidavit of posting must be submitted to the Planning and Building Office.

Posted notices must contain the following information:

- Planning Division file number
- A brief description of the proposal
- Phone number and address for the Newberg Planning and Building Office, 414 E. First Street, phone (503) 537-1240

Guidelines for Posting Notice:

- The posted notice must be waterproof and a minimum of two (2) feet by three (3) feet in size.
- Each frontage of the site must be posted. If a frontage is more than six hundred (600) feet in length, additional notices are required for each six hundred (600) feet or fraction thereof. For example, a lot with a 1400' frontage on Wynooski Street must be posted with three notices along that frontage.
- The notices must not be posted within the public right-of-way, though they must be within ten (10) feet of it.
- The notices must be clearly visible to pedestrians and motorists in the public right-of-way, and must not be posted on trees.
- For Type II applications, the site must be posted at least fourteen (14) days before a decision is rendered.
- For Type III applications, the site must be posted at least ten days (10) before the first scheduled hearing.

Signs for posted notices:

- The posted notices must be able to withstand adverse weather. All posted notice signs must conform to the attached example. Signs must be landscape orientation and white with black lettering ("sans-serif" font i.e. Arial or block printing).
- Signs may be ordered custom-made from sign companies such as Chehalem Sign Co., or applicants may construct their own signs.

Acceptable materials for notice signs:

- Dimensions: minimum 2' x 3'
- Plywood (but sign face must be white)
- Plastic or corrugated plastic
- Foam core board (available at many art and hobby supply shops)
- Water resistant poster board
- Other weatherproof materials

Posted notice signs may not be attached to trees, and must be located outside the public right-of-way but within ten (10) feet of it. Therefore, the signs should have legs or stakes or otherwise be freestanding.

Removal of Posted Notice:

The notice must remain posted until a final decision is made. Within ten (10) days of the final decision, the notice(s) must be removed from the site by the applicant.

**CITY OF NEWBERG
SAMPLE POSTED NOTICE**

Land Use Notice

FILE # (insert the file number assigned to you by the City at time of application).

PROPOSAL: (Insert general description of project)

FOR FURTHER INFORMATION, CONTACT:

City of Newberg Planning and Building
Department
414 E. First Street
Phone: (503) 537-1240

3'

2'

Notice must be white with black letters, and must be landscape orientation, as shown above. The notice must be lettered using block printing or a sans-serif font, such as Arial.

CITY OF NEWBERG

AFFIDAVIT OF NOTICING REQUIREMENTS

The affidavit on the following page must be submitted to the Planning and Building Department **within two (2) days of mailing notice** and **within two (2) days of posting notice**. The consequences of failure to mail and post notice, and to submit the affidavits within the two (2) day deadline are described in Newberg Development Code §15.100.210(J) and §15.100.260(I).

§15.100.210(J) - Failure to Mail the Notice:

Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:

- (1) Postponement of a decision until the mailing requirements have been met; or
- (2) Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
- (3) The entire process being invalidated; or
- (4) Denial of the application.

§15.100.260(I) - Failure to Post the Notice:

The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the code shall result in:

- (1) Postponement of a decision until the mailing requirements have been met; or
- (2) Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
- (3) The entire process being invalidated; or
- (4) Denial of the application.

PLANNING DIVISION FILE # _____

**CITY OF NEWBERG
AFFIDAVIT OF NOTICING**

REFERENCE ATTACHED LIST(S)/NOTICE(S)

I, _____, do hereby certify that the attached Notice of Land Use Action was:

- a. mailed to the following list of property owners, by United States mail, postage prepaid on _____;
(date)
- b. posted on the site according to standards established in Newberg Development Code §15.100.260 on _____.
(date)

Signature

Date

Printed Name

URBAN GROWTH BOUNDARY AMENDMENT CRITERIA

Contact the City of Newberg Planning Division and Yamhill County Department of Planning and Development for specific information regarding how to address the criteria which apply to your application.

Newberg Urban Area Management Agreement: Amendment of the Urban Growth Boundary shall be treated as a map amendment to both City and County Comprehensive Plan maps. Change of the boundary shall be based upon consideration of the following factors:

- (a) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
- (b) Need for housing, employment opportunities, and livability;
- (c) Orderly and economic provision for public facilities and services;
- (d) Maximum efficiency of land uses within and on the fringe of the existing urban area.
- (e) Environmental, energy, economic and social consequences;
- (f) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
- (g) Compatibility of the proposed urban uses with other adjacent uses.

Newberg Comprehensive Plan Amendment Criteria:

Newberg Development Code Section 15.302.030:

The applicant 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;
- (b) Public Facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;
- (c) Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

Statewide LCDC Goals:

Goal 1, Citizen Involvement;
Goal 2, Land Use Planning;
Goal 3, Agricultural Lands;
Goal 4, Forest Lands;
Goal 5, Open Spaces, Scenic and Historic Areas, Natural Resources;
Goal 6, Air, Water and Land Resources Quality;
Goal 7, Areas Subject to Natural Disasters and Hazards;

Goal 8, Recreation Needs;
Goal 9, Economic Development;
Goal 10, Housing;
Goal 11, Public Facilities and Services;
Goal 12, Transportation;
Goal 13, Energy Conservation;
Goal 14, Urbanization;
Goal 15, Willamette River Greenway. and
Goals 16, 17, 18 and 19 do not apply in this area.

ORS Standards:

ORS 197.298. ORS 197.298 establishes priorities for land to be included within an urban growth boundary. ORS 197.298 (1) states: "In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

- (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.
- (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.
- (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, the priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
- (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

Goal 14 Land Need Factors

Establishment and change of urban growth boundaries shall be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Goal 14 Boundary Location Factors

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forestland outside the UGB.

Newberg Comprehensive Plan Policies

- C.1. The conversion of urbanizable land from agricultural to urban land uses shall be orderly and efficient.
- C.2. Inclusion of lands in agricultural use within the Urban Growth Boundary is recognition of a commitment to future urbanization, as such lands are necessary to meet long-range population and economic needs, based on criteria outlined in the statewide Urbanization Goal.
- N.1.a. The conversion of lands from rural to urban uses within the Urban Growth Boundary will be based on a specific plan for the extension of urban services.
- N.1.f. In expanding or otherwise altering the Urban Growth Boundary, the Boundary shall follow road rights-of-way, lot lines, or natural features.
- N.1.h. The designated Urban Reserve Area identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to provide a thirty (30) to fifty (50) year land supply. Designated Urban Reserve Area lands will be included within the Urban Growth Boundary on a phased basis at periodic review. Property owners will also have the opportunity to request that land within the designated Urban Reserve Area be included within the Newberg Urban Growth Boundary, based on the criteria outlined in LCDC Goal 14 and the Urban Growth Management [Agreement].
- N.2.c. Property outside the Urban Growth Boundary may be annexed only upon inclusion of such property into the Urban Growth Boundary.

Other policies may also apply.

Yamhill County Comprehensive Plan Policies

Section I.A., Goal 1:

To encourage the containment of growth within existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use.

Section I.A.1, Policies:

- a. Yamhill County will, in cooperation with the cities and special districts of the county, encourage urban growth to take the form of a series of compact, balanced communities, each with its own business and community center and each related to industrial areas and other centers of employment.
- b. Yamhill County will cooperate and coordinate with each of the cities in the development of urban growth boundaries and will adopt an urban area growth management agreement with each city which outlines a growth management plan for unincorporated areas within the boundary and the means by which the boundary can be modified.
- c. Yamhill County will recognize the lands within established urban growth boundaries as the appropriate and desired location for urban development.

Section I.D., Policies:

- a. All urban growth boundaries in the county will be delineated as shown on the plan map and no extension of urban land uses or city water and sewer services beyond the designated urban growth boundaries will be undertaken without current amendments to both the respective city and county comprehensive plans.
- b. Yamhill County will encourage major land uses or functional areas and domestic water supply and sanitary sewer service areas in the cities to develop progressively outward and to be extended on a staged basis until they become coextensive with and fully service the designated urban area.

Section I.H.1., Policies:

- a. To the greatest extent possible, industrial areas will be located within urban growth boundaries. Those industrial areas located outside urban growth boundaries will be compatible with the industrial development goal and will be located where they can be adequately serviced by necessary major utility lines, including electric power substations and transmission lines, trunk sewer lines, trunk water lines, and where appropriate, trunk gas lines.
- b. Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation and full urban services are extended into the area, if appropriate, and the extension or designation of land use and services is consistent with all other goals and policies of the comprehensive plan.
- c. Industrial development will utilize the transportation system in an efficient and safe manner and reduce energy consumption by identifying for industrial development areas with alternative transportation opportunities, and by locating employment opportunities close to public transportation and, where appropriate, in community areas.

Section II.A., Goal 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.

Section IV.A.,1., Policies:

- a. Yamhill County will coordinate with the cities within its jurisdiction to provide an orderly phasing of water, sanitary sewerage, storm drainage and other public services and facilities within the urban growth boundaries.

Section VII.B., Policies

- a. Yamhill County will review any development concepts or proposals which conflict with the Plan Map, goals or policies in light of changing needs and conditions and in keeping with established procedures of Plan evaluation, amendment, and update.

Other policies may also apply.

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
LAND USE APPLICATION

525 NE Fourth Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket _____
 Date _____
 Rec'd By _____
 Receipt # _____
 Fee \$ _____

APPLICANT			LEGAL OWNER (IF DIFFERENT)		
Last Name _____	First _____	MI _____	Last Name _____	First _____	MI _____
Mailing Address (Street or PO Box) _____			Mailing Address (Street or PO Box) _____		
City _____	State _____	Zip _____	City _____	State _____	Zip _____
Telephone _____			Telephone _____		
If the applicant is not the legal owner, state interest in property: _____ _____					
PROPERTY INFORMATION					
Tax Lot(s) _____		Zone _____			
Size of Tract (include all adjacent tax lots) _____					

1. **TYPE OF APPLICATION** (what is requested?): _____

2. **JUSTIFICATION FOR REQUEST** YCZO Section(s): _____

A Planner will assist you in identifying the review criteria that apply to your request. The review criteria are used to determine whether your application will be approved or denied. It is your responsibility to provide adequate written justification and any other evidence you feel is relevant to explain how your request complies with the review criteria. Failure to provide adequate justification may result in your application being denied, or deemed incomplete until additional information is provided.

3. Present use of property: _____

4. Please list the type of buildings that are currently on the property (i.e. manufactured home, pole building, agricultural barn, etc.):

5. Is there a septic system on the property? Yes No

6. How will water be provided? Well City Other _____

7. How is the property accessed? _____

LAND USE APPLICATION FEE SCHEDULE

Effective July 1, 2010

	Microfilm Fee	L/U Fee	Total Fees
COMPREHENSIVE PLAN	010-020-345-07-PL66		
Map, Policy, Exception, Text or other Amendment (PA)	\$ 18	\$ 1,172	\$ 1,188
Plan Amendment Combined with Zone Change (PAZ)	\$ 18	\$ 1,406	\$ 1,422
ZONING ORDINANCE / MAP	010-020-345-01-PL66		
Zoning Ordinance or Map Amendments (including PUD) (Z)	\$ 18	\$ 1,172	\$ 1,188
Zoning Map Amendments pursuant to YCZO §303.01(1)	\$ 18	\$ 1,172	\$ 1,188
CONDITIONAL USE	010-020-345-02-PL66		
New Permit (C, WRG)	\$ 18	\$ 1,055	\$ 1,071
Conditional Use - Temporary Structure (CTS)		\$ 960	\$ 960
Temporary Structure Renewal (CTR)		\$ 92	\$ 92
Minor Adjustments		\$ 312	\$ 312
VARIANCE	010-020-345-08-PL66		
New (V)		\$ 623	\$ 623
Renewal		\$ 312	\$ 312
PARTITIONS, SUBDIVISIONS, ADJUSTMENTS	010-020-345-03-PL66		
Subdivisions (S)	\$ 18	\$ 1,150	\$ 1,168
Partitions (P)	\$ 18	\$ 877	\$ 893
Partition of Forest Land (PF)	\$ 18	\$ 1,423	\$ 1,439
Lot-line Adjustment (L)- notice required		\$ 390	\$ 390
Lot-line Adjustment (L)- notice not required		\$ 158	\$ 158
Replat		\$ 390	\$ 390
DWELLING APPROVALS	010-020-345-17-PL66		
Farm Dwelling (FD)	\$ 18	\$ 628	\$ 644
Forest Template Dwelling (FT)	\$ 18	\$ 628	\$ 644
Nonfarm Dwelling (NFD)	\$ 18	\$ 1,044	\$ 1,060
Lot-of-Record Dwelling (LOR)	\$ 18	\$ 628	\$ 644
RECORDING FEE	010-020-341-18-PL66		
Recording - microfilm fee	\$ -	\$ 18	\$ 18
AGENCY SIGN-OFF	010-020-341-16-PL66		
Agency sign-off (Land use Compatibility Statements)		\$ 36	\$ 36
Building Permit Sign-off		\$ 36	\$ 36
DMV Renewal Sign-off		\$ 36	\$ 36
COPIES	010-020-362-11-PL66		
Tape Recording Duplication - tape supplied (per tape)		\$ 10.00	\$ 10.00
Photocopies, each		\$ 0.25	\$ 0.25
Photocopies - enlarge, reduce or collate, each		\$ 0.40	\$ 0.40
Fax - 1st page		\$ 1.50	\$ 1.50
Fax - each additional page		\$ 0.50	\$ 0.50
MAPS & PUBLICATIONS	010-020-341-03-PL66		
Map Preparation - per hour		\$ 28	\$ 28
3ft x 5 ft Zoning Maps		\$ 19	\$ 19
G.I.S. Maps		\$ 3	\$ 3
Zoning Ordinance Books, each (add \$3.50 for S&H)		\$ 31	\$ 31
Land Division Ordinance Books, each (add \$2.00 for S&H)		\$ 10	\$ 10
Comprehensive Plan Goals & Policies, each (add \$2.00 S&H)		\$ 10	\$ 10
OTHER APPLICATIONS	010-020-345-05-PL66		
Address Assignment (without Building Permit)		\$ 31	\$ 31
Extension		\$ 51	\$ 51
Floodplain Development (FP)	\$ 18	\$ 1,055	\$ 1,071
Miscellaneous (any other permit or determination involving the exercise of discretion)		\$ 547	\$ 547
Nonconforming Use - New (NCU)		\$ 623	\$ 623
Nonconforming Use - Renewal		\$ 312	\$ 312
Replacement Dwelling Inspection		\$ 51	\$ 51
Road Name Changes (RR)		\$ 468	\$ 468
Sign Permit (S)		\$ 39	\$ 39
Similar Use (SU)		\$ 623	\$ 623
Site Design Review (SDR)		\$ 547	\$ 547
Temporary Storage Permit (TS)		\$ 142	\$ 142
APPEALS / HEARINGS	010-020-345-18-PL66		
Initial Hearing Request / Appeal Fee		\$ 250	\$ 250

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, _____ and _____ (hereinafter referred to as AOwner@ or AOwners@) has/have petitioned the City of Newberg (hereinafter referred to as ACity@) to commence certain proceedings, relating to _____, 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: _____, 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 Aproceedings@), 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 stopped 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.

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)
) ss.
County of Yamhill)

This instrument was acknowledged before me on this ____ day of _____, 200____, by
_____ and _____.

Notary Public for Oregon
My Commission expires: _____

CITY OF NEWBERG

APPROVED AS TO FORM:

Norma I. Alley, City Recorder

Terrence D. Mahr, City Attorney

Dated: _____

Dated: _____

Exhibit A - Legal Description