

## Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132  
503-537-1240 ▪ Fax 503-537-1272 ▪ [www.newbergoregon.gov](http://www.newbergoregon.gov)

### MEMORANDUM

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To: Angela Carnahan, Grant Manager, DLCD  
Rob Hallyburton, Grant Program Manager, DLCD

From: Doug Rux, Community Development Director

Date: May 22, 2017

RE: Newberg 2030 Project – Task 4 Closeout

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This memo is meant to closeout Task 4 for the Newberg 2030 grant project. Task 4 was to develop an action Plan and Implementation Policies. Attachment 1 contains the Action Plan and Implementation Policies.

Task 4 built on the efforts of Tasks 1, 2 and 3 that were previously submitted. On May 15, 2017 the Technical Advisory Committee met to review the draft Action Plan and Implementation Policies (Attachment 2). The CPC also met and provided feedback on the draft action Plan and Implementation Policies (Attachment 3).

### ATTACHMENTS

- A. Newberg 2030 Action Plan and Implementation Policies with attachments
- B. TAC Meeting Agenda and Summary 5/15/17
- C. CPC Meeting Agenda and Summary 5/15/17

# Newberg 2030

## Task 4 Action Plan and Implementation Policies

Final Report, May 22, 2017

This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

## **ACTION PLAN AND IMPLEMENTATION POLICIES**

The City of Newberg was awarded a Technical Assistance Grant from the Department of Land Conservation and Development to look at the long range land needs for the community utilizing the Simplified Method for Urban Growth Boundary expansion contained in OAR Chapter 600, Division 38. There were four tasks identified in the process. A summary of Tasks 1-3 is included below. The primary focus of this report is on Task 4 Action Plan and Implementation Policies.

### **Task 1: Goals and Objectives, Public Process**

As part of Task 1 information was gathered from Community Values Questions, Focus Groups and an internet survey. Staff also reviewed existing master plans and visioning efforts as part of the Background Report and prepared draft Comprehensive Plan amendments. The Task 1 report was submitted to the Department of Land Conservation and Development (DLCD) on December 30, 2016 and is included as Attachment 1.

### **Task 2: Residential and Employment Buildable Lands Inventory**

The Buildable Lands Inventory (BLI) for residential and employment lands was completed and submitted to the Department of Land Conservation and Development (DLCD) on March 29, 2017. The analysis identified a variety of issues with the Division 38 requirements which were shared with DLCD staff. The report submitted is included as Attachment 2. To better understand how these issues impact the inventory, the consultant prepared an additional BLI using the traditional method. Attachment 3 is a comparison of the results from both inventories.

### **Task 3: Establishment and Evaluation of UGB Study Areas**

The identification of and preliminary analysis of the UGB Study area lands was conducted. Inclusion/exclusion in the study area was determined by considering factors such as distance from the existing UGB, parcel size, classification as urban reserve areas, exception lands, and resource lands. Suitability for development was also evaluated by analyzing constraints such as slopes and natural hazard area. The Task 3 report was submitted to DLCD on March 29, 2017 and is included as Attachment 4.

### **Task 4: Action Plan and Implementation Policies**

The Action Plan and Implementation Policies in the grant scope included four components that are detailed below.

1. *Strategies to refresh, realign, and reinforce the City's economic development objectives and opportunities.*

Draft comprehensive plan policies related to economic development objectives in the Newberg Comprehensive Plan under H. THE ECONOMY are identified in Attachment 1 as part of Task 1. These policies require consideration and official action for adoption by the Newberg Planning Commission and Newberg City Council at a later date if the City of Newberg proceeds forward the Simplified Urban Growth Boundary Method of as part of the overall OAR Chapter 600, Division 38. Other activities which may influence the final version of the draft comprehensive plan economy policies may include:

- a. Riverfront Master Plan Update. This project is anticipated to commence in July 2017 and will run for approximately 18 months. The Newberg community's vision for the riverfront may require modification to existing policies or the proposal of new policies for implementation.
  - b. Yamhill County and its communities are engaged in economic development activities through the Yamhill County Economic Summits and the various workgroups. These activities may suggest a periodic revisit of policies in the Newberg Comprehensive Plan, H. THE ECONOMY.
  - c. The Newberg Economic Development Strategy was adopted in April 2016 by the City Council. It is scheduled to be updated every three years to respond to actions that have been completed along with changed community circumstances and dynamics. This strategy is not part of the Comprehensive Plan and is not an Economic Opportunities Analysis, but can inform policy updates in the Newberg Comprehensive Plan. The Newberg Economic Development Strategy can be influenced by the community's land supply for commercial and industrial development actions.
  - d. The Newberg Strategic Tourism Plan was adopted in June 2016. This plan was developed to respond to tourism activities in Newberg based on Transient Lodging Tax revenue generated from tourist overnight stays. This strategy is not part of the Comprehensive Plan but can inform policy updates in the Newberg Comprehensive Plan. The Newberg Strategic Tourism Plan like the Economic Development Strategy can be influenced by the community's land supply for commercial development.
2. *Actions and policies necessary to achieve the identified residential density mix to satisfy the UGB Simplified rules.*

Measures to accommodate housing needs are listed in OAR 660-38-0190(3) Table 5. The following are actions and potential policies the City of Newberg may consider within the existing UGB and for lands that may be brought into the UGB:

- a. Accessory Dwelling Units  
Policy – Consider allowing accessory dwelling units: no off-street parking, any type of structure, owner may live in either dwelling, allowed in any zoning district that allows detached single family, no system development charges for water, sewer, or transportation. No conditional use permit required.
- b. Minimum Density Standard  
Policy – Consider a minimum density standard at least 70% of maximum density for all residential zoning districts. Exemption for constrained lands as defined in OAR 660-38-0070 and for minor partitions. No conditional use permit required.
- c. Single Family detached homes in Medium density  
Policy – Consider no more than 25 percent of residences in development application in medium density zoning district may be single-family detached homes, unless the detached home is on a lot less than or equal to 3,000 square feet. Minor partitions exempted. No conditional use permit required.



- d. Off-Street parking  
Policy – Consider changing parking requirements to maximum of no more than one space per multi-family dwelling and no more than .75 spaces per multi-family dwelling within ¼ mile of high frequency transit service (defined as transit service with weekday peak hour service headway of 20 minutes or less). Allow provision of on-street parking spaces to meet off street parking requirements. Allow reductions below one space per multi-family dwelling for developments that provide spaces for car-share vehicles or free transit passes to residents. No conditional use permit required.
- e. Density Bonus for Affordable Housing  
Policy – Consider establishing a density bonus for affordable housing of at least 20 percent with no additional development review standards vs. development applications that do not include a density bonus. The affordable housing units shall constitute at least 20 percent of the overall dwelling units in the development application granted the density bonus. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable housing is defined as housing that is reserved for households with a maximum household income of 80 percent of a city’s mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city’s mean household income. No conditional use permit required.
- f. Single Family homes in high density zoning district  
Policy – Consider not allowing new single-family homes in a high density zoning district. No conditional use permit required.
- g. Attached-single family residences in a single family residential district with a minimum lot size 5,000 square feet or less.  
Policy – Consider permitting attached single-family residences in a single family residential district with a minimum lot size of 5,000 square feet or less. No conditional use permit required.
- h. No maximum lot size for single family detached dwellings in zoning districts that permit attached and multi-family housing.  
Policy – Consider a maximum lot size for single-family detached dwellings in zoning districts that permit attached and multi-family housing of 5,000 square feet. Minor partitions exempted. No conditional use permit required.
- i. Other measures to accommodate housing needs  
Policy – Consider other measures to accommodate housing needs identified in OAR 660-038-190(3) Table 5 as part of the Simplified Urban Growth Boundary Method.

3. *Identify strategies to achieve community goals and objectives – future planning efforts.*

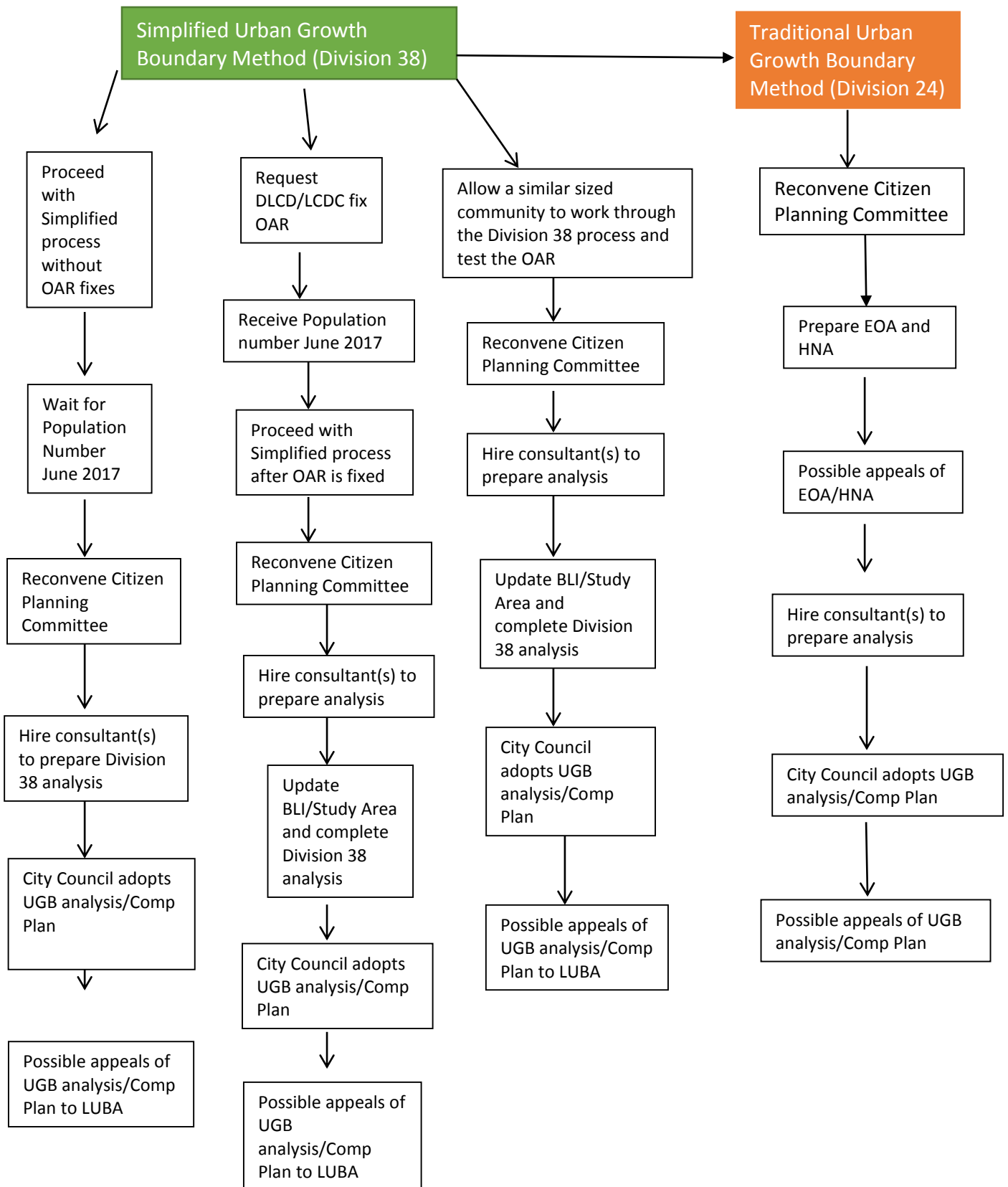
The following strategies have been identified as future planning efforts:

- a. Missing Middle Housing – Work with the community, affordable housing advocates, property owners, and developers to provide integrated neighborhoods with a range of housing such as duplexes, triplexes and fourplexes, courtyard apartments, bungalow courts, townhomes, multiplex, and live/work units.

- b. Residential parking – Work with the community to evaluate the impact and mitigation of residential parking from increased density in accommodating the missing middle housing.
- c. Building design (multi-family) and maintenance – Review multifamily design standards for compatibility with single family development and evaluate if modifications are necessary. Evaluate minimum maintenance requirements.
- d. Low Income Housing – Work with interested community groups and organizations such as Housing Newberg, Housing Authority of Yamhill County, and Habitat for Humanity to provide affordable housing opportunities.
- e. Public resources (police, fire, school) – Work with Newberg Police Department, Tualatin Valley Fire & Rescue or Newberg Fire Department, and Newberg School District to understand the potential impacts from increased housing density through rezoning activities.
- f. Accessory Dwelling Units – Evaluate the City’s Accessory Dwelling Unit standards for the potential to accommodate additional housing units.
- g. Evaluate through the Simplified UGB process a balance of expansion of the UGB with infill, redevelopment, and rezoning to accommodate the future residential population of the community as well as UGB expansion lands.
- h. Work with the City of Dundee and Yamhill County on the desired future of the Newberg-Dundee corridor.
- i. Outdoor Recreation – Coordinate with CPRD on development of parks, bike paths and green spaces for lands within the existing UGB and UGB expansion areas that serve the projected future population.
- j. Implement the Newberg Downtown Improvement Plan adopted in December 2016 for a vibrant mixed use commercial core.

4. *Actions necessary to move forward with analysis produced in Tasks 3 & 4 including benefits and risks to continue with Simplified path or revert back to Traditional UGB path.*

Four options listed below have been identified in regards to proceeding or not proceeding with the Simplified UGB process or reverting to the Traditional UGB process.



The Simplified UGB method purpose as stated in OAR 660-38-0000 is:

(3) The methods described in this division are intended to achieve the following objectives provided in ORS 197A.302:

- (a) Become, as a result of reduced costs, complexity and time, the methods that are used by most cities with growing populations to manage their urban growth boundaries;
- (b) Encourage, to the extent practicable given market conditions, the development of urban areas in which individuals desire to live and work and that are increasingly efficient in terms of land uses and in terms of public facilities and services;
- (c) Encourage the conservation of important farm and forest lands, particularly lands that are needed to sustain agricultural and forest products industries;
- (d) Encourage cities to increase the development capacity within their urban growth boundaries;
- (e) Encourage the provision of an adequate supply of serviceable land that is planned for needed urban residential and industrial development; and
- (f) Assist residents in understanding the major local government decisions that are likely to determine the form of a city's growth.

Based on the Simplified Method evaluation to date, staff in coordination with our consultant for the BLI and Study Area, Eco Northwest, have identified concerns with some of the requirements. Most are due to the lack of clarity in the OAR language and the requirement to obtain and use data sets from County Assessor. These concerns are detailed in Attachment 2. Attachment 3 contains a project memorandum that provides a comparison of the Simplified Method verses the Traditional Method on the Buildable Land Inventory. In aggregate the difference between the two methods is estimated at approximately 386 acres with the Simplified Method indicating a higher vacant/partially vacant inventory for residential and employment land. This is critical as the BLI is a key starting point in the Simplified UGB process.

*Risks/Benefits of continuing with the Simplified UGB process as is:*

1. Risks
  - a. County Assessor data is used and maintained for assessment purposes and not for land use. The requirement to use such data may have skewed the vacant and partially vacant land supply inventory. The prepared evaluation identifies fully improved parcels with County Assessor data fields that indicate that there is no improvement value. Examples are cited in Attachment 2. Other examples include churches, ODOT owned facilities, and City of Newberg owned facilities, schools, etc. which have no improvement value because of their tax exempt status.
  - b. Manufactured home parks are considered to be partially vacant because of no improvement value.
  - c. Schools in some cases are also categorized as partially vacant due to their tax exempt status on residential land.
  - d. Interpretations are required of OAR language for lands outside the UGB and within the study area. Staff is concerned that interpretations expose the City to appeals of the analysis.

- e. The evaluation of vacant or partially vacant parcels could lead to unknown impacts on land expansion needs because of the way improvement values are categorized.
- f. The Simplified UGB analysis could be appealed to LUBA.
- g. Risk of not having enough acreage to accommodate growth (386 acres).

**2. Benefits**

- a. **Much time and effort has already been put into the Simplified Method.**

*Risks/Benefits of continuing with the Simplified UGB after the OAR has technical fixes:*

1. Risks

- a. Additional issues may be found in the OAR as it has not been fully tested.
- b. Adds uncertainty and time to the overall UGB process. It is not known if LCDC would be willing to look at the OAR and make technical fixes. It is also not known what process would be used. Would the RAC and work groups have to be reconvened? If so this could take months, a year, or more. The actual amount of time to go through this process is unknown.
- c. The Simplified UGB analysis could be appealed to LUBA.

2. Benefits

- a. Clarifying language in the OAR would clear up some foundational elements in the analysis process.
- b. Working with the County Assessor would clean up the data and make the Simplified Method possible for other Yamhill County cities.
- c. Would likely be more cost effective and require less time than the Traditional Method.

*Risks/Benefits to delaying using the Simplified Method until a similar sized community works through the OAR implementation requirements:*

1. Risks

- a. Undetermined time delay. At this time staff is not aware of a comparable sized community using the Simplified Method. Staff is aware that two smaller communities in Marion County are attempting to use the Simplified UGB process.
- b. The Simplified UGB analysis could be appealed to LUBA.

2. Benefits

- a. If other OAR fixes are identified LCDC may be more willing to make amendments to the OAR.

*Risks/Benefits reverting to the Traditional UGB method are:*

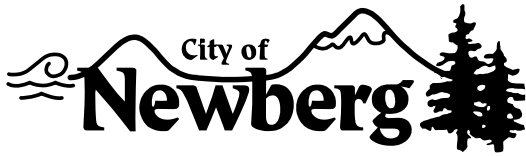
1. Risks

- a. The City of Newberg attempted this process and ultimately withdrew the application to DLCD due to objections from proponents, pending remand from LCDC, and appeals on the EOA.
- b. A new EOA and HNA would have to be prepared. The time estimated to do these studies is 9-12 months and could cost in the range of \$70,000 - \$100,000. These studies could be appealed, which delays the process and increases costs.
- c. The UGB decision by the City is likely to be appealed.

## 2. Benefits

- a. May get to a decision faster than the Simplified method.
- b. Other Oregon communities have successfully completed the Traditional UGB process.
- c. The City of Newberg has experience with the Traditional process. Unlike the prior attempt this approach would be looking at both Residential and Employment needs and not just the Employment-Industrial need as analyzed previously.

- Attachments:
1. Task 1
  2. Task 2 and 3
  3. BLI Simplified vs Traditional Comparison
  4. OAR 660-38-0190(3) Table 5



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### MEMORANDUM

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To: Angela Carnahan, Grant Manager, DLCD  
From: Jessica Pelz, AICP  
Date: December 30, 2016  
RE: Newberg 2030 Project – Task 1 Closeout

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This memo is meant to closeout Task 1 for the Newberg 2030 grant project. Task 1 is defined as “goals and objectives, public process”, and is intended to use existing city documents and a collaborative public process to help establish a vision for the community related to future growth. Task 1 includes four deliverables:

- Technical memorandum containing a review of existing economic goals, policies, and documents
- Technical memorandum containing a summary of public input and draft comprehensive plan amendments
- PAC meeting materials (e.g., agenda, summary, handouts)
- TAC meeting materials (e.g., agenda, summary, handouts)

Task 1 work kicked off with a meeting of the Technical Advisory Committee on April 22, 2016, and of the Citizen Planning Committee (CPC, formerly called PAC) on May 17, 2016.

Task 1 included a robust public input component with the following activities:

- “Community Values Questions” - this included asking one question per week, both in physical form on posters at five locations around town where citizens can write directly on the posters, and electronically on social media platforms.
- Focus Groups – 26 people attended one of two focus groups held on November 3, 2016. The focus groups discussed a number of issues related to density, future growth, employment, and livability.
- Internet Survey – The survey was sent out to all invitees of the focus groups, promoted on Facebook on both the Newberg 2030 page and the Newberg-Dundee Citizens Info Group page, and forwarded by City Councilors and others, and garnered 102 responses over a period of three weeks.

The Citizen Planning Committee (CPC) and Technical Advisory Committee met on December 19, 2016 to review the public input results, discuss the draft Comprehensive Plan amendments, and get an overview of the Task 2 buildable land inventory process.

**ATTACHMENTS**

1. Background Report
2. Draft Comprehensive Plan Amendments
3. Survey Results Summary
4. Focus Groups – Responses
5. Buildable Lands Inventory Powerpoint
6. CPC & TAC Meeting Agendas & Summaries – 12/19/16 Meeting

**PREVIOUSLY SUBMITTED (With 10/20/16 Memo)**

1. Community Values Questions – Common Themes
2. Community Values Questions – All Responses
3. CPC Meeting Agenda & Summary, 9/29/16
4. City Council Staff Report, Newberg 2030, 10/3/16
5. CPC & TAC Kickoff Meeting Agendas & Summaries, Kickoff Meetings



# Newberg 2030

## Newberg 2030 Report: Background Conditions

This report includes a summary of several Newberg Master Plans, past Newberg expansion efforts, past Newberg visioning efforts, current and past Oregon Administrative Rules governing urban growth boundary expansions, the current Newberg Comprehensive Plan Economy section, and the recently endorsed Newberg economic development strategy. All of these things combine to provide a rich history and guide for future planning efforts.

### Master Plans: South Industrial Area Master Plan, Riverfront Master Plan, Springbrook Master Plan

Newberg has been doing future planning for a number of years, including a variety of master plans for areas within and outside the city. These plans are important to consider for future planning as they all included a certain amount of public input on the direction the city should take, detailed information on transportation and utility infrastructure, and next steps for future growth and development of the areas.

#### South Industrial Area Master Plan (2009)

The South Industrial Area Master Plan process was sparked by recommendations from the Ad Hoc Committee on Newberg's Future in their 2005 *Report to City Council*. The Newberg City Council had created the Ad Hoc Committee in 2004 to provide a forum for citizen involvement in planning for Newberg's future land use patterns and to make recommendations to the City Council for future land use amendments. Analysis by the City's consultants, staff, and the Ad Hoc Committee on Newberg's Future (2005 Report to City Council) identified an area south of Newberg, on either side of Hwy 219, as the area best suited to meet the City's needs for large site (20 acres+) industrial development. The South Industrial Area Master Plan specifically looked at this area and created a detailed plan, including: a transportation system providing for local circulation before and after bypass construction, non-motorized trail connections to existing and planned trails in the area, a utility plan providing a clear path to development, a small commercial core area to serve the needs of the industrial area, and landscape and design standards to ensure that the overall look of the industrial area is an attractive gateway to the city. In addition, the South Industrial Area Master Plan promotes sustainable policies and infrastructure, a principle that citizens at the community visioning meeting named as being important.

The Newberg City Council adopted Resolution No. 2009-2872, accepting the South Industrial Area Master Plan as a vision for the area south of Newberg, on either side of Highway 219.

#### Springbrook Master Plan (2007)

The Springbrook Master Plan is the result of efforts to realize the personal vision of Joan Austin, and members of the Austin family, to revive the spirit of the historic Springbrook community and to create a special place within the City of Newberg. This plan has been developed for Springbrook Properties, owned by Joan and Ken Austin, with members of the Austin family, a team of expert consultants and in close coordination with the City of Newberg and its citizens. The 450-acre Springbrook site is located in northern Newberg, generally north of Crestview Drive, east of College Street and west of Putnam Road. The entire site is located within the Urban Growth Boundary and City limits of Newberg.

# Newberg 2030

A variety of residential neighborhoods are located throughout the site, providing a total of over 1,200 homes, townhouses and condominiums. Almost 50-acres of active and passive use parks are provided throughout the property. A network of pedestrian routes and trails connect neighborhoods and parks with the village center and other destination points within the site and on surrounding properties. A Village Center will be surrounded by higher density housing which will provide an intensity and vibrancy suitable for the community's core. The Allison Inn and Spa has already been built within the Springbrook area, providing luxury accommodations, dining and spa facilities, and provides a draw for visitors exploring the region's special attractions. Employment areas have been designated west of the village and east of A-dec. The area adjacent to the Village Center is envisioned to include office employment with support retail, while the area adjacent to A-dec is anticipated for A-dec expansion. There is also a 10-acre Mixed-Use site which may contain retail, residential and/or employment uses. It has been designed with flexibility in order to meet the needs of this area as it develops and the ability to adapt to evolving market conditions.

The Newberg City Council adopted Ordinance No. 2007-2678, adopting the Springbrook Master Plan, including a development agreement, a comprehensive plan amendment to the "Springbrook District" section, a development code amendment to the "Springbrook District" section, a comprehensive plan map amendment to change the designation of the property to "Springbrook District", a zone map amendment to change the property to the "Springbrook District" zone, preliminary plat approval for a subdivision, and a stream corridor impact review.

## Newberg Riverfront Master Plan (2002)

The City developed the Riverfront Master Plan through grant funding from the Department of Land Conservation and Development (DLCD) and private funding assistance from SP Newsprint and Baker Rock Resources. The Riverfront boundaries generally included land outside the Newberg city limits but within the urban growth boundary, bounded by Roger's Landing Road, 14<sup>th</sup> Street, Chehalem Creek, and the Willamette River. The Plan includes a discussion of existing conditions, including infrastructure, transportation, and natural resources, then goes through the alternatives and a thorough discussion of the final plan elements. The Plan overview says:

*"The Riverfront Master Plan...puts a new focus on Newberg's riverfront and sets the stage for development of a vibrant neighborhood combining small scale commercial, housing of various types, and open space oriented toward the river. The proposed plan includes a new Riverfront Commercial District that provides for pedestrian-friendly, river-oriented commercial development. Low and medium density residential areas are included in the western portion of the project area. The former landfill site and the rest of the Willamette floodplain are designated for open space."*

The Newberg City Council adopted Ordinance No. 2002-2564, adopting the Newberg Riverfront Master Plan, which includes the following: 1. Amendments to the comprehensive plan map designations of the properties within the riverfront map; 2. Amendments to the comprehensive plan; and 3. Amendments to the development code. The City has recently been awarded a Transportation and Growth Management program grant to complete an update of the Riverfront Master Plan, primarily as conditions relative to the Bypass and the paper mill have significantly changed. The grant work will begin in 2017.

# Newberg 2030

## Past Newberg Efforts: South Industrial UGB, 2007 URA Applications

### South Industrial UGB Effort (2009-2015)

The City underwent a multi-year effort to expand the urban growth boundary (UGB) to add industrial land in the southeastern portion of the city, based on direction from the Ad Hoc Committee on Newberg's Future and the South Industrial Area Master Plan. The Land Conservation and Development Commission (LCDC) considered the application and encouraged the city to enter into mediation with objectors prior to issuing an official remand order. The process was ultimately unsuccessful and ended after an attempt at mediation with objectors in the spring of 2015, at which point the city withdrew their application from LCDC consideration. The City's UGB application had also included an updated Economic Opportunities Analysis, which was also repealed with the rest of the UGB Ordinance by Ordinance No. 2015-2786. These actions result in the city having an outdated Economic Opportunities Analysis and continuing to have a deficit of employment land.

### Urban Reserve Expansion Effort (2007)

In 2008, the City applied to DLCD to expand the urban reserve area (URA). The DLCD director remanded the city's application, which was subsequently appealed to the Land Conservation and Development Commission (LCDC). LCDC remanded the application in 2009 for the city to address the following issues:

- The City's decision designating URAs is remanded to remove identification of specific industrial, commercial, institutional, and livability needs.
- The City's decision designating URAs is remanded to adopt findings based on the overall acreage of land needed for the planning period.
- The City's decision designating URAs is remanded to make new determinations regarding inclusion or exclusion of specific study areas, consistent with this order.

The city was given until the end of 2011 to address the remand order, and then given two subsequent extensions of the remand period to the end of December 2015. The city ultimately chose to not follow up on the remand order and withdrew their application from consideration at the end of 2015.

## Past Newberg Visioning Efforts: Beyond the Vision, Ad Hoc Committee on Newberg's Future

The past community visioning efforts are particularly important to consider with future planning, as they contain a wealth of information about community values and priorities on a range of topics, and have been endorsed by the Newberg City Council.

### Beyond the Vision – The Chehalem Valley in 2020

Beyond the Vision was a cooperative governmental effort by the City of Dundee, City of Newberg, Chehalem Park and Recreation District, Newberg Public Schools, and Yamhill County to create a strategic plan for the Chehalem Valley, which started in 2001 and was completed in 2004. The Beyond the Vision document created "A Vision of the Chehalem Valley in 2020" that included details for the following elements: community identity, governance and civic involvement, education, economy and employment, health and social services, public safety, housing, culture and the arts, diversity, transportation, downtown development, parks, greenways, riverfront development and open space. The plan established a strategic plan with a mission and goals and an action plan addressing all of the vision elements and adding sustainability and communications. The intent of the plan was that the governmental entities would continue working on the identified actions and have regular check-ins about the plan. The groups have recently begun to meet again to check-in and discuss next steps.

# Newberg 2030

The Newberg City Council adopted Resolution No. 2005-2555, endorsing “Beyond the Vision: A Strategic Plan for the Chehalem Valley.

## Ad Hoc Committee on Newberg’s Future (2005)

The Newberg City Council created the Ad Hoc Committee on Newberg’s Future (the Committee) to provide a forum for citizen involvement in planning for Newberg’s future land use patterns. The Committee was asked to make recommendations that would help the City Council make future amendments to the Comprehensive Plan. The Committee was to consider Newberg’s future land use needs for at least the next 20 years (2025) and preferably longer (out to 2040).

The Committee met from April 2004 to June 2005. During that time, the Committee considered future population and housing needs, and the land requirements for residential, industrial, commercial, and industrial development. They reviewed the supply of buildable land within the existing Urban Growth Boundary (UGB), and evaluated the land in the Urban Reserve Areas (URAs) and surrounding areas to determine which areas would be most suitable to meet the requirements of each type of land use. The Committee received support from City staff and consultants. The Committee also sought the input from the general public. The Committee held two open houses, conducted two surveys, received comments at each of their meetings, and received several letters.

With this report, the Committee gave feedback to Council in three main areas, discussed below. The report contains detailed analysis and recommendations for all categories of land need, on urban growth boundary and urban reserve area expansions, population forecast rates, and preferred residential densities.

1. **How should the City provide for its future land needs, including land needs for housing, commercial and industrial development, institutional development, and recreation?** The City should provide for a reasonable and well-planned level of growth that encourages community excellence and preserves our uniqueness. Land use plans should be innovative and creative and provide for flexibility down the road. The City should create a balanced, complete community with a sense of small, local neighborhoods, while also providing for commerce and industry.
2. **Should the City change its existing boundaries, including the Urban Growth Boundary (UGB) and the Urban Reserve Area and, if so, what general areas should receive the highest consideration for change?** The Committee has tried to provide general direction for the City’s growth, rather than a parcel specific recommendation. The proposed additions to the UGB total 795 acres, which is slightly more than the identified land needs for 2025. While some of this need can be met within the existing UGB, additional land will be needed to meet the siting requirements for industrial and institutional development, and to meet the residential housing needs.
3. **Should the City consider changing the comprehensive plan/zoning district designations within the existing UGB to accommodate different growth patterns?** The Committee recommends that the City consider:
  - Changing some comprehensive plan/zoning district designations within the UGB. The Committee felt several areas in the UGB could be appropriate to meet needs for high density and medium density residential development. These include an area near Illinois and College Street, areas west of the Sportsman’s Airpark, some areas along Springbrook Road, and some areas within Springbrook Oaks.
  - Modifying the City’s residential zoning standards to encourage development near planned densities through positive incentives, such as lot size averaging.

# Newberg 2030

The Committee also did a lot of work around community visioning. From April through August 2004, the Committee spent considerable time at each meeting brainstorming and reviewing “value statements” related to the recommendations that the Newberg City Council had requested, and the land that would be needed for various uses. Their draft value statements were on display at the open house held on August 6, 2004, and visitors were invited to comment on them, propose revisions, and add their own statements to the list. The Committee considered the comments that they had received, made a few changes, and agreed on the following list.

- **Considering Newberg’s anticipated growth over the next 36 years, our land use recommendations to the Newberg City Council should:**
  - allow for flexibility down the road
  - encompass our goals and provide opportunity for improvement
  - consider the input of the community
  - be innovative and creative -- reflect our unique community
  - encourage excellence
- **The map that we recommend to the City Council should:**
  - provide for a reasonable and well-planned level of growth that encourages community excellence and preserves our uniqueness
  - take into account accessibility (major arterials) to commercial and industrial parks
  - provide for a sense of small, local neighborhoods, while also providing for commercial and industry.
- **Newberg should have a long-term future land use pattern that:**
  - is flexible (can change if industry does/does not locate) and diversified (mixed, walking, commercial nodes).
  - allows easy flow of traffic
  - has mixture of housing types
  - preserves history of community
  - maintains Newberg’s individuality as a rural community with a proud agricultural heritage
  - moves away from industrial and warehousing uses to high value commercial functions
  - diverts through traffic around the downtown core
  - encourages the visions and objectives shown in the residential, commercial, industrial, and public/institutional vision and policy statements.
- **Land for residential uses should:**
  - match projections developed and accepted by Committee
  - be allocated in manner consistent with vision statement
  - be allocated in a way that keeps cost of infrastructure and utilities at a reasonable level
  - have matching transportation plans and adequate funds for transportation projects
  - encourage housing of all types and levels of affordability
  - encourage creative housing solutions - allow for mixed use (i.e. shops with living areas above) in downtown areas
  - require a wide range of parcel sizes
  - reflect changing family structures and life styles
- **Land for industrial uses should:**
  - reflect access to major highways
  - have minor impact on residential areas

# Newberg 2030

- be adequate to support reasonable and well-planned growth, and encourage excellence
- be located with access to the bypass interchange with Hwy 219 or Hwy 99W at the edges of town
- be located near current industry clusters/utilities/transportation
- **Land for commercial uses should:**
  - be consistent with projected need and vision statement
  - be located along major traffic routes or, provide adequate access to major routes
  - allow for adequate business growth, encourage all levels (sizes) of business
  - allow for various size business
  - be mixed with residential, plus one or two large development areas
- **Land for Newberg's parks should:**
  - reflect areas of residential growth
  - allow for excellence in recreation and green space
  - be scattered throughout Newberg and surrounding areas so as to be easily accessible to all communities
  - exceed industry standards
  - consider safety
  - anticipate and incorporate innovative and unexpected recreational possibilities
  - support multi-users -- pedestrians, bikes, horses, etc.
  - be connected where possible
  - consider Riverfront Master Plan and enhance access and use of the river
- **Land for Newberg's utilities should:**
  - provide for underground, ecologically sound installation
  - be safely located away from vulnerable community functions and activities
  - be compatible with surrounding community
  - be adequate to meet reasonable growth and be affordably developed
  - allow for future expansion
  - be supportive of economic development
- **Land for Newberg's water storage/distribution facilities should:**
  - be located at elevations that can serve planned residential/commercial/industrial
- **Land for Newberg's schools should:**
  - reflect new pedagogies -- small learning communities
  - be located near existing and future demand for schools
  - allow for educational excellence
  - follow school district recommendation
  - consider community "personality"
- **Land for Newberg's institutions should:**
  - allow for access by all citizens
  - provide opportunity for new institutions
  - be easily accessible to the public
  - be compatible with the surrounding community

The Newberg City Council adopted Resolution No. 2005-2590, directing the City staff to undertake activities needed to implement the recommendations of the Ad-hoc Committee on Newberg's Future.



# Newberg 2030

## Oregon Administrative Rules – OAR 660-038 & OAR 660-024

OAR 660 Division 38 – the “new” “streamlined” method. This method is intended to significantly streamline the land need, buildable land inventory, and study area portions of the process by building in methodology and data tables. This method provides for a 14-year UGB, rather than a 20-year UGB per the “old” process.

- 1) Determine Need – This is calculated by methodology built into the rule for residential and employment need. Formulas are based on the coordinated population forecast, or for employment, need can be based on either population or employment forecast. The land need accounts for all categories of land, and cities must amend the UGB for all categories (i.e. cannot amend solely for residential or employment land).
  - a. Residential: Determine the mix of dwelling units needed & determine amount of land needed for each housing type. These calculations use Census data and data tables built into the rule.
  - b. Employment: Translate employment forecast to employment land need. This is based on specific methodology spelled out in the rule.
- 2) Determine Supply – Simplified buildable lands inventory. Calculate vacant and partially vacant land, account for redevelopment and increased density, and adjust for constrained land.
- 3) Determine if UGB expansion is necessary – Compare need vs supply; consider surplus land of other designations to meet the need.
- 4) Establish study area – One mile from current UGB, and all exception areas that are within 1 ½ miles from UGB.
  - a. Exclude lands based on the following:
    - i. “impracticable” to provide public facilities and services (slope, requires significant transportation investment, physical and topographic constraints)
    - ii. Subject to significant development hazards (landslides, flooding, tsunamis)
    - iii. Consists of significant scenic, natural, cultural or recreational resource (habitat land, scenic waterways, designated natural areas, wellhead protection area, protected under goals 16, 17, 18, or owned by the federal government)
- 5) Priority Analysis
  - a. First priority = urban reserve, exception land, nonresource land
  - b. Second priority = marginal land
  - c. Third priority = farm or forest land that is not high-value land and/or does not have prime soils
  - d. Fourth priority = high-value farmland
- 6) Serviceability – Cities must determine that land included within the UGB can all be serviceable over the 14 year period. This section is new for the UGB process. DLCDC has pledged to provide guidance to cities for preparing findings to this new section.

OAR 660 Division 24 – the “old” method. This method provides for a 20-year UGB, rather than a 14-year UGB per the “new” process.

- 1) Determine land need – No specific formulas or methodologies are specified. Cities may amend the UGB for one category of land without needing to account for or include other land categories. Requires compliance with Goal 9 (EOA) and Goal 10 (HNA), but does allow for safe harbor analysis for population and employment forecasts.

# Newberg 2030

- 2) Buildable lands inventory – inventory land to determine amount of vacant and redevelopable land (for employment land, inventory “suitable” vacant and developed land – this terminology has been the subject of some debate). Includes safe harbor assumptions for calculations.
- 3) Determine if UGB expansion is necessary – Compare need vs supply; consider surplus land of other designations to meet the need.
- 4) Establish study area – the same language from the new Division 38 has been added here to specify the study area parameters.
- 5) Priority Analysis
  - a. First priority = urban reserve, exception land, nonresource land
  - b. Second priority = marginal land
  - c. Third priority = farm or forest land that is not high-value land and/or does not have prime soils
  - d. Fourth priority = high-value farmland
- 6) Serviceability – this is not explicitly addressed with its own section of the law as in Division 38; however, there is a subsection in the priority analysis section that says the city must compare “relative costs, advantages and disadvantages of alternative UGB expansion areas” for provision of public services. The downside to this approach is that it is relatively subjective, and there is room for argument about what is serviceable.



# Newberg 2030

## Newberg Comprehensive Plan – Section H. Economy

This is the existing Section H of the Newberg Comprehensive Plan. Section H will be updated through the Newberg 2030 process.

### H. THE ECONOMY

**GOAL: To develop a diverse and stable economic base.**

#### POLICIES:

##### 1. General Policies

- a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006)
- b. The City shall encourage economic expansion consistent with local needs.
- c. The City will encourage the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.
- d. Newberg will encourage the development of industries which represent the most efficient use of existing resources including land, air, water, energy and labor.
- e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area.
- f. The City shall participate with local and regional groups to coordinate economic planning.
- g. The City shall encourage business and industry to locate within the Newberg City limits.
- h. Yamhill County history, products and activities should be promoted.
- i. The City shall encourage tourist-related activities and services such as motor inns, restaurants, parks and recreation facilities, a visitor center, conference and seminar activities.
- j. A mixed-use river-oriented commercial area should be encouraged to be developed near the Willamette River. (Ordinance 2002-2564, April 15 2002)
- k. The City shall promote Newberg as a tourist destination location.
- l. The City shall promote the expansion of local viticulture and wine production as a method for increasing tourism.

##### 2. Industrial Areas Policies

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

# Newberg 2030

- b. The City shall encourage industrial development, preferring firms that:
    - a. Meet or exceed state or local environmental standards;
    - b. Utilize the existing labor force and help to reduce seasonal unemployment fluctuations; and
    - c. Are efficient consumers of energy.
  - c. Newberg shall actively pursue the inclusion of large industrial sites within the urban growth boundary.
  - d. The City shall undertake specific activities to encourage the growth of existing businesses, to encourage a diversity of businesses, and to attract new businesses to the community in industries that will provide local employment opportunities consistent with community needs and goals. (Ordinance 2006-2634, January 3, 2006)
  - e. Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation. Full urban services will be extended into the area if appropriate, if the extension of land use and services is consistent with all other goals and policies of the plan.
  - f. Concerted community efforts should be made to see that industrial development expands outward from existing areas rather than occurring in haphazard patterns.
  - g. The City shall identify land that will provide for expansion of existing businesses and/or attract new businesses and shall reserve that land for future industrial development that is consistent with community needs and goals.
  - h. Where areas have been planned for large industrial sites, zoning regulations shall be developed and maintained to keep those sites intact. Such sites shall not be further divided except to create planned industrial parks that support a specific industry. (Ordinance 2006-2634, January 3, 2006)
  - i. Industrial land shall be reserved for industrial uses.
3. Commercial Areas Policies
- a. The City shall encourage the retention of the downtown core as a shopping, service and financial center for the Newberg area. New commercial developments shall be encouraged to locate there.
  - b. Adequate neighborhood commercial areas will be provided to serve localized needs.
  - c. Commercial development will be encouraged to be clustered and to develop off-street parking facilities in conjunction with other nearby developments.
  - d. To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited access highway.
  - {e. Deleted by Ordinance 2004-2602, September 29, 2004}

# Newberg 2030

## 4. Riverfront District Policies

- a. The City will enhance commercial diversity and activity in the Riverfront area by encouraging a business mix that provides goods and services to satisfy neighborhood and visitor needs and that also draws people from the greater region.
- b. The City will encourage development of the Riverfront District as a distinct river-oriented center that can help support a variety of local businesses.
- c. The City will encourage the development of commercial and retail uses that have a strong reason for locating near the Riverfront and support the vision of the Riverfront District as a walkable and bikeable mixed-use area. (Ordinance 2002-2564, April 15, 2002)

## Newberg Economic Development Strategy – March 2016

In April 2016, the Newberg City Council adopted the Newberg Economic Development Strategy as the economic development strategy document for the City of Newberg. The Newberg Economic Development Strategy is based on four pillars of activity: Industrial Sector; Commercial Sector; Business Development and Workforce; and Tourism and Hospitality. Under each pillar there are identified strategies. The Economic Development Strategy also includes a vision, a mission, and an overarching goal:

**Vision:** *Newberg will build on its advantageous geographic location and the capacities of its business, education, government, and community partners to become a national leader for cross industry innovation in viticulture, wine production, and high-tech manufacturing. The City's business, educational, and built environment will support growing entrepreneurship for existing and new businesses of all types.*

**Mission:** *Promote economic health, a higher standard of living, and quality of life through partnerships, facilitation, collaboration and community. Ensure a qualified and educated workforce; an environment of openness to business investment; programs for retention, expansion and recruitment of businesses; public investment in critical infrastructure, education, recreation and cultural capacities; metrics to measure economic activity; sustainability. Embrace diversity of all types. Leverage our location to connect Portland and Salem with North Willamette Valley's riches.*

**Goal:** *Having a qualified and educated workforce; an environment of openness to business investment; programs for retention, expansion and recruitment of businesses; public investment in critical infrastructure; metrics to measure economic activity; all while being sustainable.*

# DRAFT Comprehensive Plan amendments – Section H. Economy and N. Urbanization

## **H. THE ECONOMY**

**GOAL: To develop a diverse and stable economic base.**

POLICIES:

### 1. General Policies

- a. ~~In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006)~~The City should actively encourage a diverse and stable economic base in order to provide adequate employment opportunities for residents of Newberg. Potential methods may include, but are not limited to, land use controls, capital improvement programs, and participation in a variety of economic development activities.
- b. The City should actively work to promote retention of existing businesses and industries within Newberg.
- ~~b.c.~~c. Along with business retention efforts, the City should encourage expansion of employment areas to move toward a balanced jobs-housing ratio.
- ~~c.d.~~d. The City will should encourage the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.
- ~~d.~~e. Newberg will encourage the development of industries which represent the most efficient use of existing resources including land, air, water, energy and labor. the development of environmentally sustainable industries or those industries using best management practices for pollution control and other environmental considerations.
- e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area, as defined by adopted Goal 11 and Goal 12 plans or other applicable adopted master plans.
- f. The City ~~shall~~should participate ~~with local and regional groups to coordinate economic planning and partner with local, regional, state, and federal organizations on economic development efforts.~~with local and regional groups to coordinate economic development efforts.

- g. The City ~~shall~~should encourage business and industry to locate within the Newberg City limits.
- h. Yamhill County history, products and activities should be promoted.
- i. The City ~~shall~~should encourage tourist-related activities and services such as ~~motor inns~~hotels, restaurants, parks and recreation facilities, a visitor center, and conference and seminar activities.
- j. A mixed-use river-oriented commercial area should be encouraged to be developed near the Willamette River. (Ordinance 2002-2564, April 15 2002)
- k. The City ~~shall~~should promote Newberg as a tourist destination location.
- l. The City ~~shall~~should promote the expansion of local viticulture and wine production as a method for increasing tourism.

## 2. Industrial Areas Policies

- a. Industrial expansion ~~shall~~should be located and designed to minimize impacts on surrounding land uses.
- b. The City ~~shall~~should encourage industrial development, preferring firms that:
  - a. Meet or exceed state or local environmental standards;
  - b. Utilize the existing labor force and help to reduce seasonal unemployment fluctuations; and
  - c. Are efficient consumers of energy.

c. The City should actively work to ensure there is an adequate supply of industrial land in accordance with the adopted buildable land inventory

~~e.d.~~ Newberg ~~shall~~should actively pursue the inclusion of large industrial sites within the urban growth boundary.

~~e.e.~~ \_\_\_\_\_ The City ~~shall~~should undertake specific activities to encourage the growth of existing businesses, to encourage a diversity of businesses, and to attract new businesses to the community in industries that will provide local employment opportunities consistent with community needs and goals. (Ordinance 2006-2634, January 3, 2006)

~~e.f.~~ Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation. Full urban services will be extended into the area if appropriate, if the extension of land use and services is consistent with all other goals and policies of the plan.

~~f.g. Concerted community efforts should be made to see that industrial development expands outward from existing areas rather than occurring in haphazard patterns. Industrial~~

development should be located in proximity to existing industrial activities to provide continuity and compatibility of land use activities.

~~g.h.~~ The City ~~shall~~should identify land that will provide for expansion of existing businesses and/or attract new businesses and ~~shall~~should reserve that land for future industrial development that is consistent with community needs and goals.

~~h.i.~~ Where areas have been planned for large industrial sites, zoning regulations ~~shall~~should be developed and maintained to keep those sites intact. Such sites ~~shall~~should not be further divided except to create planned industrial parks that support a specific industry. (Ordinance 2006-2634, January 3, 2006)

~~h.j.~~ Industrial land ~~shall~~should be reserved for industrial uses, unless findings of fact can be made to determine that either the specific industrial land site is better suited for a different category of use or that there is a demonstrated significant need for a higher density category of needed housing. Industrial land meeting the suitability characteristics identified in the Economic Opportunities Analysis, state law, or other locally adopted document, should be reserved solely for industrial uses.

### 3. Commercial Areas Policies

a. The City ~~shall~~should encourage the retention of the downtown core as a shopping, service and financial center for the Newberg area. New commercial developments ~~shall~~should be encouraged to locate ~~there~~in the downtown.

b. Adequate neighborhood commercial areas ~~will~~should be provided to serve localized needs.

c. Commercial development ~~will~~should be encouraged to be clustered and to develop off-street parking facilities in conjunction with other nearby developments.

~~d.~~ To maintain the integrity and function of the highway system, new commercial development ~~shall~~should be discouraged along the route of any limited access highway.

~~d.e.~~ The City should actively work to ensure there is an adequate supply of commercial land in accordance with the adopted buildable land inventory.

{e. Deleted by Ordinance 2004-2602, September 29, 2004}

### 4. Riverfront District Policies

a. The City will enhance commercial diversity and activity in the Riverfront area by encouraging a business mix that provides goods and services to satisfy neighborhood and visitor needs and that also draws people from the greater region.

b. The City will encourage development of the Riverfront District as a distinct river-oriented center that can help support a variety of local businesses.

- c. The City will encourage the development of commercial and retail uses that have a strong reason for locating near the Riverfront and support the vision of the Riverfront District as a walkable and bikeable mixed-use area. (Ordinance 2002-2564, April 15, 2002)

## ***N. URBANIZATION***

### **GOALS:**

- 1. To provide for the orderly and efficient transition from rural to urban land uses.**
- 2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.**
- 3. To create a quality living environment through a balanced growth of urban and cultural activities.**

### **POLICIES:**

1. Urban Growth Boundary and Urban Reserve Area Policies
  - a. The conversion of lands from rural to urban uses within the Urban Growth Boundary should be based on a specific plan for the extension of urban services.
  - b. The City should oppose urban development outside the City limits but within the Newberg Area Influence.
  - c. The City ~~shall~~should encourage urban development within the City limits.
  - d. The Urban Growth Boundary ~~shall~~is intended to designate urbanizable land.
  - e. The City will support development within the areas outside the City limits but within the Newberg Urban Growth Boundary or Urban Reserve Area ~~based on the following standards or restrictions:~~taking into consideration the following:
    - Residential development will be allowed on the basis of one house per 10 acres, or any lot of record created prior to January 1, 1989.
    - New commercial and industrial uses will generally be discouraged ~~within the UGB and Urban Reserve Area.~~
    - Agricultural uses will be in accordance with the Yamhill County Comprehensive Plan.
    - The City and County ~~shall~~should coordinate plans for interim rural residential development within the designated Urban Reserve Area. After street and utility corridor plans are adopted, overall rural residential densities ~~shall~~should be limited to one dwelling per five acres. The following strategies ~~will~~should be used to ensure that interim rural development does not inhibit long-term urbanization of lands within the Newberg UGB and Urban Reserve Area (these include but are not limited to):
      - shadow plats
      - cluster development

- redevelopment plans
- non-remonstrance agreements for annexation and provision of urban facilities
- Development not meeting the se standards may be opposed by the City.

- f. In expanding or otherwise altering the Urban Growth Boundary, the Boundary ~~shall~~should follow road rights-of-way, lot lines, or natural features, and should extend to the opposite side of adjacent rights-of-way to provide for future infrastructure improvements and to provide adjacency for properties across the right-of-way.
- g. The City and County ~~shall~~should coordinate action regarding partitions and subdivisions of land within the urban growth boundary. The City ~~shall~~should seek revisions to the Urban Growth Boundary Management Agreement to require City consent for such partitions and subdivisions.
- 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~~may be included within the Urban Growth Boundary on a phased basis at periodic review, based on the Goal 14 analysis. 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.

~~i. The City of Newberg will initiate transportation and utility corridor planning for the Urban Reserve Area in coordination with Yamhill County and property owners. The corridor plans shall provide the framework to guide interim rural development and long range urban development within the Urban Reserve Area.~~

## 2. Annexation Policies

a. The City ~~shall~~should amend the annexation ordinance to streamline the procedures used for annexations.

~~b. If it appears that a proposed annexation would create excessive public costs or impacts on the surrounding area, an analysis of costs and/or impacts will be required.~~

~~e.b.~~ Property outside the Urban Growth Boundary may be annexed only upon inclusion of such property into the Urban Growth Boundary.

## 3. General Policies

a. In new development areas all utility lines ~~shall~~should be placed underground. In existing areas an effort will be made to locate power, telephone, cable television and other utility cables underground over a period of time.

b. The City ~~shall~~should coordinate planning activities with the county in order that lands suitable for industrial use but not needed within the planning period are zoned in a manner which retains these lands for future industrial use.



- c. The City may use the following or similar implementation measures to promote and encourage the establishment and expansion of industry in the planning area: tax incentives, land use controls and ordinances, preferential assessments, capital improvement programming, fee and less than fee acquisition techniques, and available state and federal programs or grants.
- d. Transfer of development rights may be used as a tool to aid in the preservation of historic sites, natural resources and open space areas.

# Newberg 2030

## Survey Results Summary

The survey was shared via email to focus group invitees and shared informally on Facebook via the Newberg 2030 and Newberg-Dundee Information Group pages. The survey link could also be forwarded on and shared by anyone with the link. The survey generated 102 responses, which have been summarized in this report. Note that this is not a statistically valid survey, but was rather used as a tool to gather additional input.

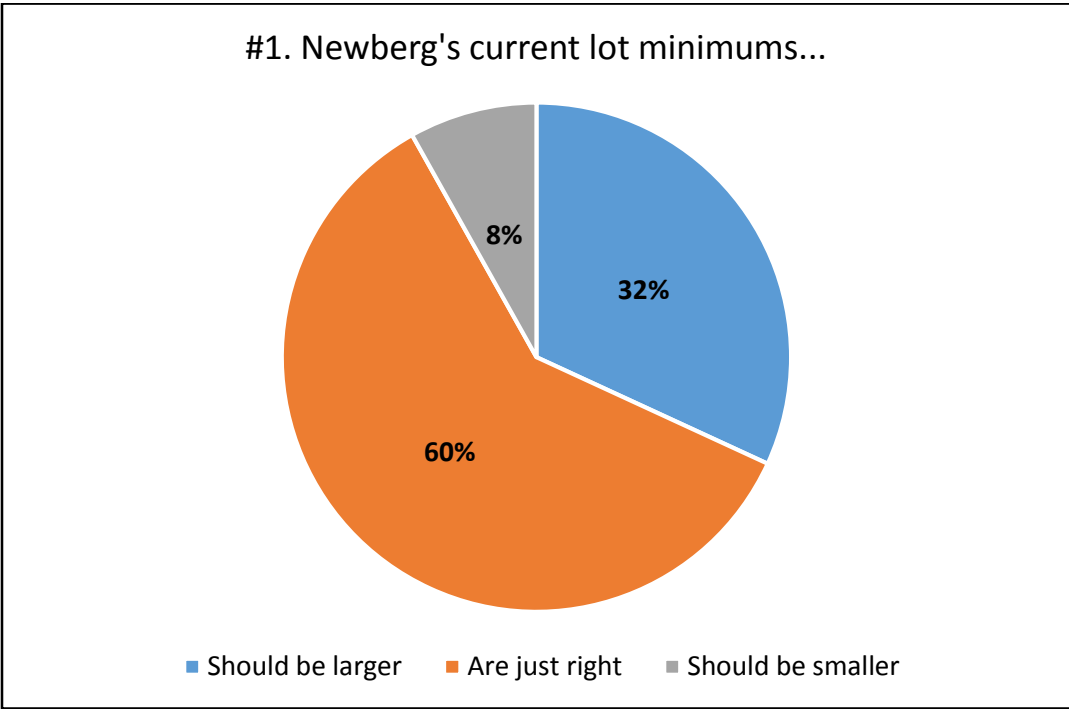
### Housing

*The city should consider the best ways to accommodate a growing residential population – through opportunities for higher density residential housing such as accessory dwelling units, “missing middle housing” such as duplexes, triplexes, and four-plexes; through expanding the city boundaries to provide more land for development; or through some combination. What do you think about these ideas?*

1. This table shows Newberg’s current minimum lot sizes.

<b>Zone/Comp Plan</b>	<b>R-1/LDR</b>	<b>R-2/MDR</b>	<b>R-3/HDR</b>
<b>Minimum Lot Size</b>	5,000	3,000	3,000
<b>Minimum Lot Area Per Unit</b>	5,000	3,000	1,500

Do you think Newberg’s current minimum lot sizes...



The majority (60%) of respondents thought Newberg’s current lot sizes “are just right”, and 32% thought the current lots sizes “should be larger”.

# Newberg 2030

2. The graphic below shows a variety of housing types known as “missing middle housing”, which have a similar size, scope, and scale to regular single-family dwellings.



*Should we allow a mix of housing densities throughout each residential zoning district to include more of the “missing middle housing” types? Why or why not?*

The responses came out as 59% yes, the city should allow a mix of housing types, and 41% no, the city should not. Here are the main themes derived from the answers:

- Issues of compatibility and livability with existing neighborhoods, particularly concerns about privacy w/ taller units
- Concerns about decreased property values, parking availability
- People seemed to like the idea of the smaller scale “missing middle housing” type – similar footprint to existing neighborhood
- Respondents noted the need for this type of housing throughout Newberg, and noted this has the opportunity to create more diverse neighborhoods

3. *If the idea of higher density dwellings is scary, what features seem the most scary or unknown?*

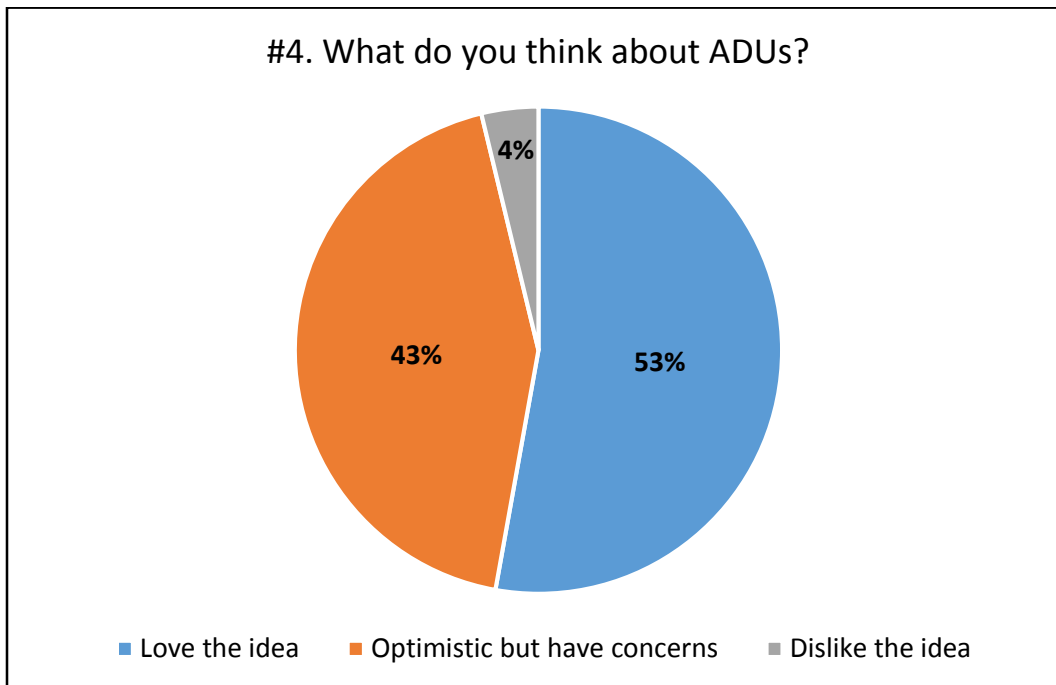
The main issues raised in the responses include the following:

- Appearance of high density dwellings – ugly architecture, and the (potential) lack of long term maintenance
- Noise
- Traffic increase
- Parking problems
- Decrease in property values
- Increase in crime
- Lack of available public resources for population (schools, police, fire)
- Low income population
- Loss of privacy to neighboring properties

*Let’s talk about accessory dwelling units (ADUs)...ADUs are an old idea: having a second small dwelling on the same grounds (or attached to) your regular single-family house, such as an apartment over the garage, a tiny house in the backyard, or a basement apartment. Planners call these ADUs, but they’re also known as granny flats, in-law units, laneway houses, secondary dwelling units, and bunch of other names. An ADU is part of the same property as the main home and cannot be bought or sold separately from the main house.*

# Newberg 2030

## 4. What do you think about accessory dwelling units?



53% of respondents “love the idea” of accessory dwelling units, while 43% are “optimistic but have concerns”.

## 5. Should accessory dwelling units be allowed outright in every zone? Why or why not?

76% of respondents said yes, they should be allowed in every zone, while 24% said no, they should not be allowed in every zone. The main concerns raised by respondents include the following:

- Parking issues
- Traffic increase
- Long term maintenance
- Questions about the size of the lot required for an ADU
- Concerns about rentals (i.e. several comments that ADUs should be for family use only)

## 6. Should the city focus on removing or reducing regulations for accessory dwelling units as a way to try to provide more affordable housing options (parking spaces, system development charges, permit fees)? Why or why not?

64% of respondents said that regulations for ADUs should be removed, and 36% said they should not. The two primary issues raised with ADU regulations included parking (i.e. don't remove parking requirements) and structure height (i.e. ADU must be shorter than existing structure). There were several comments about Newberg permit fees being too high.

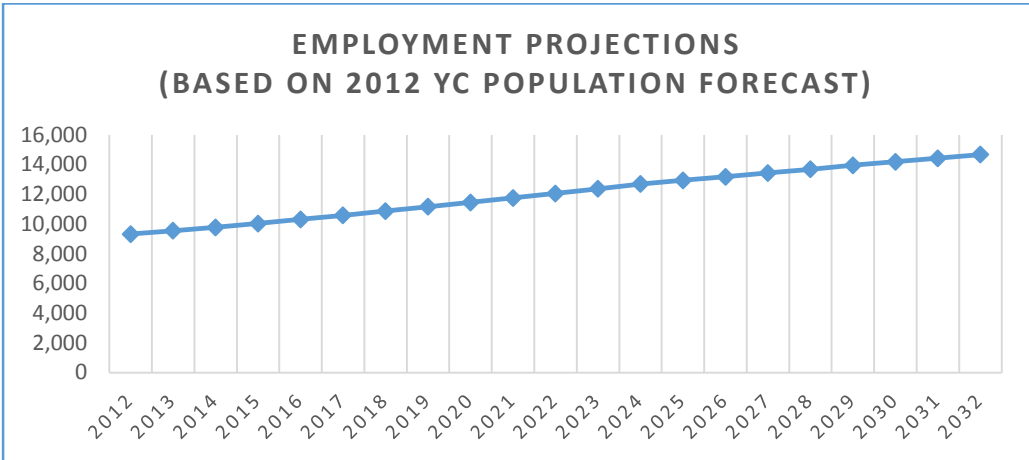
## 7. The city currently requires one off-street parking space per ADU, but this can preclude most lots from being able to build an ADU (because most lots have a primary dwelling with a garage and no extra space to provide additional parking) - should the city remove parking requirements for ADUs? Why or why not?

# Newberg 2030

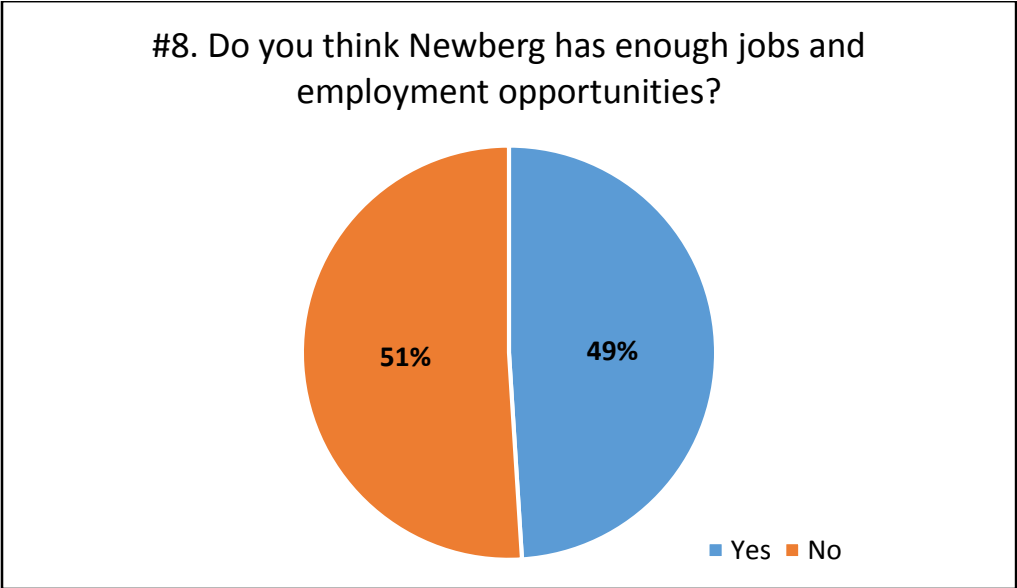
46% of respondents said yes to remove ADU parking requirements, and 54% said no to removing parking requirements. Issues raised with this question include the belief that on-street parking is already an issue, and that there is not adequate public transportation that people can rely upon to be carless.

## Economy/Investment

Previous visioning and long range planning efforts made it clear that Newberg shouldn't be a bedroom community – is this still the case? If so, the city should consider how to provide adequate employment opportunities for its residents.



8. Do you think Newberg has enough jobs and employment opportunities?



Responses were evenly mixed between believing Newberg does or does not have enough jobs and employment opportunities.

# Newberg 2030

9. *What should Newberg be doing to bring more jobs and investment to the city?*

Respondents thought Newberg could do a variety of things to bring more jobs and investment to the community, including the following:

- Provide more housing
- Provide retention incentives to manufacturers and other industry, and facilitate reuse of existing employment spaces
- Provide land for employment
- Redevelop downtown
- Provide better internet infrastructure

10. *What type of jobs should the city focus on attracting to Newberg?*

This question generated a whole range of responses that boiled down to “provide a mix of job opportunities”. Some specific examples include:

- Banking, business parks, call center
- Mid to high end restaurants, groceries
- Manufacturing, industrial, trade-based
- Commercial/tech, knowledge industry
- Small businesses
- Living wage
- Tourism, hospitality, food/beverage

11. *Should the city focus efforts to ensure that Newberg is not a bedroom community (i.e. efforts to provide adequate employment opportunities for current and future residents)? Does this matter?*

61% of respondents said that it does matter that Newberg is not a bedroom community, while 39% said that it does not matter. Some comments noted that Newberg is already a bedroom community, and some people liked it that way. Other opinions noted that a lot of traffic and congestion come along with being a bedroom community, so Newberg should try to provide jobs for residents.

12. *If you live in Newberg but don't work in Newberg, why don't you work in Newberg?*

The number one answer here was that the pay is not high enough for local jobs. Other common answers include that there are not local jobs meeting residents' skill sets or career paths, and that Newberg is halfway between partners' jobs.

13. *Would you want to work in Newberg if you had the opportunity? Why or why not?*

82% of respondents said “yes”, they would like to work in Newberg if they had the opportunity, primarily because people don't like to commute out to other locations for work.

14. *What are the barriers to you finding work in Newberg?*

The primary response to this question was that there is a lack of appropriate jobs with good wages.

# Newberg 2030

15. *If you work in Newberg but don't live in Newberg, why don't you live in Newberg?*

The two main responses here include lack of affordable housing options and the traffic within the city.

16. *Would you want to live in Newberg if you had the opportunity? Why or why not?*

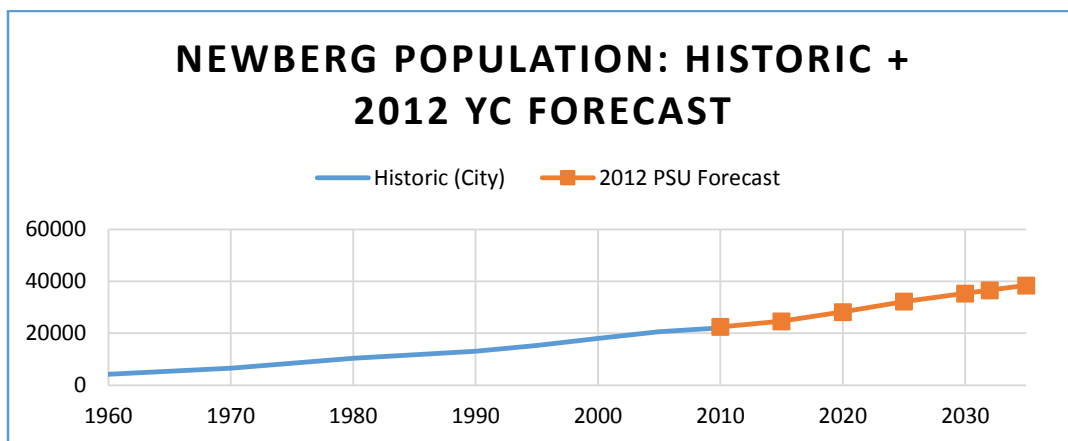
A majority of respondents said “yes” because they like the small community feel of Newberg with friendly people and a family oriented nature.

17. *What are the barriers to you living in Newberg?*

The common themes to this question include the high cost of housing and utilities, lack of public transportation, lack of shopping options, and traffic congestion to get to outlying areas.

## Future Growth

*The city should consider a range of policies as it prepares for future population growth. What are your thoughts on the following issues?*



18. *If we know the city will grow over the next 10-20 years, should we accommodate the population growth by becoming more dense (through more infill development, smaller lot sizes, accessory dwelling units, multi-family dwellings) or by expanding our boundaries (expanding the urban growth boundary to create more land that could be annexed into the city for development)? Or should there be some combination of the two?*

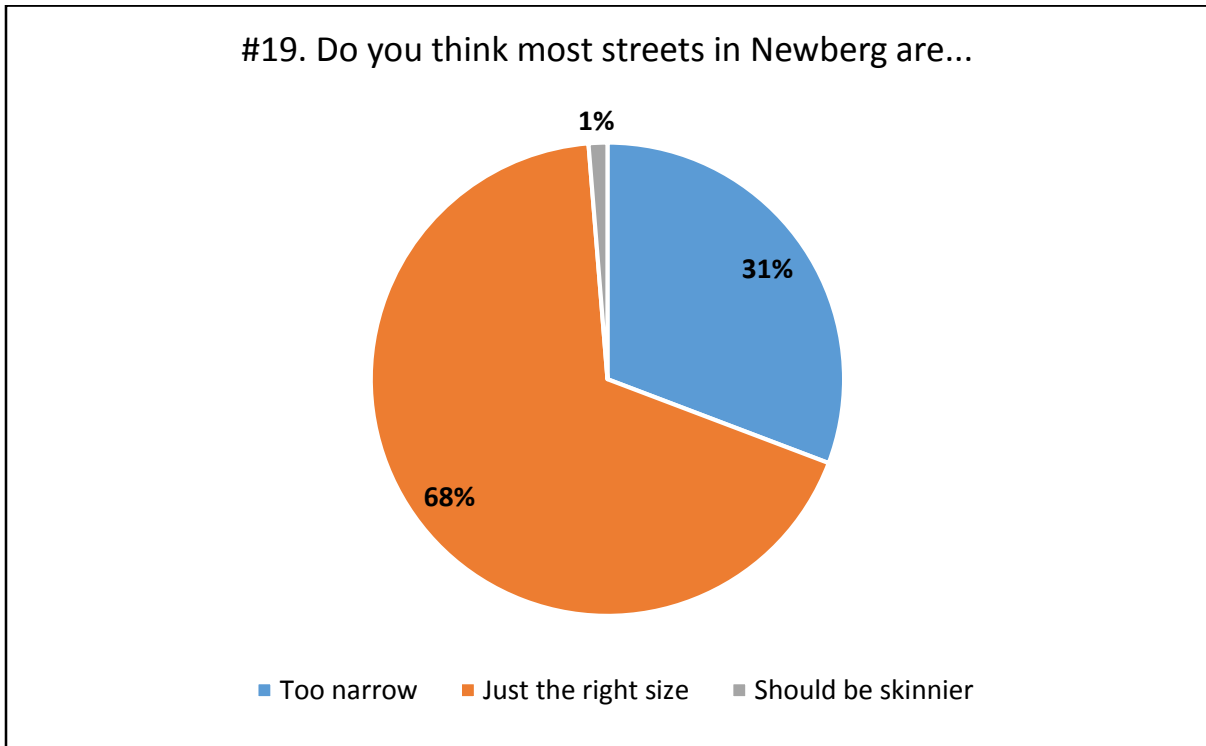
Responses were relatively evenly mixed for this question. Most people (52%) favored some combination of density and expansion, while 14% favored density over expansion and 20% favored expansion over density. Some people noted Newberg should minimize both options. A few noteworthy comments include:

- “Definitely favor increased density PROVIDED there is a parallel and comprehensive plan for transportation and clustered amenities to support that density.”
- “More density. NO MORE SPRAWL! If we need sprawl, let it be manufacturing. We need a higher level of density in residential and commercial to create a vital core downtown.”
- “I like the idea of infilling where possible. A variety of housing options should be available and it is very likely that an expansion of our boundaries will be required.”

# Newberg 2030

- “Nobody likes infill, especially with high density, it ruins the neighborhood look and feel. Expanding boundaries would be fine, Newberg needs to keep building medium to low density.
- “Combination. While I’m a big fan of density, there is not enough room to infill our growth. Not without a lot of demolition and really changing the scale of buildings in town.”

19. Do you think most streets in Newberg are...



Most (68%) respondents believe that Newberg’s streets are just the right size, while 31% of respondents think Newberg’s streets are too narrow.

20. How would you change Newberg's street standards?

Many answers focused on maintenance needs and the need for sidewalks throughout town. Many respondents commented about on-street parking issues, and many people called for widening the streets to allow for more/better on-street parking, to reduce the need for queuing to pass oncoming cars, and to address congestion.

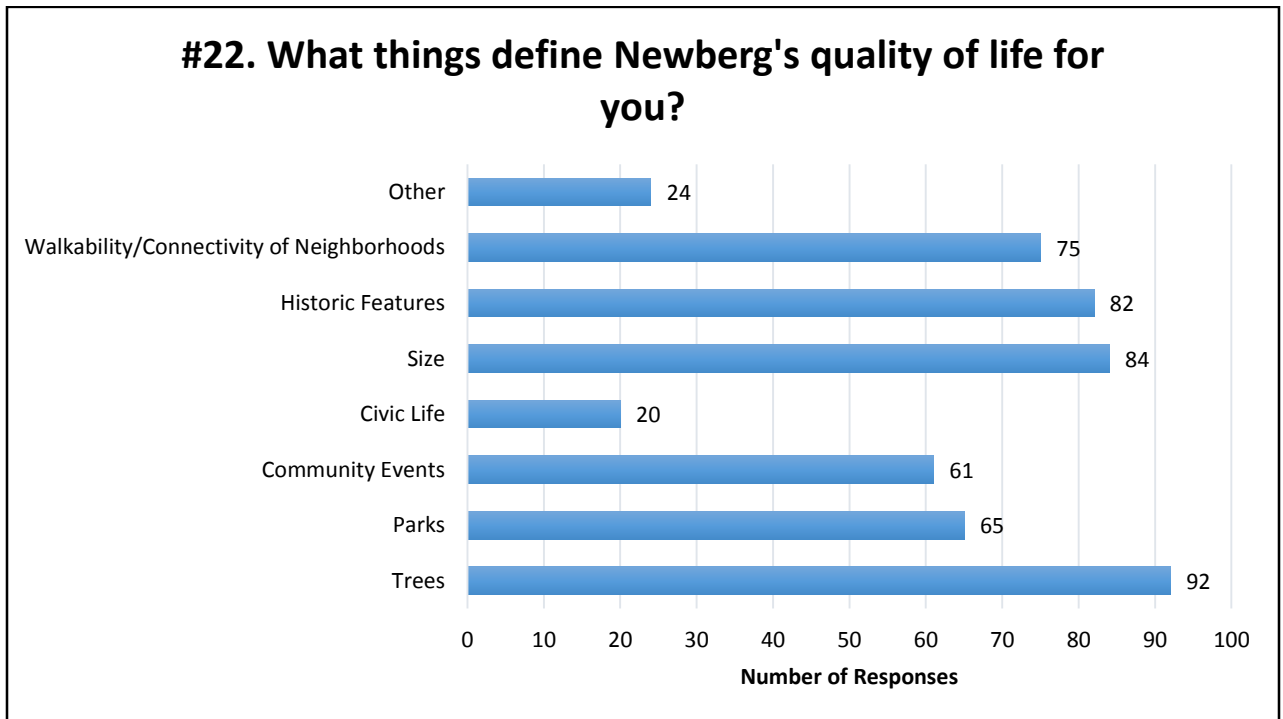
21. Should the city plan for the future of the Newberg-Dundee corridor? If yes, what types of uses would you like to see in that corridor? If no, why not?

42% of respondents said “yes” the city should engage in some level of planning efforts, while 14% said “no”. The other half of respondents did not definitively answer with “yes” or “no”, but did include many ideas for what should happen in the corridor. Ideas for the corridor ran the gamut from housing to commercial uses, although there were several responses indicating a preference to keep the area as green space between the two cities.



# Newberg 2030

22. What things define Newberg's quality of life for you? Choose three (3) from the option below, or write in options under "other":



23. Are there things not on the list above that define Newberg's quality of life for you?

Common themes to this question include the following:

- Small town feel, sense of place, sense of community
- Livability
- GFU
- Location and accessibility to other areas

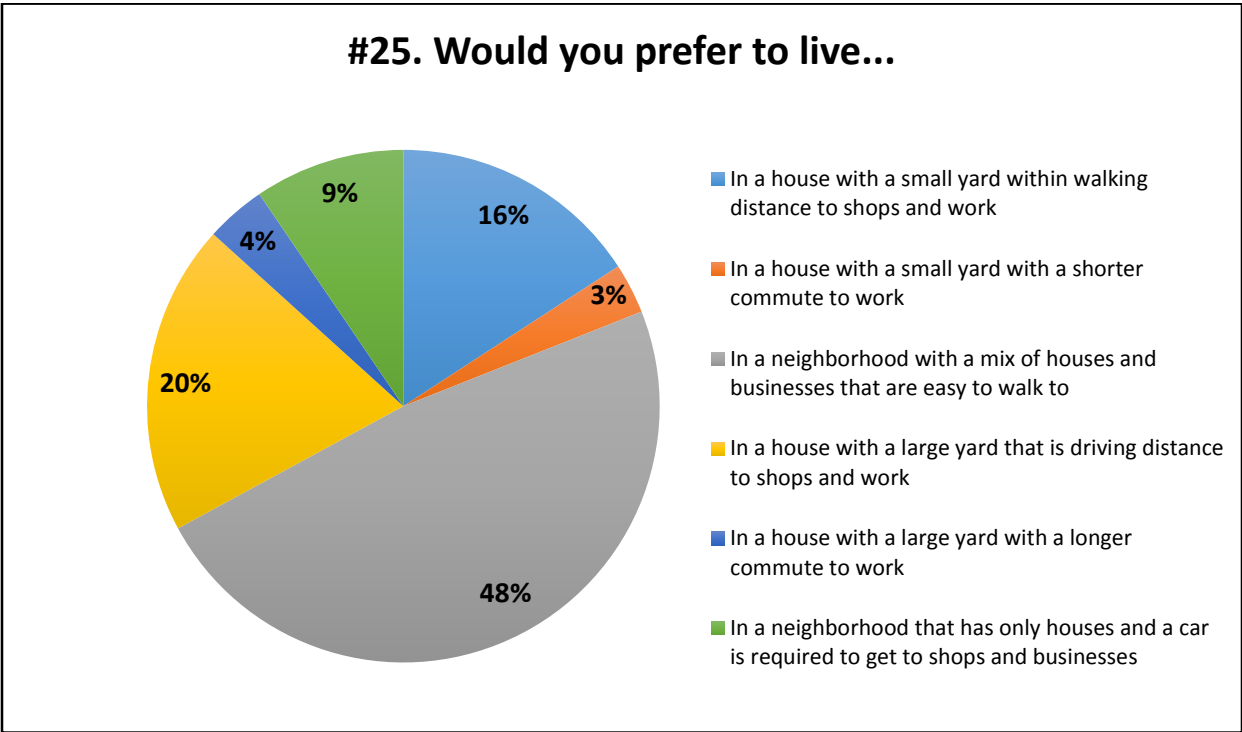
24. As the city's population grows over the next 10-20 years, what sorts of amenities or design standards are important to provide to keep the community "look and feel"?

Common themes include:

- Outdoor recreation, such as parks, bike paths, pedestrian amenities, green spaces
- A redeveloped downtown, possibly with a cohesive design theme
- View of Chehalem Mountains (without a lot of houses)
- Limits on building heights
- ADA improvements throughout town
- Retention of small businesses

# Newberg 2030

25. Would you prefer to live... (choose one (1))



48% of respondents would prefer to live “in a neighborhood with a mix of houses and businesses that are easy to walk to”. Respondents were split among the remaining options, with the next most popular option being “in a house with a large yard that is driving distance to shops and work” and the least popular option being “in a house with a large yard with a longer commute to work”.

# Newberg 2030

## Focus Group - Responses

The two focus groups held on November 3, 2016 discussed the following questions. In general, the discussion commonly went beyond the questions at hand, and the responses below illustrate the range of ideas.

1. Newberg's current minimum lot sizes (see handout):

Zone/Comp Plan	R-1/LDR	R-2/MDR	R-3/HDR
Minimum Lot Size	5,000	3,000	3,000
Minimum Lot Area Per Unit	5,000	3,000	1,500

Do you think Newberg's current minimum lot sizes...

- Should be larger       Are just right       Should be smaller

Why?

### Responses:

- Neighboring communities have larger lot sizes
- Don't go below what's on the matrix
- Closer to downtown/within Riverfront area are appropriate for higher density
- Parking should not be required in downtown for residential
- Building height limits in residential/commercial
- Create a new zone for residential – allow higher density close to downtown
- Lacking R-3 land
- Reduce lot sizes in R-2 to get more density
- More dense community equals more stress
- Density equals more traffic
- More people equals more services for police/fire/etc – has this been calculated?
- Infrastructure costs should be spread out among everyone
- Limitations on development: constricting wetland problem; lot coverage ratios; street widths; sidewalks (whether they can be curbside or have to be setback); Newberg requirements make it difficult to build
- Multi-family structure height limits next to residential zones is a constraint
- To get more affordable, have a smaller lot size per unit
- Would a reduction in size mean increased building heights?
- Should have a diversity in lot sizes per zone?
- Reduced lot sizes have caused a parking issue
- Mix to serve income needs/working classes
- Sustainability important – market conditions need to sustain what we have
- Planning department should set the goal
- Cost of infrastructure significant
- Why have density standards? Should change the system

# Newberg 2030

2. Map exercise – Which areas, if any, should the city consider rezoning to allow more higher density residential uses?

Participants generally identified areas around downtown, the Riverfront area, areas by the hospital, and then outlying areas outside the city limits (along Chehalem Drive). There was also discussion about changing the standards so that all zoning districts could have a mix of housing densities.

3. If the idea of higher density dwellings is scary, what features seem the most scary or unknown?

**Responses:**

- Height
- Stress
- Traffic
- Compatibility
- Neighborhood opposition
- Stormwater requirements – more stringent here than in other communities
- Perception of the decrease in property value
- Don't decrease lot sizes – instead create a new zone above R-3
- GFU influences the housing market
- If densities go higher we need to have the services to support it (fire, schools, etc)
- Denser housing does not necessarily correlate to affordable housing
- Visual preference survey was done in Newberg in the past
- Parking
- Property values
- Congestion
- Parking
- Unreliable transit
- Conflicts caused from people too close together
- Economics – lot cost + construction costs
- Utility costs are too high
- Need connectivity – walkable, trails connecting neighborhoods
- Increase building height – maybe outlying areas could be taller
- Privacy – building units looking into the backyards of single-family
- Need a different land use system – the mix is currently locked into single-family
- Have mixed-use residential/commercial
- Need a Newberg Transit Authority to encompass entire community and connect Newberg points
- Tie the transit system into tourism
- Without transit, further burden on households
- Transportation is an issue for youth
- Current transit system does not work for employers (job times, travel time to work)
- Streets are too wide, people can't interact

# Newberg 2030

4. Should the city focus on removing or reducing regulations for accessory dwelling units as a way to try to provide more affordable housing options (parking spaces, system development charges, permit fees) ? Why or why not?

**Responses:**

- Yes, change the regulations to allow
  - Parking requirements should be different for new construction (but not necessarily in established neighborhoods)
  - We don't have transit (for those with no cars)
  - We don't have parking regulations that make sense
  - Need to address parking if we go denser
  - Depends on if there is on-street parking available or not
  - See demand for ADUs from baby boomers
  - ADUs help mortgage costs on primary house
  - New developments should allow ADUs outright
  - Don't depend too much on ADUs to meet the affordable housing need, it's a small part
  - Allow ADUs outright in every zone
  - Look at the lot coverage ratios – may need to be modified to allow
  - Concerns about ADUs turning into VRBOs
  - Should be permitted outright
  - Make objectors pay – reverse the current process
  - Don't require off-street parking
  - Some locations don't have on-street parking available
  - Multi-family has assigned parking, so extra cars park on street
  - 50% of population is single, so why do we build so many units for families
  - ADU = affordable student housing and additional income for property owner
5. Should the city focus efforts to ensure that Newberg is not a bedroom community (i.e. efforts to provide adequate employment opportunities for current and future residents)? Does this matter?

**Responses:**

- Valid goal to not be a bedroom community
- Not enough jobs here
- People who live here don't necessarily want to work here
- People choose their living and work locations for a variety of reasons
- We need industrial jobs/land
- A 25-30 minute commute is okay
- We have a lack of housing and housing affordability
- Need this type of jobs: entrepreneurial, corporations, industrial, etc
- Will there be more jobs from the wine industry?
- Viticulture often means lower wage entry level jobs (farmworkers, etc)
- Climate change – changes land values
- California influence
- Capitalize on ag crops for future jobs
- Be creative on a regional level

# Newberg 2030

- No shovel ready land in Newberg
- Industrial land is only in a few hands
- Industrial does not want to be a neighbor to residential
- Industrial needs flat land
- Industrial makes noise
- Need an engaging community environment
- Newberg too expensive for first-time homebuyers
- Youth need work opportunities
- Need micro-enterprise/incubators
- Industry should work with existing businesses to grow
- Would like to see residential condos
- Need virtual office complex/small companies
- For condos, the size, scope, rent rates all play into the financing capability
- Need a diversity within the schools
- Need farmworker housing

6. Should the city plan for the future of the Newberg-Dundee corridor? If yes, what types of uses would you like to see in that corridor? If no, why not?

**Responses:**

- Build a wall
- Yes, and there should be a mix of residential and commercial uses
- Yes, be creative, have parks and open land
- Have a garden of green space between the cities
- Might be the place for high density residential
- Choice/trade-off – farmland vs. corridor
- We already have 500 acres of undeveloped land (Springbrook)
- There's already ugly storage development in the corridor
- Traffic will get worse in the corridor
- Bowling
- Dissolve NUAMC (Newberg Urban Area Management Commission)
- Newberg/Dundee should sit down and determine
- Opportunity for commercial development
- Green space
- Green space – allow walking to commercial areas
- Tie wine/vineyards into concept - connect

Focus Group RSVP List

Afternoon (1-2:30)	Sign-In	Evening (5:30-7)	Sign-In
Phil Smith	<i>Phil Smith</i>	Brian Doyle	
Sally Rice	<i>Sally Rice</i>	Lisa Rogers	
Brian Doyle		Rick Rogers	<i>AS</i>
Sid Friedman	<i>Sid Friedman</i>	Rosa Olivares	<i>RO</i>
Lynn Weygandt		Patrick Johnson	
Cathy Stuhr	<i>Cathy Stuhr</i>	Alvin Elbert	<i>Alvin Elbert</i>
Ed Christie	<i>Ed Christie</i>	Leonard Rydell	<i>LR</i>
Esther Frank	<i>Esther Frank</i>	Ron Wolfe	<i>RW</i>
Gary Bliss	<i>Gary Bliss</i>	Don Clements	<i>DC</i>
Charlie Harris	<i>Charlie Harris</i>	Hayley Delle	<i>Hayley Delle</i>
Dennis Lewis	<i>Dennis Lewis</i>	Casey Sonnier	<i>CS</i>
Sheryl Kelsh	<i>Sheryl Kelsh</i>	Denise Bacon	<i>DB</i>
Joe Hannan		Allyn Edwards	<i>AE</i>
Colin Staub			
Mike Gouger	<i>Mike Gouger</i>		
Francisco Stollen	<i>Francisco Stollen</i>		
Anna Lee	<i>Anna Lee</i>		
Claudia Stewart	<i>Claudia Stewart</i>		
Larry Hampton	<i>Larry Hampton</i>		
<i>id</i>			

(early)

The cover slide features a dark blue header with the title 'Newberg Buildable Lands Inventory: Preliminary Results' in white. Below the header is a white section containing the 'ECONorthwest' logo on the left and the date 'December 19, 2016' on the right. The logo includes the text 'ECONorthwest' in red and black, with 'ECONOMICS • FINANCE • PLANNING' in smaller black text underneath.

## Newberg Buildable Lands Inventory: Preliminary Results

**ECONorthwest**  
ECONOMICS • FINANCE • PLANNING

December 19, 2016

The overview slide has a dark blue header with the word 'Overview' in white. The main content area is white and contains a bulleted list of five items. A small number '2' is located in the bottom right corner of the slide.

### Overview

- Context
- Division 38 requirements
- Study Area definition
- Preliminary findings
- Discussion

2



## Context

### Background

- Unsuccessful multi-year attempt at a UGB expansion for industrial land
- The need to accommodate future population and employment growth
- OAR 660 Division 38
- DLCD grant for UGB prep work

3

## Context

### Project goal: Prepare for UGB review using Division 38 rule

- Develop a community vision, goals and policies
- Prepare a BLI that can be updated
- Define UGB study area consistent with Div. 38 requirements
- Inventory land within UGB study area
- Develop an action and implementation plan

4

### Division 38: Simplified UGB Process

- Become the methods that are used by most cities
- Encourage livable communities and “land use efficiency”
- Encourage the conservation of farm and forest lands
- Encourage cities to increase the development capacity within their UGBs
- Encourage provision of an adequate supply of serviceable residential and employment land
- Assist residents in understanding the major local government decisions that are likely to determine the form of a city’s growth

5

### Division 38: Major provisions

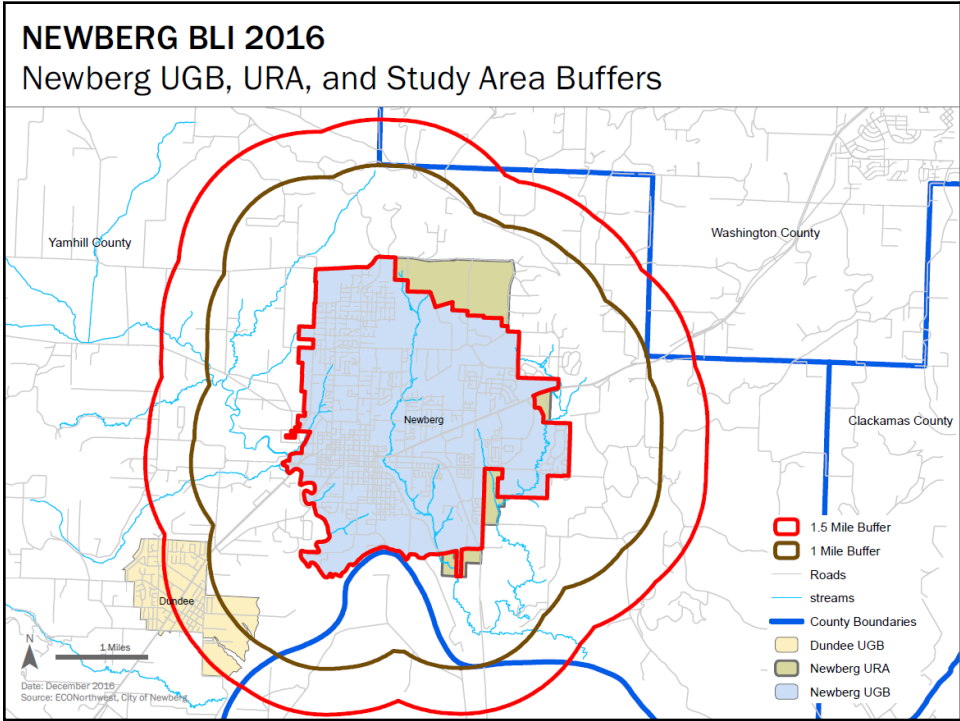
- Builds from PSU population forecast (available July 2017)
- Uses a 14-year period
- Land can be serviced
- Outlines when cities can apply for additional UGB amendments

6

Study Area Context

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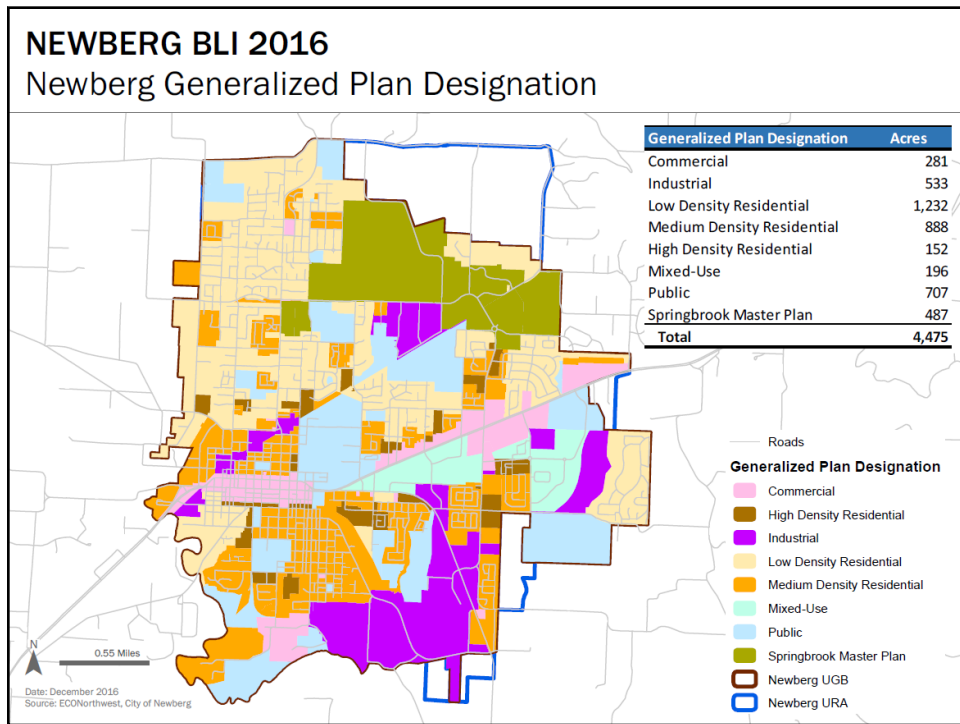


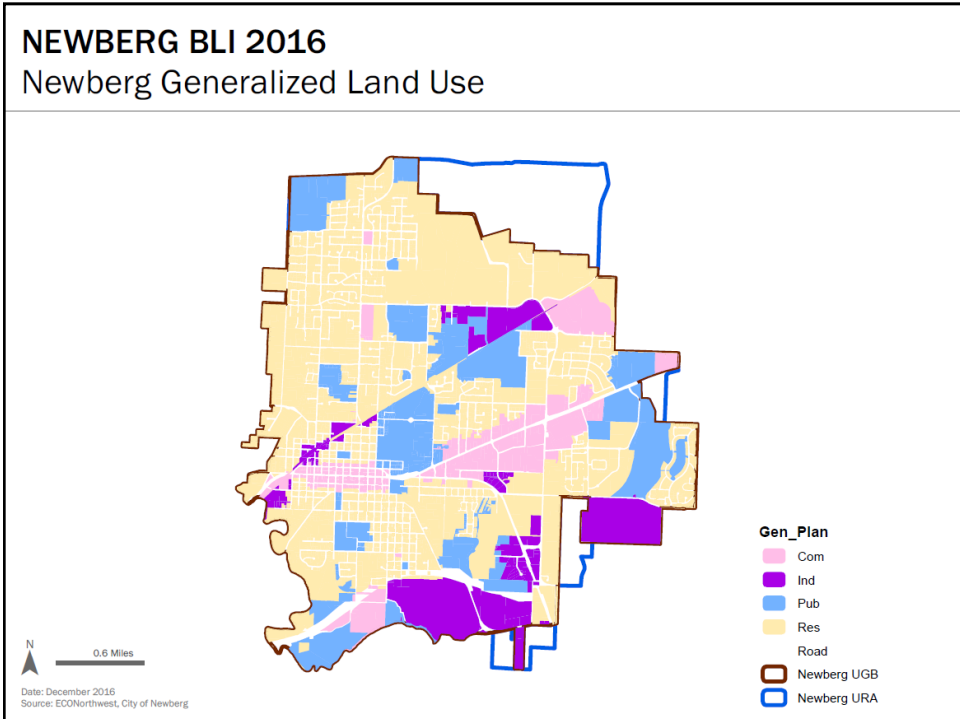
## General Characteristics

- Four key geographies
  - Newberg UGB
  - Newberg URA
  - All lands within 1-mile buffer
  - Exceptions lands within 1.5 mile buffer

Location/Attribute	Acres
<b>UGB</b>	<b>4,476</b>
Area in Private Tax Lots	3,111
Public Land	677
Roads	687
Area in Water	
<b>URA</b>	<b>551</b>
Area in Private Tax Lots	527
Area in Roads	24
<b>Buffer (outside UGB and URA)</b>	
1-mile	4,700
1.5-mile	10,756

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## Residential BLI

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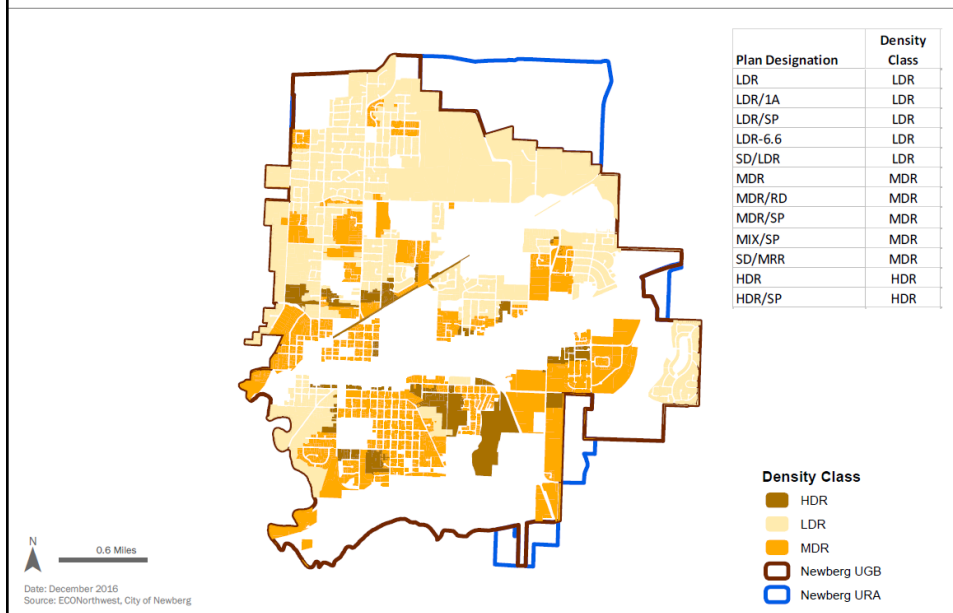
12

## Residential BLI: Steps

- **Classify plan designations/zones by allowed density**
  - Low density -  $\leq 8$  du/ac
  - Medium density -  $> 8$  and  $\leq 16$  du/ac
  - High density -  $> 16$  du/ac
- **Classify land**
  - Vacant:  $> 3000$  sf; imp val  $< \$10,000$
  - Partially vacant:
    - $\geq 1/2$  acre with 1 du – area – 0.25 acre
    - $\geq 1/2$  ac with 2+ du – use orthophotos
- **Identify**
  - All “developed” lands
  - All “vacant” and “partially vacant” lands
  - Total of developed, vacant, and partially vacant

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### NEWBERG BLI 2016 Division 38 - Residential Density Class



## Residential Land – Preliminary Results

### Total Acres by Status and Density

Status	LDR	MDR	HDR	Total
Developed	521	357	54	932
Partially Vacant	449	264	127	840
Vacant	226	149	19	394
<b>Total</b>	<b>1,196</b>	<b>770</b>	<b>200</b>	<b>2,166</b>

### 2009 Residential BLI

Plan Designation	Buildable Acres in UGB* 1/1/2009
LDR	601
MDR	125
HDR	45
<b>Total</b>	<b>771</b>

### Vacant Acres by Density (no constraint deduction)

Density	Tax Lots	Total Acres	Vacant Acres
LDR	3,124	1,196	618
MDR	2,779	770	231
HDR	476	200	95
<b>Tota</b>	<b>6,379</b>	<b>2,166</b>	<b>944</b>

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## Residential BLI: Constraints

- Floodways and water bodies (100%)
- Lands in “special flood hazard area” (100%)
- Contiguous lands of at least one acre with slopes greater than 25 percent (on
- Land subject to development restrictions due to Goal 5, 6, or 7
  
- Constraints analysis – in process

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## Issues/Questions

- Public Lands
  - The city must identify all vacant lots and parcels with a residential comprehensive plan designation. A city shall assume that a lot or parcel is **vacant if it is at least 3,000 square feet with a real market improvement value of less than \$10,000.**
  - 58.3 acres owned by public entities (school/parks district, government entities)

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## Employment BLI

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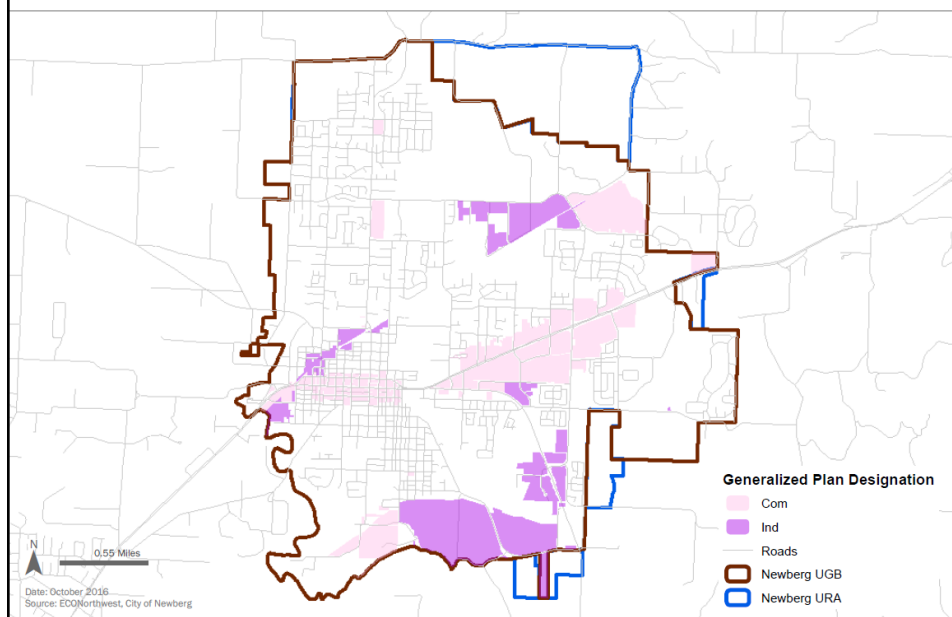


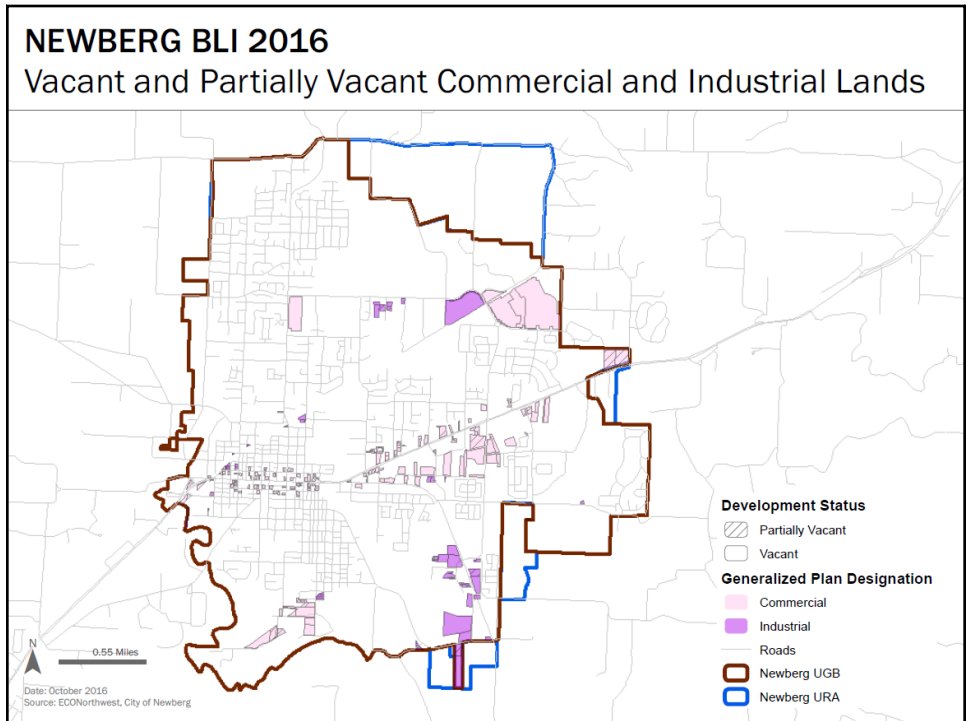
## Employment BLI: Steps

- **Classify existing employment districts as “commercial” or “industrial”**
  - Based on predominate NAICS codes specified in OAR 660-038-0005(2) and (3)
- **Classify lands**
  - **Vacant:** imp val  $\leq$  \$5,000 or I/L ratio  $<$  .05
  - **Partially vacant:**
    - I/L ratio between 5% and 40% (assume 50% vacant), OR
    - $>$  1 ac and at least  $\frac{1}{2}$  ac is developed
  - **Developed:** Lots not vacant or partially vacant

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### NEWBERG BLI 2016 Commercial and Industrial Lands





## Employment BLI: Preliminary Results

### Total Acres by Status and Plan Designation

Development Status	Commercial	Industrial	Total
Developed	207	270	477
Partially Vacant	37	8	45
Vacant	143	72	215
<b>Total</b>	<b>388</b>	<b>350</b>	<b>737</b>

### Vacant Acres by Plan Designation (no constraint deduction)

Generalized Plan Designation	Tax Lots	Total Acres	Vacant Acres
Commercial	160	181	170
Industrial	77	80	77
<b>Total</b>	<b>237</b>	<b>260</b>	<b>247</b>

2013 EOA found

- 120 acres commercial
- 60 acres industrial

## Employment BLI: Constraints

- Floodways and water bodies (100%)
- Lands in “special flood hazard area” (50% or level allowed by plan)
- Contiguous commercial lands of at least one acre with slopes greater than 25 percent (only constrained portions)
- Contiguous commercial lands of at least one acre with slopes greater than 10 percent (only constrained portions)
- Land subject to development restrictions due to Goal 5, 6, or 7

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## UGB Study Area Determination

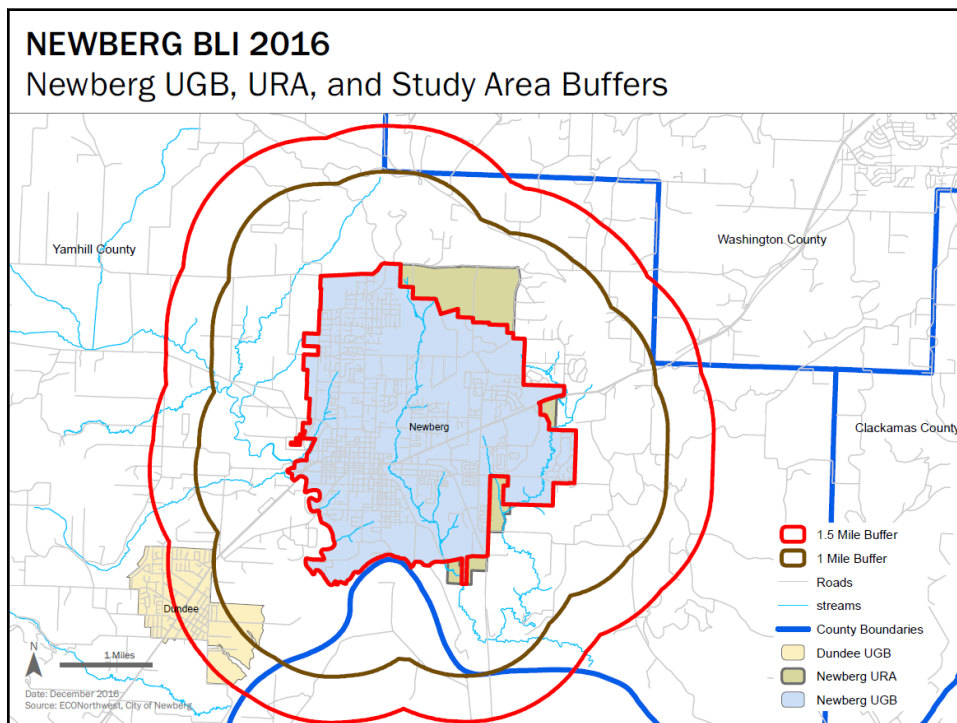
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## Study Area: Steps

- OAR 660-038-0160(I) – Preliminary Study Area
  - All lands in the city’s acknowledged urban reserve
  - All lands within one mile of the UGB
  - Exceptions areas within 1.5 miles of the UGB

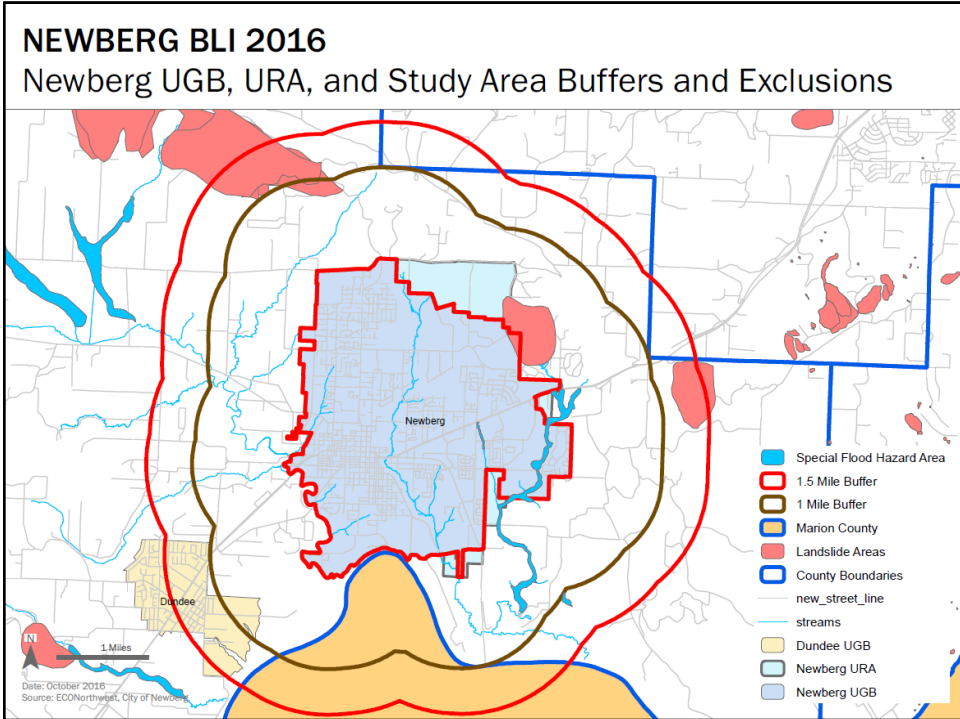
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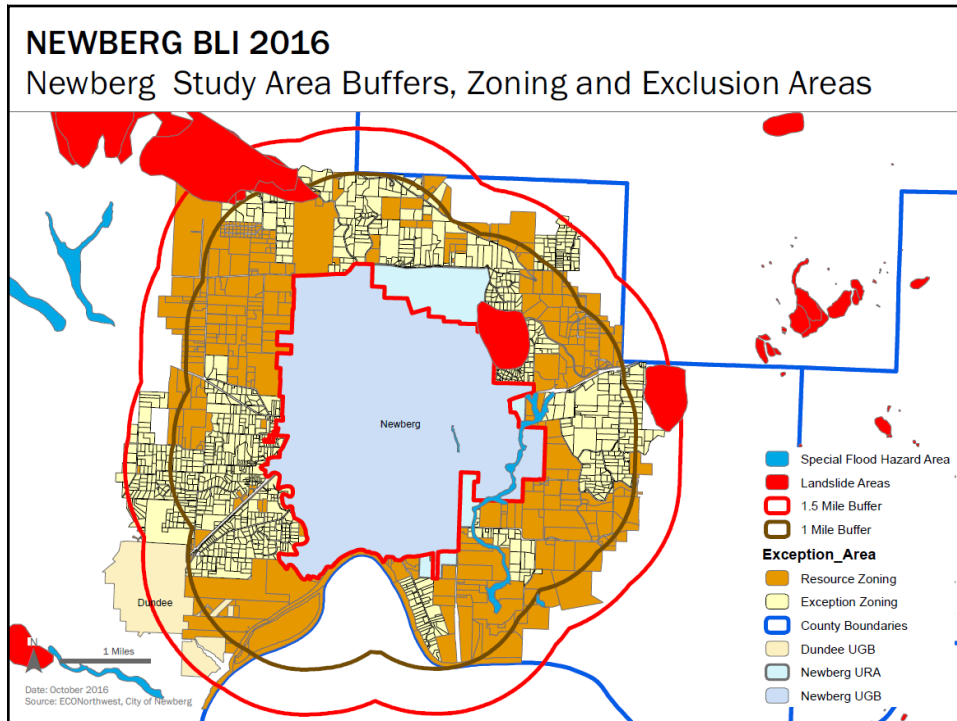


Study Area: Exclusions

- Areas in Marion County - impracticable service (OAR 660-038-0160(7)(b))
- Landslide areas – identified in DOGAMI “SLIDO” 4.3 database (OAR 660-038-0160(2)(b)(A))
- Flood areas – areas in FEMA Special Flood Hazard Area (OAR 660-038-0160(2)(b)(B))
- Dundee UGB – Shall not include areas within another UGB (660-038-0160(1))

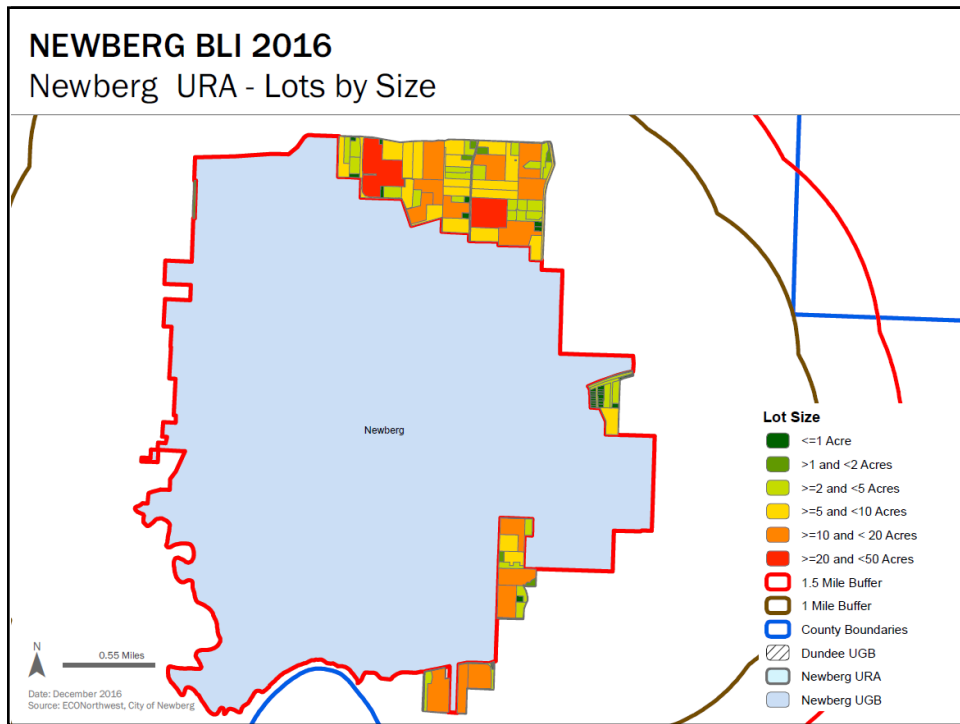
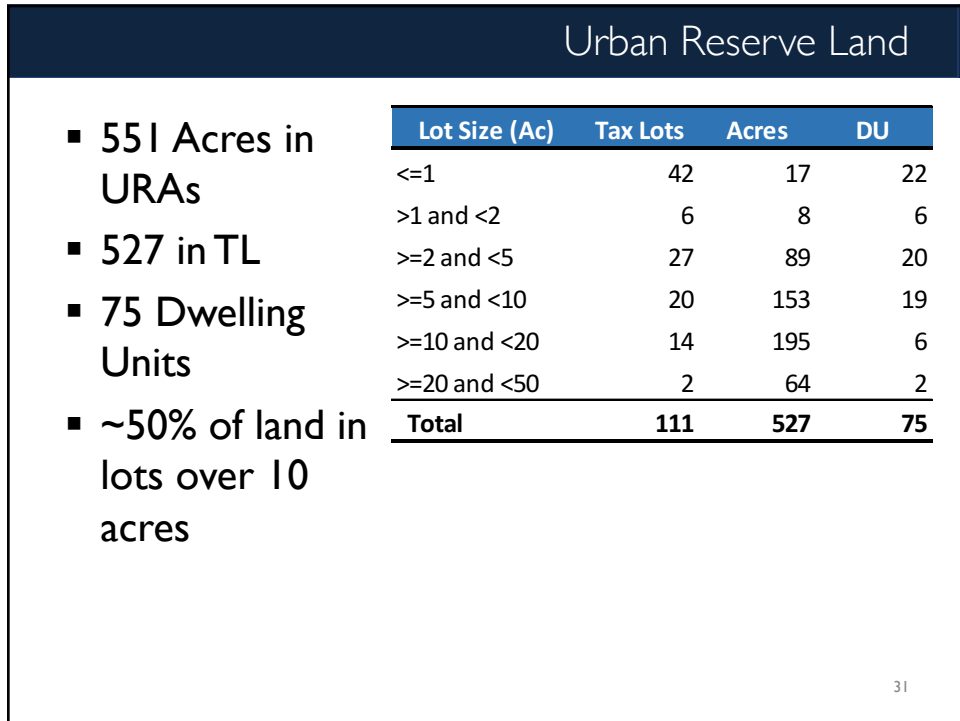
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### Priority of Land for Inclusion in UGB

1. Urban reserve, exception land, and nonresource land
2. Marginal land
3. Forest or farm land that is not predominantly high-value farmland
4. Farmland that is predominantly high-value farmland



### UGB Study Area: Statistics

- More than 13,100 acres in 1.5-mile study area (does not include URA)
- 4,325 acres in exceptions areas
- Few lots over 20 acres in exceptions areas

Lot Size (Ac)	Resource		Exceptions		Total	
	Tax Lots	Acres	Tax Lots	Acres	Tax Lots	Acres
<=1	89	52	216	122	305	174
> 1 and <2	58	86	250	368	308	454
>=2 and <5	121	382	612	1,797	733	2,180
>=5 and <10	106	773	138	968	244	1,741
>=10 and <20	124	1,904	60	784	184	2,688
>=20 and <50	89	2,644	6	178	95	2,822
>=50	29	2,948	1	107	30	3,055
<b>Total</b>	<b>616</b>	<b>8,790</b>	<b>1,283</b>	<b>4,325</b>	<b>1,899</b>	<b>13,114</b>

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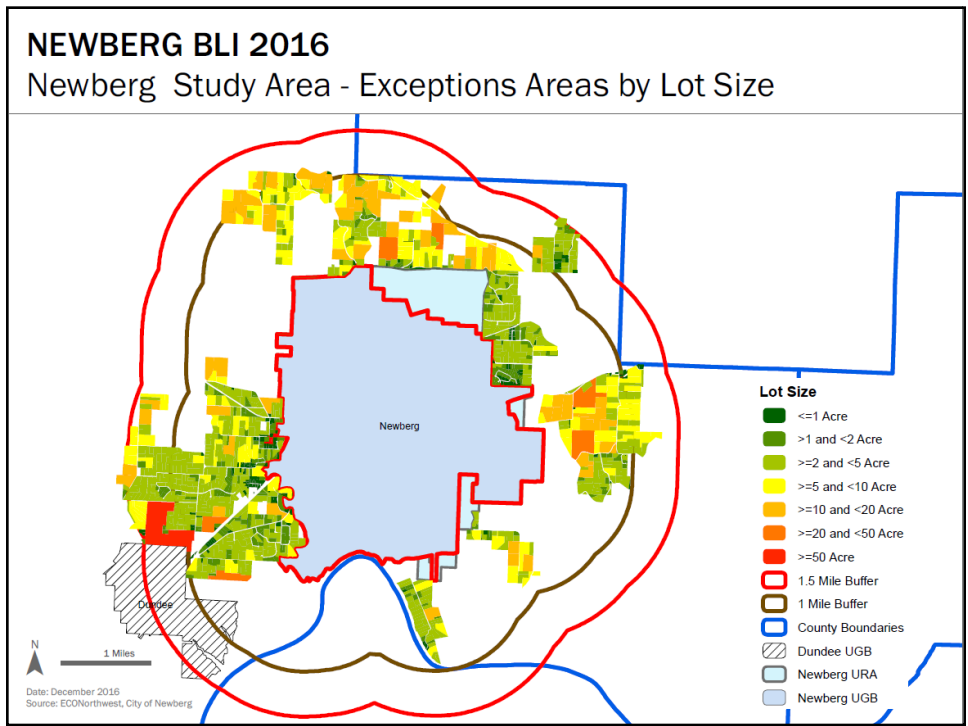
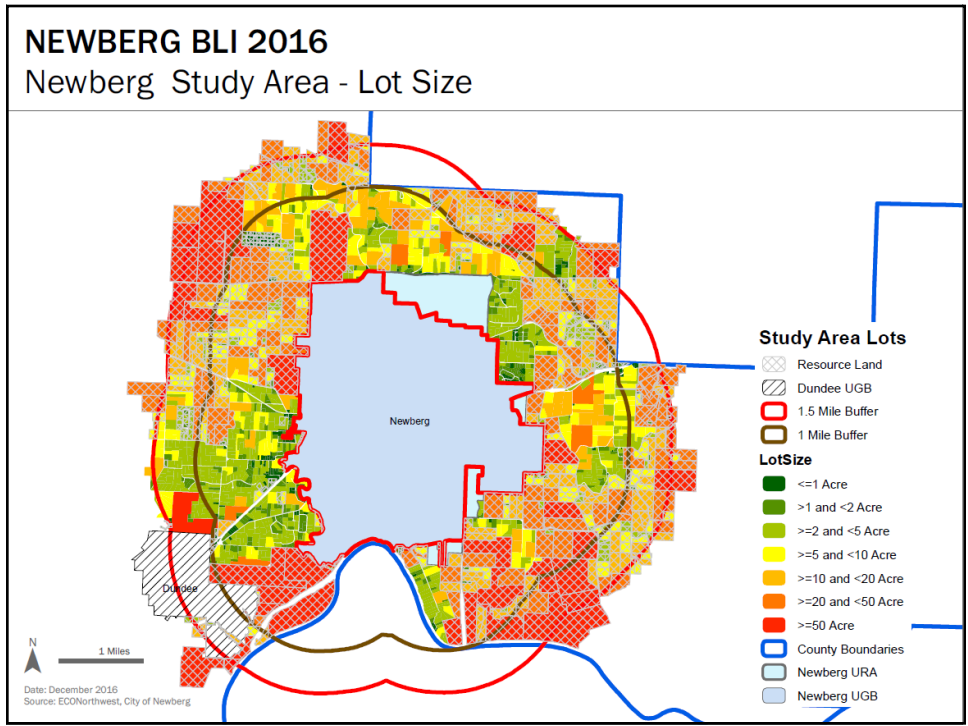
### Division 38 Requirements

#### Suitability Analysis

- **Employment uses:**
  - Exceptions land consists primarily of parcels 2-acres or less in size
  - Cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure
- subject to natural resources protection under Statewide Planning Goals

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### Implications for Division 38 process

- 2009 Affordable Housing Action Plan concluded:
  - Need for 925 residential acres
  - Deficit of 154 residential acres
- 2013 Economic Opportunities Analysis concluded:
  - Need for 191 industrial acres
  - Deficit of 131 industrial acres
  - Need for 127 commercial acres
  - Deficit of 7 commercial acres
- Total deficit from previous studies: 292 ac

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### Implications for Division 38 process

- OAR 660-038-0160(3) After excluding land ...the city must adjust the study area...so that it includes an amount of land that is at least twice the amount of land needed to satisfy the combined need deficiency
- City cannot calculate that need without the coordinated population forecast
- Probably will not be as much as identified in previous studies - ~300 ac
- Study area must be at least 600 acres

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## Implications for Division 38 process

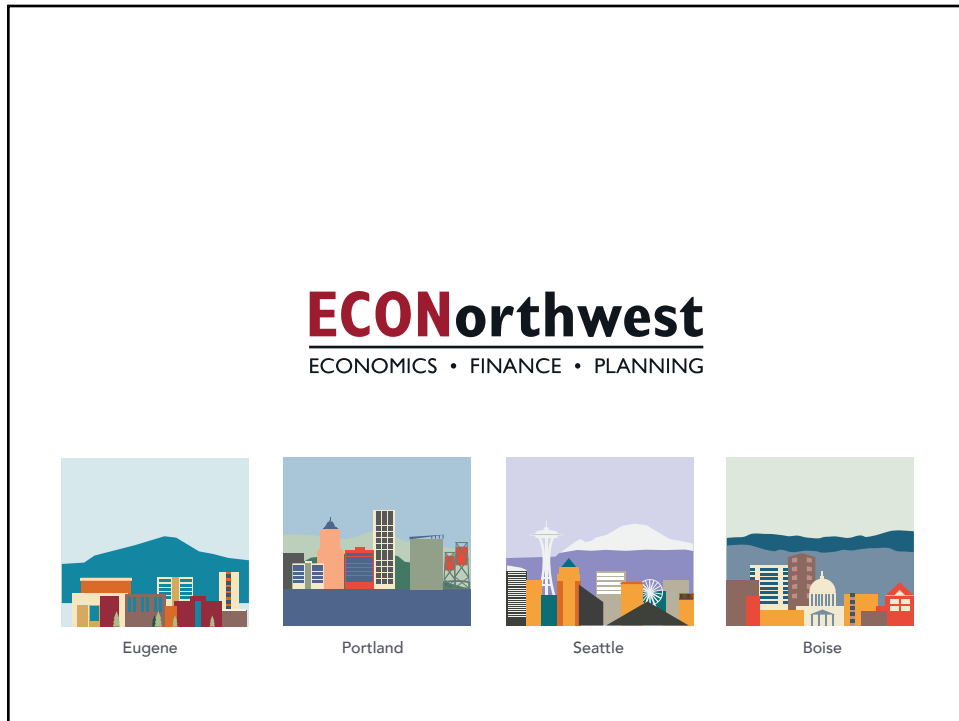
- **Priority I lands:**
  - 527 acres in URA
  - 4,325 acres of exceptions land within 1.5 mile buffer
  - 3,834 acres of exceptions land in lots  $\geq 2$  acres within 1.5 mile buffer
- Study area will include more than the minimum 2x

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## Next Steps

- **Develop DEM**
  - Slopes > 25% (residential, commercial)
  - Slopes > 10% (industrial)
- Develop combined constraints coverage
- Identify areas of taxlots with constraints
- Calculate “suitable” areas of tax lots
- Revise land estimates
- Work with City on analytical strategy for Division 38 UGB review

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# Newberg 2030

## Technical Advisory Committee Meeting

December 19, 2016, 1:30 PM

Newberg City Hall

414 E First Street, Newberg, OR 97132

### Agenda

1. Review public input from the focus groups and survey – Are there additional common themes to add to the list? What are your impressions of the input?
2. Review draft comprehensive plan amendments.
3. Review draft buildable land inventory.
4. Next steps:
  - a. City staff & CPC begin work on Task 4 (action plan and implementation policies)
  - b. Consultant: continue work on Task 2 (BLI) and Task 3 (preliminary UGB study area analysis)

# Newberg 2030

## Technical Advisory Committee Meeting

December 19, 2016, 1:30 PM

Newberg City Hall

414 E First Street, Newberg, OR 97132

### Attendance:

Jessica Pelz, Doug Rux, Bob Parker, Angela Carnahan, Pat O'Connor, Mitchell Gee

### Agenda & Summary

1. Review public input from the focus groups and survey – Are there additional common themes to add to the list? What are your impressions of the input?

General consensus that the city should move toward mixed-use neighborhoods; discussion about how to make such neighborhoods Newberg-oriented, possibly by using design standards (height limits, materials, size, scale, etc.). Consensus that the city should allow ADUs in all neighborhoods.

2. Review draft comprehensive plan amendments.

Discussion about whether there should be an actual jobs-housing ratio in the Comp Plan, or whether it's more appropriate elsewhere, such as in the economic development strategy. Discussion about how too much focus on jobs could worsen housing affordability, how to balance all of the factors. Discussion about the terminology of "should" and "shall" in the Comp Plan, consensus to use either as appropriate.

3. Review draft buildable land inventory.

Bob Parker gave a presentation about Task 2, buildable land inventory, showing preliminary data and discussing next steps. Discussion about a variety of economic factors and specific facets of Division 38 for DLCD follow-up. Discussion about how to classify certain things like mobile home parks – follow-up with YC assessor to determine how assessed, as real property or as "developed" property.

4. Next steps:
  - a. City staff & CPC begin work on Task 4 (action plan and implementation policies)
  - b. Consultant: continue work on Task 2 (BLI) and Task 3 (preliminary UGB study area analysis)

# Newberg 2030

## Citizen Planning Committee Meeting

December 19, 2016, 3:30 PM

Newberg City Hall

414 E First Street, Newberg, OR 97132

### Attendance:

Jamie Morgan-Stasny, Fred Gregory, Curt Walker, Brett Baker, Sid Friedman, Ryan Howard, Lisa Rogers, Claudia Stewart, Larry Hampton

### Agenda & Summary

1. Review public input from the focus groups and survey – Are there additional common themes to add to the list? What are your impressions of the input?
2. Review draft comprehensive plan amendments.
3. Review draft buildable land inventory.
4. Next steps:
  - a. City staff & CPC begin work on Task 4 (action plan and implementation policies)
  - b. Consultant: continue work on Task 2 (BLI) and Task 3 (preliminary UGB study area analysis)

# Newberg 2030

## Citizen Planning Committee Meeting

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### Attendance:

Jamie Morgan-Stasny, Fred Gregory, Curt Walker, Brett Baker, Sid Friedman, Ryan Howard, Lisa Rogers, Claudia Stewart, Larry Hampton, Jessica Pelz, Doug Rux, Bob Parker

### Agenda & Summary

1. Review public input from the focus groups and survey – Are there additional common themes to add to the list? What are your impressions of the input?

General consensus that the city should move toward mixed-use neighborhoods as a best practice; discussion about how to make such neighborhoods limited in size and scale to fit in with existing development. Consensus that the city should allow ADUs in all neighborhoods. Consensus that the city should remove parking regulations for ADUs where street parking is available (i.e. for ADUs on local streets or minor collectors, but not on major collectors).

2. Review draft comprehensive plan amendments.

Discussion about whether there should be an actual jobs-housing ratio in the Comp Plan, or whether it's more appropriate elsewhere, such as in the economic development strategy – consensus that it's too specific for the Comp Plan and should be removed. Discussion about how too much focus on jobs could worsen housing affordability, how to balance all of the factors, not shoot for too high of a jobs-housing ratio. Discussion about the terminology of "should" and "shall" in the Comp Plan, consensus to use either as appropriate – specifically the policy about not exceeding the carrying capacity should be a "shall" not a "should".

3. Review draft buildable land inventory.

Bob Parker gave a presentation about Task 2, buildable land inventory, showing preliminary data and discussing next steps. General questions and discussion about the BLI.

4. Next steps:
  - a. City staff & CPC begin work on Task 4 (action plan and implementation policies)
  - b. Consultant: continue work on Task 2 (BLI) and Task 3 (preliminary UGB study area analysis)



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# Newberg Buildable Lands Inventory

March 2017

Prepared for:  
City of Newberg

**FINAL REPORT**

**ECONorthwest**  
ECONOMICS • FINANCE • PLANNING

KOIN Center  
222 SW Columbia Street  
Suite 1600  
Portland, OR 97201  
503.222.6060

ECONorthwest prepared this report for the City of Newberg. Newberg provided key geographic information system (GIS) data sets necessary for the inventory. All analysis conducted by ECONorthwest.

**City of Newberg**

Douglas Rux, Community Development Director

**Consulting Staff**

Bob Parker, AICP, Project Director, ECONorthwest

Beth Goodman, Project Manager, ECONorthwest

For over 40 years ECONorthwest has helped its clients make sound decisions based on rigorous economic, planning, and financial analysis. For more information about ECONorthwest: [www.econw.com](http://www.econw.com). For more information about this report, please contact:

Douglas Rux  
Community Development Director  
City of Newberg  
414 E. First Street  
Newberg, OR, 97132  
Phone: 503-537-1212  
[Doug.Rux@newbergoregon.gov](mailto:Doug.Rux@newbergoregon.gov)

Robert Parker  
ECONorthwest  
222 SW Columbia, Suite 1600  
Portland, OR 97201  
503-222-6060  
[parker@econw.com](mailto:parker@econw.com)

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# 1. Introduction

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The City of Newberg (City) is preparing to evaluate the sufficiency of lands within its Urban Growth Boundary (UGB). That process has two steps: (1) documentation of land needed for housing, employment and public facilities; and (2) documentation of land supply. Because the City is preparing for a UGB amendment, lands outside the UGB must also be inventoried. Newberg may pursue the boundary amendment in the second half of 2017 or first half of 2018 using the Division 38 (OAR 660-038) simplified urban growth boundary method. As an initial step in the process, the City contracted ECONorthwest to prepare a buildable lands inventory (BLI) that complies with applicable state statutes and administrative rules through a Technical Assistance Grant from the Oregon Department of Land Conservation and Development (DLCD) as part of a pre-UGB evaluation process as part of Division 38 (OAR 600-038 requirements).

The requirements for establishment of a UGB are defined in Statewide Planning Goal 14. The Goal 14 Oregon Administrative Rule (OAR 660-024) provides specific guidance with respect to the adoption and amendment of UGBs. In 2015, however, the Land Conservation and Development Commission (LCDC) developed a new administrative rule that created a simplified pathway for boundary reviews, which is codified as OAR 660-038 (Simplified Urban Growth Boundary Method). At this time through the DLCD grant, Newberg is evaluating the Division 38 simplified method subject to the analysis of the BLI of and direction provided by the Newberg City Council. That method provides detailed guidance on how buildable land inventories must be completed.

Thus, the legal requirements that govern the BLI for the City of Newberg are defined in OAR 660-038. Relevant sections include:

- **660-038-0060 - Buildable Lands Inventory (BLI) for Residential Land within the UGB.** A city must determine the supply and development capacity of lands within its UGB by conducting a buildable lands inventory (BLI) as provided in this rule.
- **660-038-0070 - Adjust Residential Lands Inventory to Account for Constrained Lands.** A city must adjust the inventory of residential lands prepared under OAR 660-038-0060 to account for constrained lands using this rule.
- **660-038-0120 - Inventory of Buildable Employment Land within the UGB.** A city must determine the supply and development capacity of employment lands within its UGB at the time of initiation by conducting a buildable lands inventory (BLI) for employment land as provided in this rule and OAR 660-038-00130.
- **660-038-0130 - Adjust Employment Buildable Land Inventory to Account for Constrained Lands.** A city must adjust the employment buildable lands inventory determined under OAR 660-038-0120 to account for constrained lands using this rule.
- **660-038-0160. Establishment of Study Area to Evaluate Land for Inclusion in the UGB.** Cities shall comply with this rule and OAR 660-038-0170 when determining which lands

to include within the UGB in response to a deficit of land to meet long-term needs determined under OAR 660-038-0080, 660-038-0150, or both.

- **660-038-0170 - Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities.** A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-038-0160.

In short, the Division 38 rule creates several categories of land that is broadly divided between land within the current UGB and land in the required UGB study area. The rules provide specific guidance on how to address residential and employment lands within the UGB (but not public lands). The rules also provide guidance for evaluation of lands in the UGB study areas. In simple terms, the BLI for both residential and commercial and industrial lands consists of several common steps:

1. Determining the UGB study area
2. Classifying land into mutually exclusive categories by development status
3. Deducting land with development constraints
4. Developing tabular summaries of lands by classification and plan designation
5. Estimating land holding capacity in terms of dwellings and employees

The process included verification of land classifications (step 2 above; these can be thought of as development status) by City staff through review of draft maps provided by ECO.

This report summarizes the methods ECO proposes to use to conduct the Newberg BLI, including definitions and procedures we used for the classifications. It also includes a list of development constraints and how they are addressed in the buildable land inventory.

## 2. Methods

---

The methods for a Division 38 buildable lands inventory are largely defined in the rule. Consistent with Statewide Planning Goal 14, the rule addresses lands inside and outside UGBs in different ways. For land inside the UGB, OAR 660-038-0060 and 0070 describe the methods for residential lands, and OAR 660-038-0110 and 0120 describe the methods for employment lands. The simplified method does not require public land inside the UGB to be inventoried. OAR 660-038-0160 provides guidance for establishing a UGB study area, and OAR 660-038-0170 describes methods for evaluating lands outside the UGB. The relevant sections of the Administrative Rule are included in Appendix A.

The inventory is based on Yamhill County Assessment data that was current as of October 2016. The City provided additional data on plan designation, zoning, building footprints, and some natural hazards. Other data was obtained from the Oregon Geospatial Explorer. A full list of data sets used in the inventory is included in Appendix A.

The remainder of this chapter describes the general steps ECO used to implement the inventory. It is organized around lands inside and outside the UGB.

### 2.1 Land inside the UGB

The initial steps in the inventory include basic data processing. ECO used the UGB layer provided by the City (which was confirmed consistent with the 2015 boundary on the URA layer from the Oregon Geospatial Data Library) to “clip” tax lots within the UGB. ECO then merged in plan designation data.

Some tax lots clearly had split plan designations. While the rule does not address split plan designations, ECO and the City agreed they were too significant to ignore. For the Newberg BLI, ECO and the Community Development Director reviewed maps and agreed on specific tax lots with split plan designations to split. Any lot with a split over two acres was evaluated; any lot with at least 0.5 acre in a split was split. This included several lots with three plan designations.

#### Residential Land

Division 38 has specific language for how residential land is inventoried. The general steps are as follows:

1. Assign a density class to each plan designation (OAR 600-038-0060(1)). Division 38 requires each parcel be identified as low-, medium-, or high-density residential based on a set of prescribed densities. ECO reviewed the Newberg Comprehensive Plan and discussed it with City staff. Residential lands were coded into Division 38 categories as shown in Exhibit 1.

**Table 1. Newberg Plan Designations and Division 38 Density Categories**

<b>Plan Designation</b>	<b>Density Class</b>
LDR	LDR
LDR/1A	LDR
LDR/SP	LDR
LDR-6.6	LDR
SD/LDR	LDR
MDR	MDR
MDR/RD	MDR
MDR/SP	MDR
MIX/SP	MDR
SD/MRR	MDR
HDR	HDR
HDR/SP	HDR

2. Assign improvement (development status). Division 38 has thresholds for determination of improvement status—Vacant, Partially Vacant, Developed. The city must identify all vacant lots and parcels with a residential comprehensive plan designation as described in OAR 660-038-0060((2)).
  - i. A city shall assume that a lot or parcel is vacant if it is at least 3,000 square feet with a real market improvement value of less than \$10,000.*
  - ii. (3) The city must identify all partially vacant lots and parcels with a residential comprehensive plan designation, as follows: (a) For lots and parcels at least one-half acre in size that contain a single-family residence, the city must subtract one-quarter acre for the residence, and count the remainder of the lot or parcel as vacant land*
  - iii. (b) For lots and parcels at least one-half acre in size that contain more than one single-family residence, multiple-family residences, non-residential uses, or ancillary uses such as parking areas and recreational facilities, the city must identify vacant areas using an orthophoto or other map of comparable geometric accuracy. For the purposes of this identification, all publicly owned park land shall be considered developed. If the vacant area is at least one-quarter acre, the city shall consider that portion of the lot or parcel to be vacant land.*
  - iv. All other residential is classified as “Developed.”*
3. Deduct constraints. OAR 660-0380-0070 describes the methods:
  - (a) Floodways and water bodies.
  - (b) Other lands within the Special Flood Hazard Area as identified on the applicable Flood Insurance Rate Map;
  - (c) Lands within the tsunami inundation zone established pursuant to ORS 455.446;
  - (d) Contiguous lands of at least one acre with slopes greater than 25 percent.



- (e) Lands subject to development restrictions as a result of acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 5, 6, or 7, and
- (f) Lands subject to development prohibitions, natural resource protections, or both in acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 15, 16, 17, or 18.

The rule provides guidance for how much land can be deducted for each constraint.

<b>Constraint</b>	<b>Deduction</b>
(a) Floodways and water bodies.	100%
(b) Other lands within the Special Flood Hazard Area as identified on the applicable Flood Insurance Rate Map;	100%
(c) Lands within the tsunami inundation zone established pursuant to ORS 455.446;	no reduction unless the acknowledged comprehensive plan or land use regulations prohibits or reduces residential development
(d) Contiguous lands of at least one acre with slopes greater than 25 percent.	For lands with slopes that are greater than 25 percent: a 100 percent reduction. However, if the lot or parcel includes land with slopes less than 25 percent, the reduction applies only to the land with slopes greater than 25 percent.
(e) Lands subject to development restrictions as a result of acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 5, 6, or 7, and	a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.
(f) Lands subject to development prohibitions, natural resource protections, or both in acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 15, 16, 17, or 18.	a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.

4. Summarize results. This is a standard BLI step—develop maps and tables that summarize the results of the BLI and show the geographic location of lands.

## Employment Land

Division 38 has specific language for how residential land is inventoried. The general steps are as follows:

1. Classify land as commercial or industrial. Division 38 requires classification of zoning and plan map districts as “commercial” or “industrial” based on the applicable definitions in OAR 660-038-0010. This step also identifies all employment lands that will be included in the inventory.

2. Assign improvement (development status). The city must identify which lots or parcels are vacant, partially vacant, or developed and calculate the total area of such land using the provisions of OAR 660-038-0120(2):
  - (a) *A city may assume that a lot or parcel is vacant if the real market improvement value is less than \$5,000 or if the real market improvement value is less than or equal to 5 percent of the real market land value.*
  - (b) *A city may assume that a lot or parcel is partially vacant if either:*
    - (A) *The real market improvement value of the lot or parcel is greater than five percent and less than 40 percent of the real market land value, in which case, the city must assume that 50 percent of the lot or parcel is developed and 50 percent is vacant, or*
    - (B) *Based on an orthomap, the lot or parcel is greater than one acre in size and at least one-half acre is not improved.*
  - (c) *A city may assume that a lot or parcel is developed if the real market improvement value is greater than or equal to 40 percent of the real market land value.*
3. Deduct constraints. OAR 660-0380-0070 describes the methods:
  - (a) *Floodways and water bodies. For the purpose of this subsection, "water bodies" includes:*
    - (A) *Rivers; and*
    - (B) *Lakes, ponds, sloughs, and coastal waters at least one-half acre in size;*
  - (b) *Other lands within the Special Flood Hazard Area as identified on the applicable Flood Insurance Rate Map;*
  - (c) *Lands within the tsunami inundation zone established pursuant to ORS 455.446;*
  - (d) *Contiguous lands planned and zoned for commercial use of at least one acre with slopes that are greater than 25 percent. For purposes of this rule, slope shall be measured as the increase in elevation divided by the horizontal distance at maximum 10-foot contour intervals;*
  - (e) *Contiguous lands planned and zoned for industrial use of at least one acre with slopes that are greater than 10 percent. For purposes of this rule, slope shall be measured as the increase in elevation divided by the horizontal distance at maximum 10-foot contour intervals;*
  - (f) *Lands subject to development restrictions as a result of acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 5, 6, or 7, and*
  - (f) *Lands subject to development prohibitions, natural resource protections, or both, in an acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goals 15, 16, 17, or 18.*

The rule provides guidance for how much land can be deducted for each constraint.

<b>Constraint</b>	<b>Deduction</b>
(a) Floodways and water bodies.	a 100 percent reduction.
(b) Other lands within the Special Flood Hazard Area as identified on the applicable Flood Insurance Rate Map;	For other lands within the Special Flood Hazard Area (SFHA) as identified on the applicable Flood Insurance Rate Map (FIRM), either (at the city's option): (A) A 50 percent reduction, or (B) A reduction to the levels required by the acknowledged comprehensive plan or land use regulations.
(c) Lands within the tsunami inundation zone established pursuant to ORS 455.446;	no reduction unless the acknowledged comprehensive plan or land use regulations prohibits or reduces residential development
(d) Contiguous lands planned and zoned for commercial use of at least one acre with slopes that are greater than 25 percent. For purposes of this rule, slope shall be measured as the increase in elevation divided by the horizontal distance at maximum 10-foot contour intervals;	Contiguous lands of at least one acre with slope greater than 25 percent: a 100 percent reduction
(e) Contiguous lands planned and zoned for industrial use of at least one acre with slopes that are greater than 10 percent. For purposes of this rule, slope shall be measured as the increase in elevation divided by the horizontal distance at maximum 10-foot contour intervals;	For lands designated for industrial use, contiguous lands of at least one acre with slope greater than 10 percent: a 100 percent reduction, provided that a lot or parcel with slopes greater than 10 percent that has at least five contiguous acres with slopes less than 10 percent, this authorized reduction does not apply to those areas.
(f) Lands subject to development restrictions as a result of acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 5, 6, or 7, and	a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.
(f) Lands subject to development prohibitions, natural resource protections, or both, in an acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goals 15, 16, 17, or 18.	a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.

4. Summarize results. This is a standard BLI step—develop maps and tables that summarize the results of the BLI and show the geographic location of lands.

## Defining the UGB Study Area

Division 38 has specific language for how residential land is inventoried. The general steps are as follows—a more detailed description is presented in Appendix B. Division 38 has specific language for how residential land is inventoried. The general steps are as follows:

1. Identify any urban reserves. The ORS 197A.320 and Division 38 priority scheme makes exception lands and urban reserves the same priority.
2. Establish “preliminary” study area. This step involves UBG buffers dependent on population. For Newberg, these were 1 and 1.5 mile buffers. Lands within other UGBs are excluded. We note that we did not exclude constrained lands at this step. Lands across the Willamette River and in the Dundee UGB were excluded.
3. Adjust study area to include 2x need. We could not do this step because the PSU PRC data will not be available until the end of June 2017 because of ORS requirements. This effectively delays Region 3 from using Division 38 fully. For the purpose of this study we assume that the approximately 10,000 acres within the study area will be more than double land need.
4. Exclude land that is impractical to serve. Because we did not know the specific need, we did not make such deductions. The size of the URA and UGB study area suggest that the City should be able to meet a 14-year land need within the study area after making deductions for constraints. Moreover, the serviceability requirements outlined in Division 38 are unclear and untested and cannot be calculated at this initial level of evaluation.

Appendix A describes the methods used to create the study area in detail.

# 3. Newberg Buildable Land Inventory

This chapter presents the results of the Newberg BLI using the Division 38 methodology. The results are organized into three sections:

1. Overview. This section summarizes basic data about the three areas of interest for this BLI—the UGB, the Urban Reserve Areas, and the UGB study area.
2. Land in the Newberg UGB. This section presents the results of the Division 38 BLI for lands inside the Newberg UGB.
3. Land in the Newberg UGB Study Areas. This section presents results for the UGB Study Area. It includes a summary of land within Newberg’s Urban Reserve Areas (URAs) as well as lands within the UGB study area as determined by the Division 38 rule.

The results are intended to support a potential future boundary amendment process by the City of Newberg.

## 3.1 Overview

ECO traditionally summarizes basic attributes of study areas in our BLIs. We do this to provide context—how big is the UGB? How many acres are in tax lots? How much land is in roads and water? These statistics deepen our understanding of land use in a UGB.

Table 2 shows that Newberg has 4,476 acres within its UGB. Seventy percent of that land (3,072 acres) is in private tax lots. About 687 acres (15% is in federal, state or local public ownership), and about 717 acres (16%) are in roads or other right-of-ways.

**Table 2. Summary of Study Areas**

Location/Attribute	Acres
<b>UGB</b>	<b>4,476</b>
Area in Private Tax Lots	3,072
Public Land in Tax Lots	687
Roads/Right-of-Way	717
<b>URA</b>	<b>551</b>
Area in Private Tax Lots	527
Area in Roads	24
<b>Buffer (outside UGB and URA)</b>	
1-mile	4,700
1.5-mile	10,069

Source: Newberg and Yamhill County GIS data; analysis by ECONorthwest

Table 3 shows area by generalized plan designation in the Newberg UGB. This analysis is from the City Comprehensive Plan map GIS layer and includes areas not in tax lots. Slightly more than half (51%) of land in the City is in a residential plan designation. The actual amount of land in residential designations is higher, as some of the mixed-use land can be used for housing, and a lot of the Springbrook master planned area is designated for residential uses.<sup>1</sup> Lands in the Springbrook master planned area are inventoried consistent with Division 38 standards and are not called out separately in subsequent tables.

**Table 3. Area by Generalized Plan Designation, Newberg UGB**

Generalized Plan Designation	Percent of	
	Acres	Acres
Commercial	281	6%
Industrial	533	12%
Low Density Residential	1,232	28%
Medium Density Residential	888	20%
High Density Residential	152	3%
Mixed-Use	196	4%
Public	707	16%
Springbrook Master Plan	487	11%
<b>Total</b>	<b>4,475</b>	<b>100%</b>

Source: Newberg Comprehensive Plan Designation; analysis by ECONorthwest

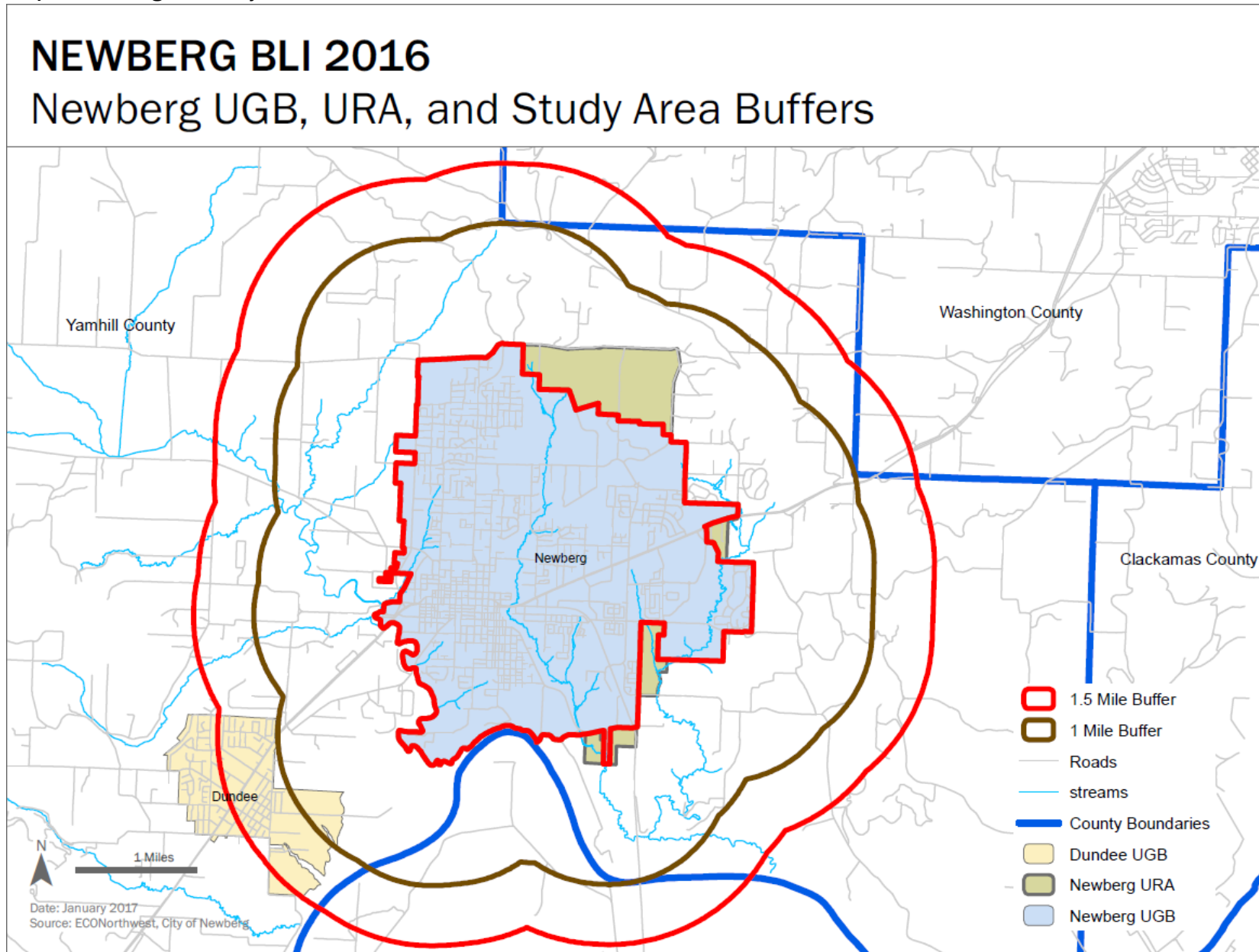
Note: Table 3 includes land in right-of-way, water, and other areas not in tax lots.

Acres are for all land in plan designations, including land in water and right of way; subsequent tables (starting with Table 4) show only land in tax lots.

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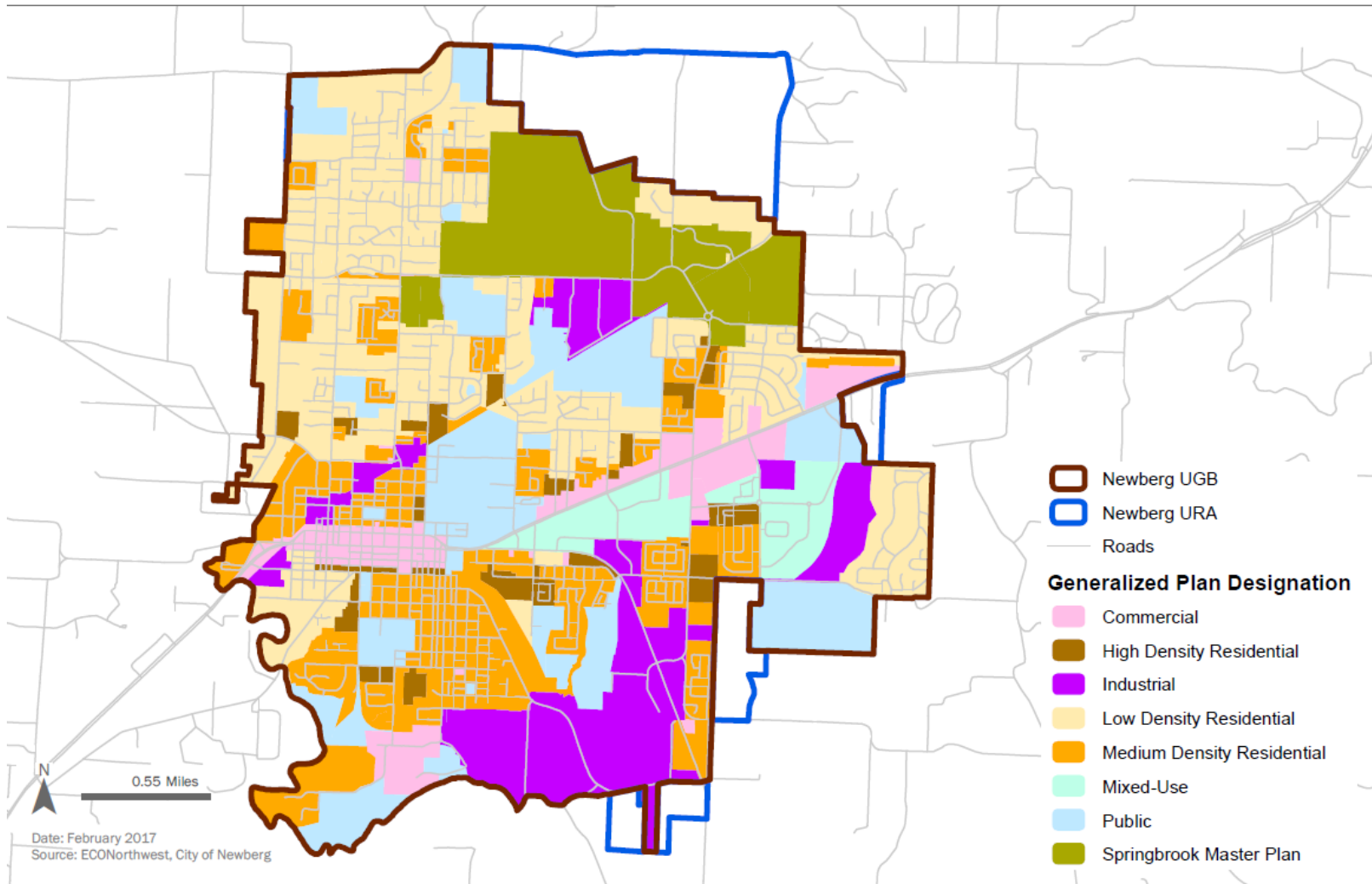
<sup>1</sup> The Springbrook Master Plan area includes land designated for housing, employment, and parks/open space. In the Master Plan, approximately 361 acres are designated for residential uses., 32 acres for employment, 13 acres for commercial uses, and 39 acres for a hospitality district. The remaining land is designated for park or open space.

Map 1. Newberg BLI Study Area Buffers



# NEWBERG BLI 2016

## Newberg UGB Generalized Plan Designation





## 3.2 Lands in the Newberg UGB

Every UGB review starts with an inventory of lands within the current boundary. This provides the foundational data to assess capacity for new housing and employment. Because Division 38 uses different methods for residential and employment lands, we divide the results into two sections.

### Residential Land

Table 4 and Map 3 show residential land by development status and density. The results show that Newberg has about 2,192 acres in tax lots with residential plan designations. About 60% of all residential land in Newberg is in the low-density (LDR) category, 35% is in the MDR, and 6% in the HDR. Applying the Division 38 rules, about 948 acres were classified as “developed”, 790 as “partially vacant,” and 454 as “vacant.”

**Table 4. Residential Land by Division 38 Development Status and Density, Newberg UGB, 2016**

Status	Density Category			Total
	LDR	MDR	HDR	
Developed	564	350	33	948
Partially Vacant	448	261	81	790
Vacant	279	162	12	454
<b>Total</b>	<b>1,292</b>	<b>773</b>	<b>127</b>	<b>2,192</b>

Source: Newberg and Yamhill County GIS data; analysis by ECONorthwest

Table 5 shows all residential land by density class and constraint status. The result show 1,061 acres with improvements on developed or partially vacant tax lots. About 952 acres are vacant after deducting constraints consistent with Division 38 rules.

**Table 5. Residential Land by Division 38 Density Class and Constraint Status, Newberg UGB, 2016**

Div 38 Density Class	Tax Lots	Total Acres	Improved Acres	Constrained Acres	Vacant Acres
LDR	3,339	1,292	634	93	565
MDR	2,800	773	385	77	311
HDR	407	127	42	9	76
<b>Total</b>	<b>6,546</b>	<b>2,192</b>	<b>1,061</b>	<b>179</b>	<b>952</b>

Source: Newberg and Yamhill County GIS data; analysis by ECONorthwest

Table 6 shows the vacant area of vacant and partially vacant tax lots. The results show that about 52% of vacant and partially vacant residential tax lots are LDR, 40% MDR, and 8% HDR. With respect to area, 59% of vacant acres are in LDR, 33% in MDR, and 8% in HDR.

**Table 6. Vacant and Partially Vacant, Residential Land by Division 38 Density Class-, Newberg UGB, 2016**

<b>Div 38 Density Class</b>	<b>Tax Lots</b>	<b>Percent of Tax Lots</b>	<b>Vacant Acres</b>	<b>Percent of Vacant Acres</b>
LDR	349	52%	565	59%
MDR	264	40%	311	33%
HDR	52	8%	76	8%
<b>Total</b>	<b>665</b>	<b>100%</b>	<b>952</b>	<b>100%</b>

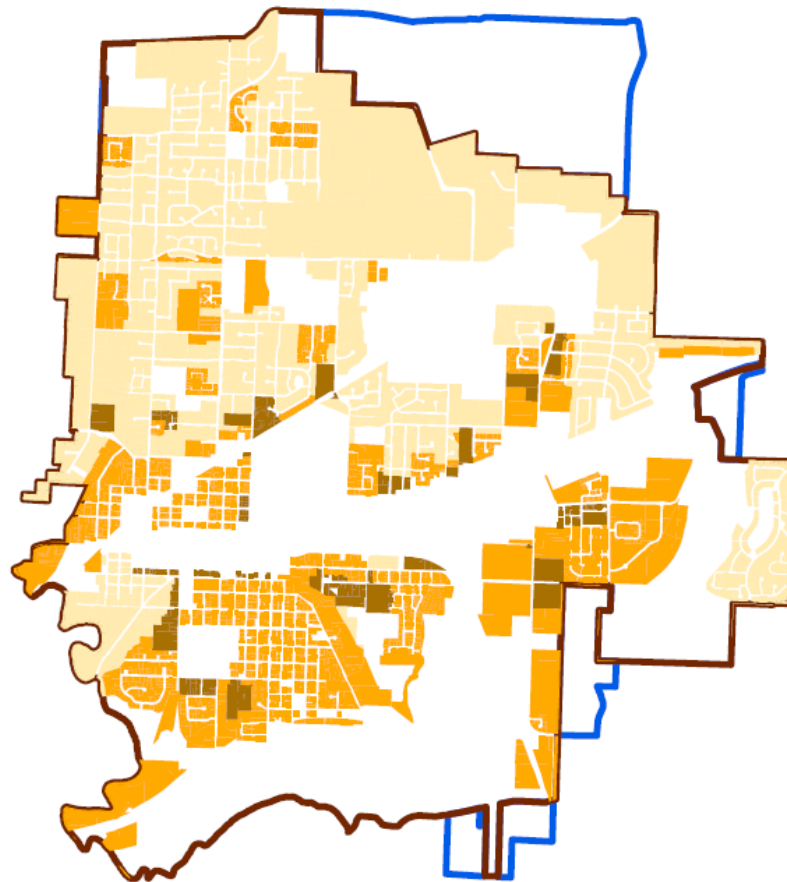
Map 4 shows vacant and partially vacant residential land by density class. Map 5 adds constraints to the map.

Map 3. All Residential Land by Division 38 Density Class

# NEWBERG BLI 2016

## Division 38 - Residential Density Class

Plan Designation	Density Class
LDR	LDR
LDR/1A	LDR
LDR/SP	LDR
LDR-6.6	LDR
SD/LDR	LDR
MDR	MDR
MDR/RD	MDR
MDR/SP	MDR
MIX/SP	MDR
SD/MRR	MDR
HDR	HDR
HDR/SP	HDR



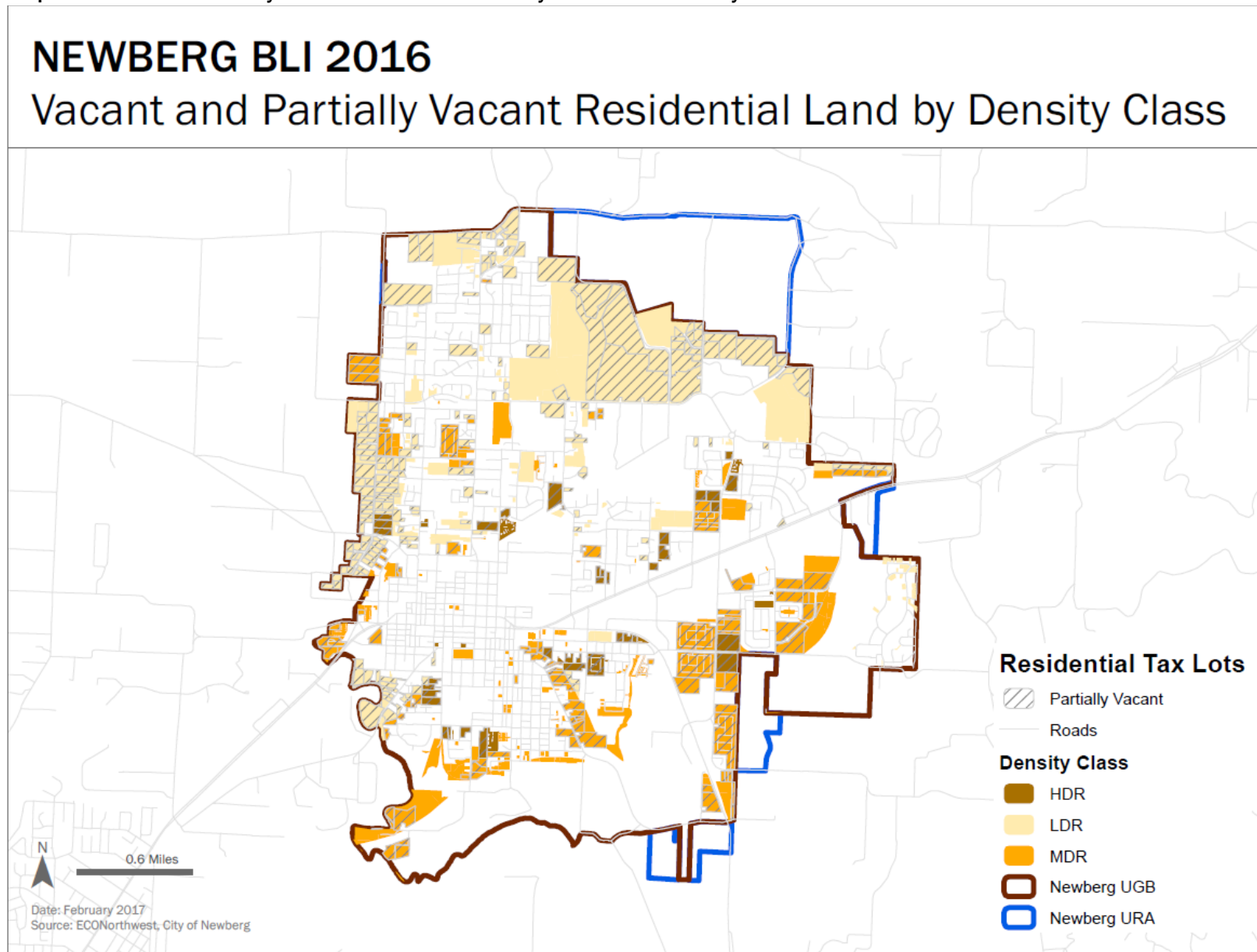
### Density Class

- HDR
- LDR
- MDR
- Newberg UGB
- Newberg URA

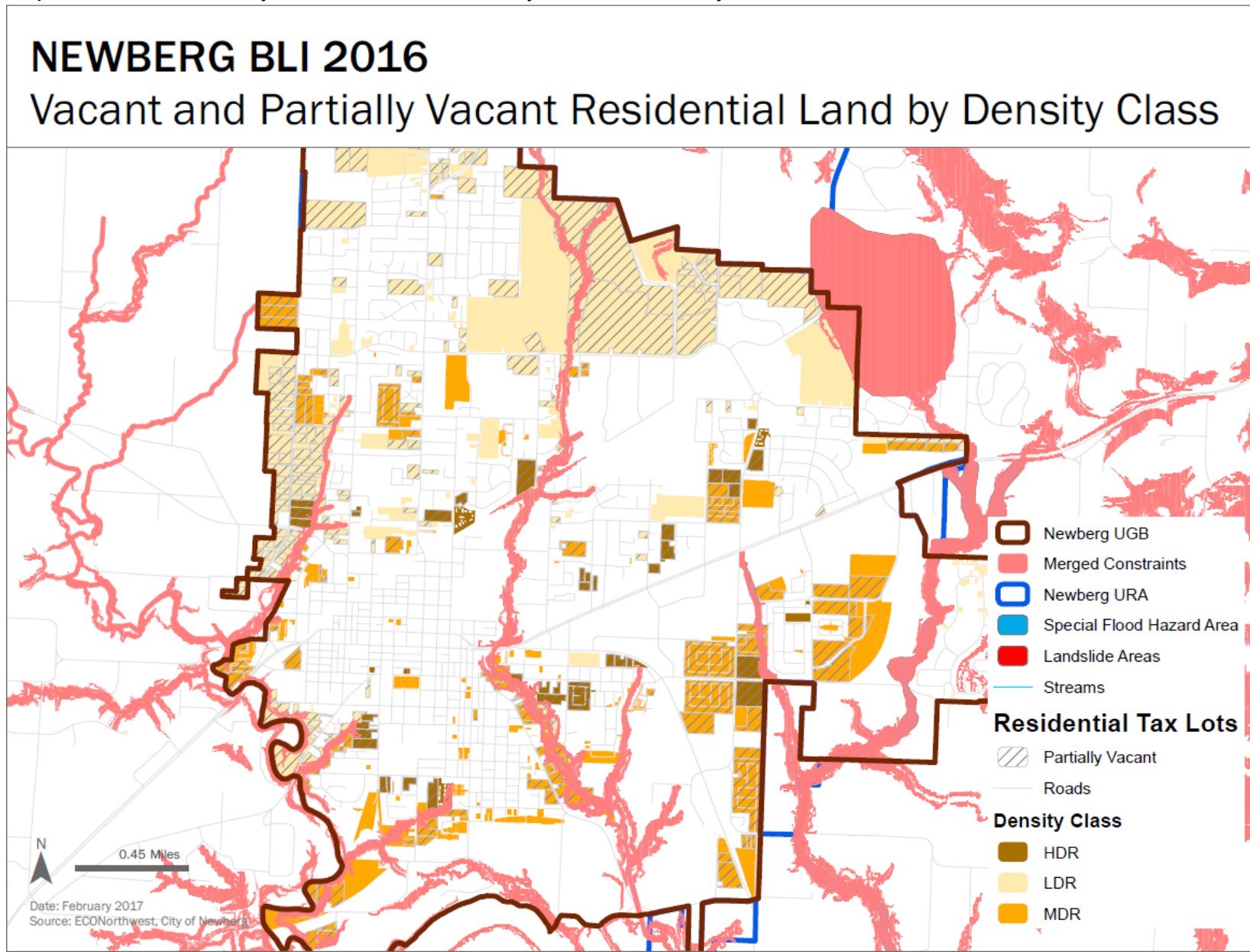


Date: February 2017  
Source: ECONorthwest, City of Newberg

Map 4. Vacant and Partially Vacant Residential Land by Division 38 Density Class



Map 5. Vacant and Partially Vacant Residential Land by Division 38 Density Class and Constraint Status



## Employment Land

The Division 38 rule requires commercial and industrial lands to be analyzed separately. The key difference is in how the rules treat constraints on commercial and industrial lands.

Table 7 shows all commercial land by development and constraint status. The results show that Newberg has about 381 acres of commercial land. About 146 acres are vacant without constraints.

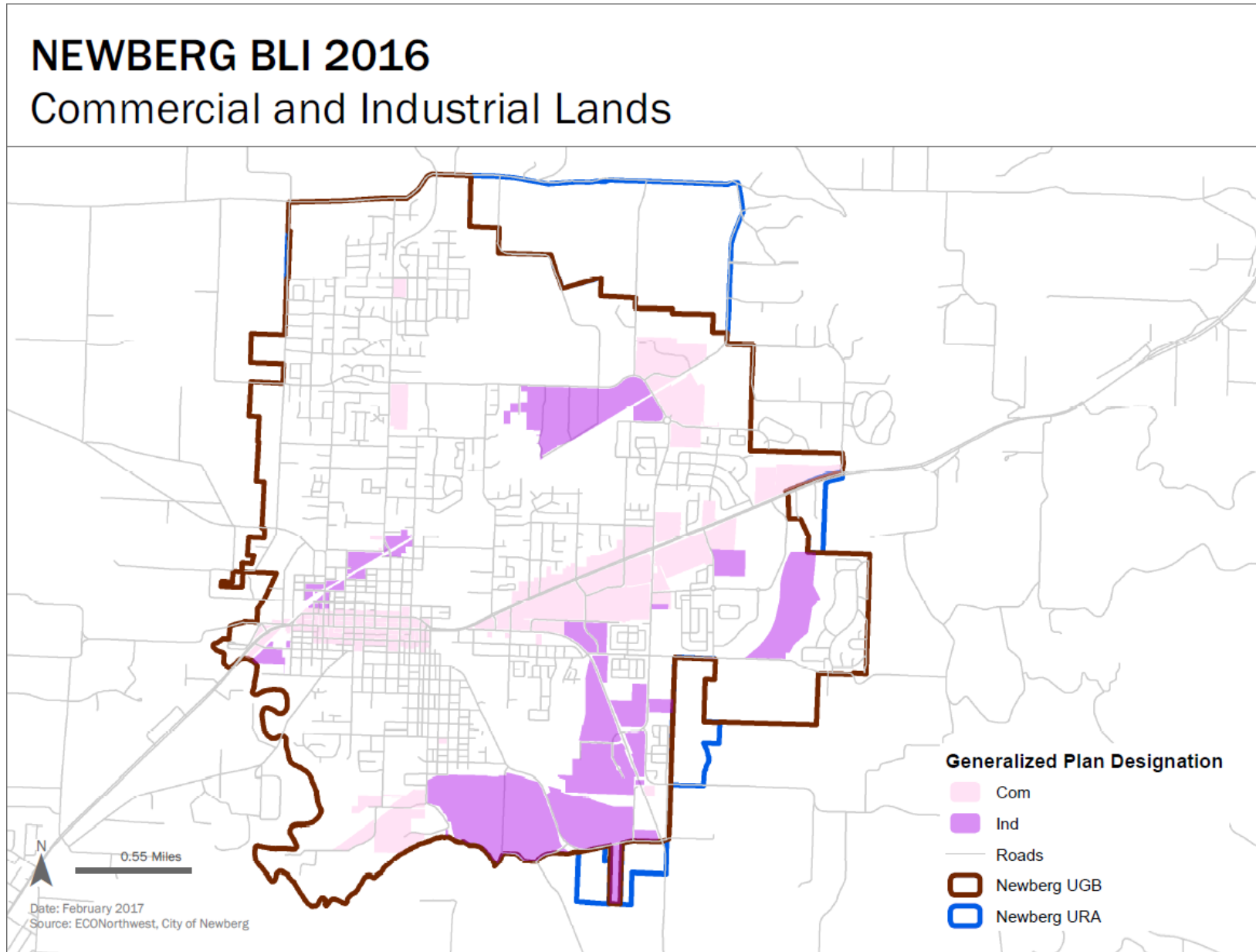
**Table 7. All Commercial Land by Development and Constraint Status, Newberg UGB, 2016**

<b>Development Status</b>	<b>Tax Lots</b>	<b>Total Acres</b>	<b>Developed Acres</b>	<b>Constrained Acres</b>	<b>Vacant Acres</b>
Developed	275	218	212	6	0
Partially Vacant	64	46	13	1	32
Vacant	91	118	0	4	114
<b>Total</b>	<b>430</b>	<b>381</b>	<b>225</b>	<b>10</b>	<b>146</b>

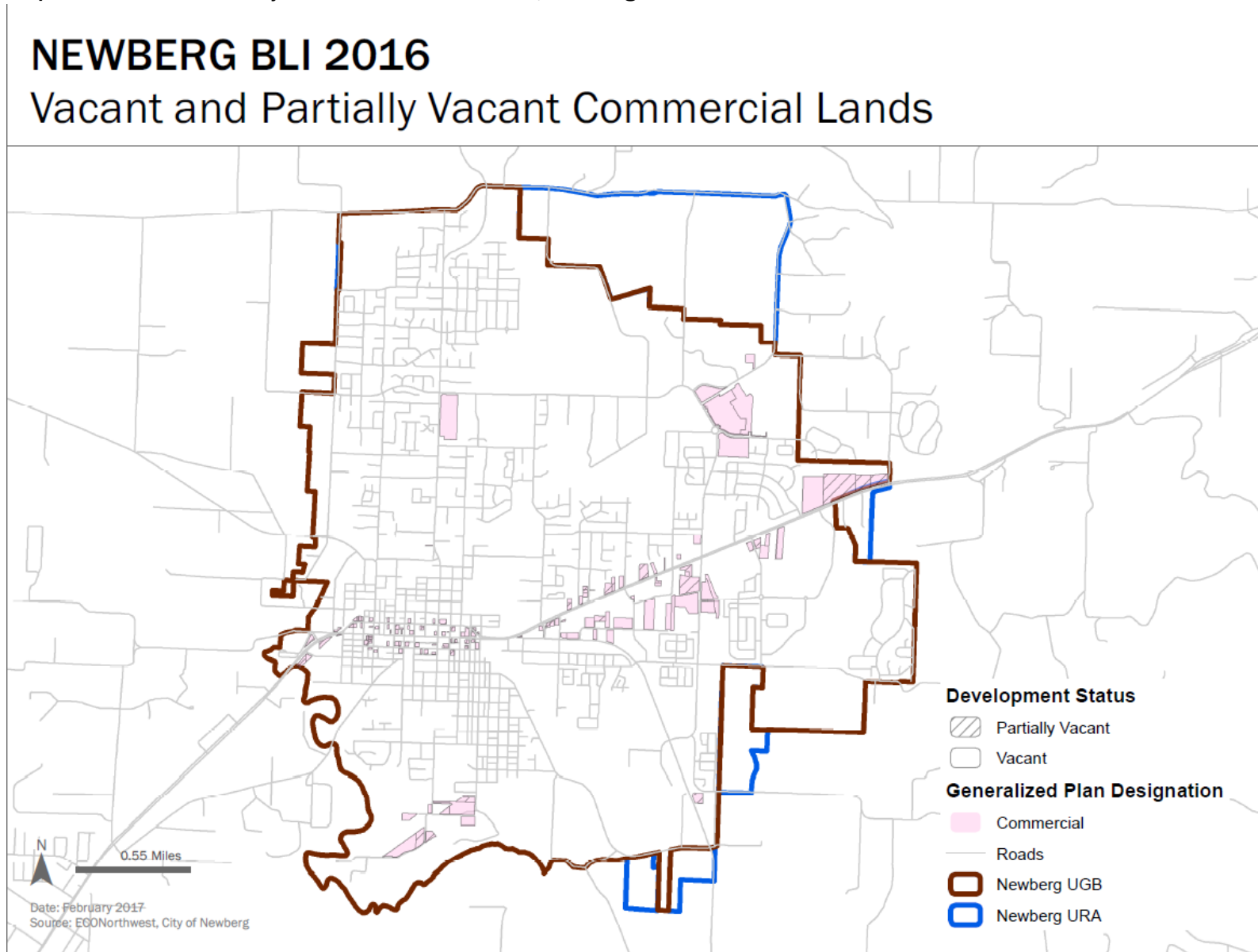
Source: Newberg and Yamhill County GIS data; analysis by ECONorthwest

Map 6 shows employment lands in the Newberg UGB. Map 7 shows vacant and partially vacant commercial land in the Newberg UGB. Map 8 adds constraints.

Map 6. Employment Lands in the Newberg UGB



Map 7. Vacant and Partially Vacant Commercial Land, Newberg UGB





Map 8. Vacant and Partially Vacant Commercial Land and Constraints, Newberg UGB

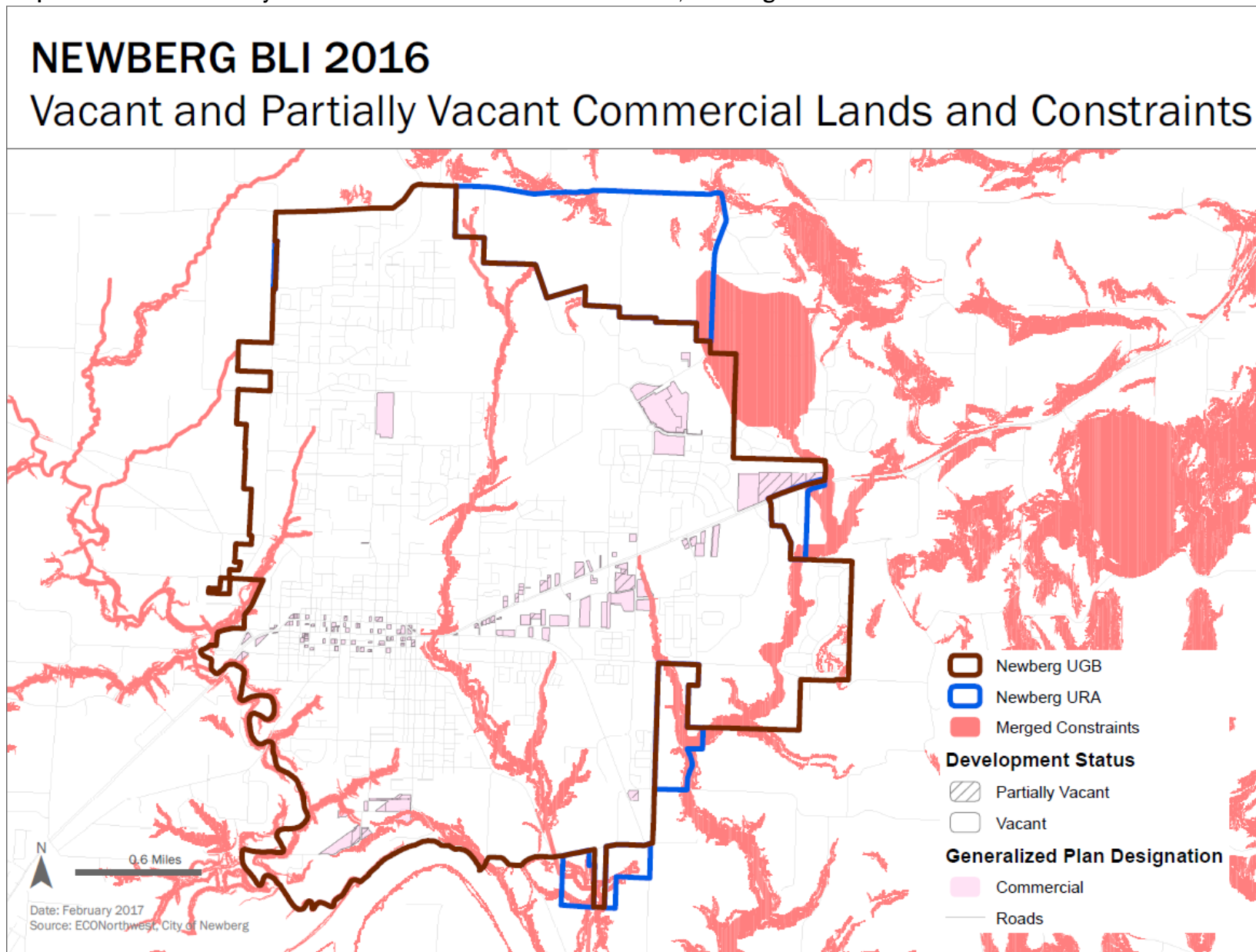


Table 8 shows industrial land in the Newberg UGB by development and constraint status. The results show that Newberg has 479 acres of industrial land. Of that land, 326 are developed, 64 constrained, and 89 vacant.

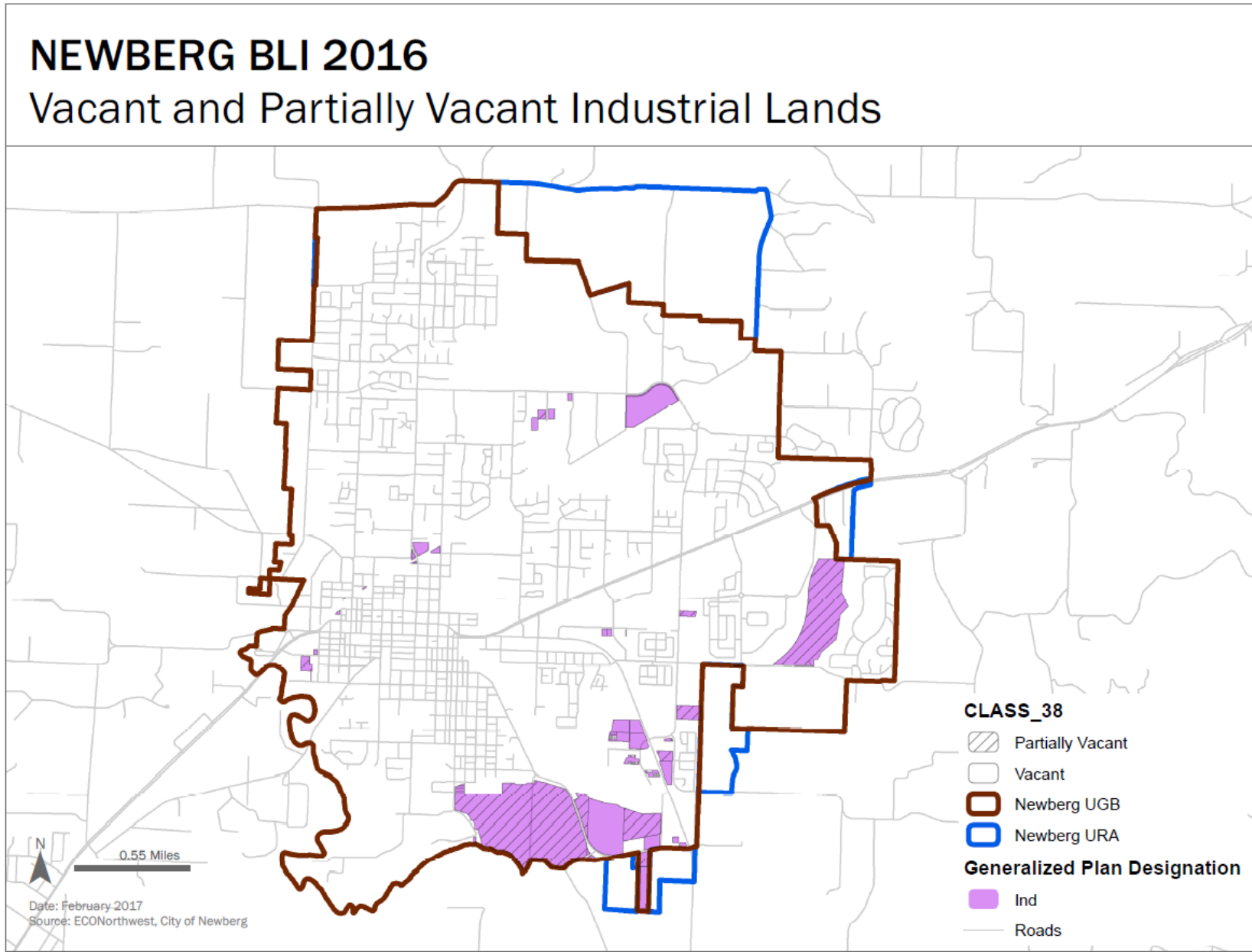
**Table 8. All Industrial Land by Development and Constraint Status, Newberg UGB, 2016**

<b>Development Status</b>	<b>Tax Lots</b>	<b>Total Acres</b>	<b>Developed Acres</b>	<b>Constrained Acres</b>	<b>Vacant Acres</b>
Developed	121	197	182	15	0
Partially Vacant	11	200	144	36	19
Vacant	44	82	0	13	70
<b>Total</b>	<b>176</b>	<b>479</b>	<b>326</b>	<b>64</b>	<b>89</b>

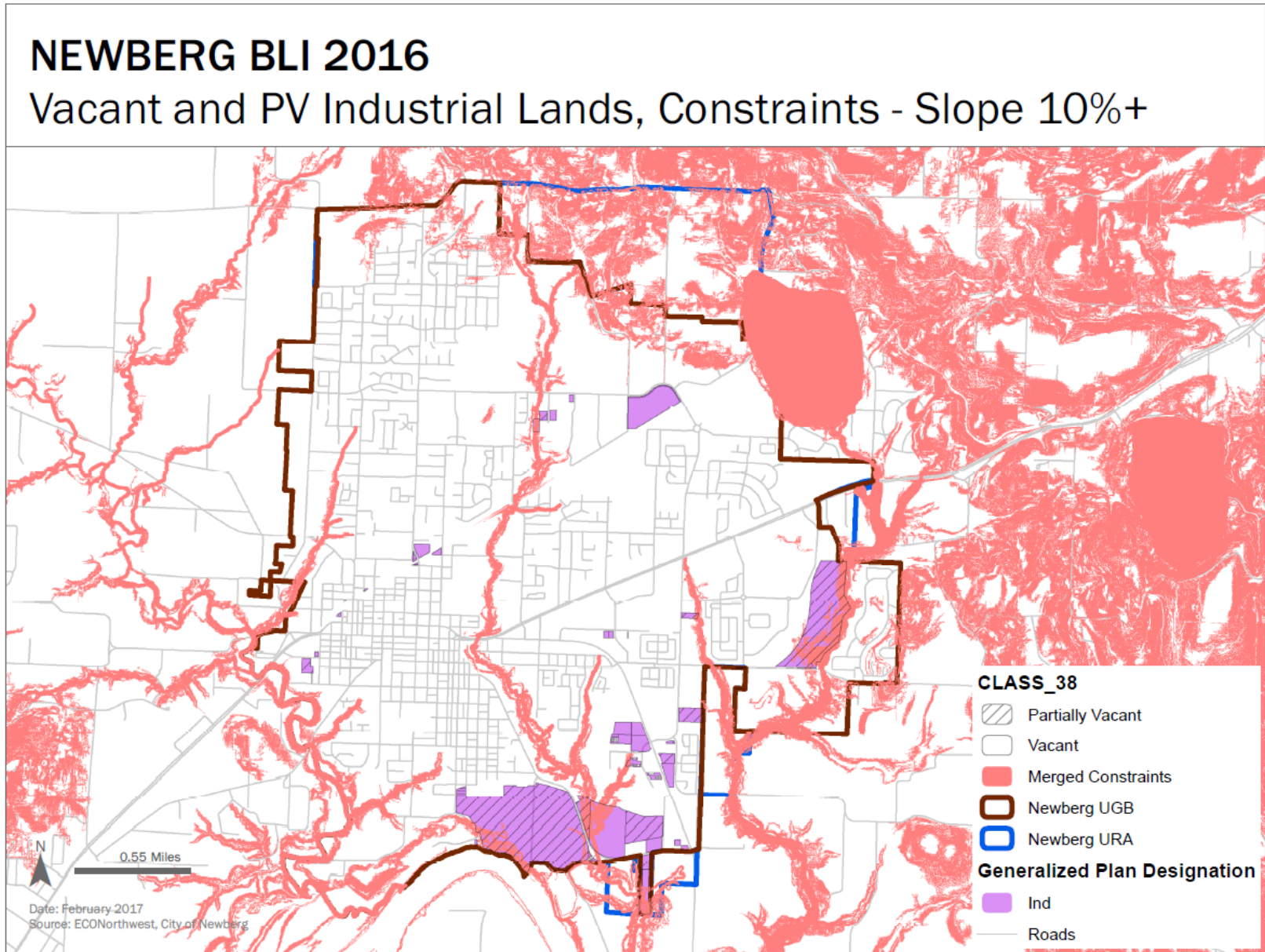
Source: Newberg and Yamhill County GIS data; analysis by ECONorthwest

Map 9 shows vacant and partially vacant industrial land in the Newberg UGB. Map 10 adds constraints.

Map 9. Vacant and Partially Vacant Industrial Land, Newberg UGB



Map 10. Vacant and Partially Vacant Industrial Land and Constraints, Newberg UGB



### 3.3 UGB Study Area (Outside Existing UGB)

OAR 660-038-0160 provides detailed guidance on establishing the study area to evaluate land for inclusion in the UGB. The full text of the requirements is included in Appendix B. For this discussion, we focus on the applicable standards. The rule divides the study area determination into two phases: (1) the preliminary study area; and (2) the final study area. Appendix A describes the steps used to define the study area.

The City of Newberg has Urban Reserve Areas adopted under OAR 660-021. Under the ORS 197A.320 priority scheme, urban reserves and exceptions lands within the UGB study area are first priority for inclusion in the UGB.

Table 9 summarizes lands in Newberg’s URAs and the Division 38 study area. Newberg has a total of 527 acres in 122 tax lots. The average tax lot size in the URAs is 4.3 acres. Excluding the URAs, the Division 38 determined study area includes 10,109 acres in 1,697 tax lots. The average tax lot size in the UGB study area is 6.0 acres.

To define the study area, we included the entire area of any tax lot that was within or intersected the required 1.0 and 1.5 mile buffers. Analyzed by zoning, the study area includes 4,337 acres in 1,293 tax lots considered exceptions areas. The average tax lot size for exceptions lands within the UGB study area is 3.4 acres. The study area also includes 5,772 acres in 404 tax lots with resource zoning (e.g., exclusive farm or forest zones). Not surprisingly, the average size of tax lots with resource zoning was, at 14.3 acres, much larger than exceptions lands.

**Table 9. Summary of Lands in Newberg Urban Reserve Areas and Division 38 UGB Study Area**

Area	Tax Lots	Acres	Average Lot Size (ac)
<b>Urban Reserve</b>			
All land in taxlots	122	527	4.3
<b>UGB Study Area (outside URA)</b>			
All land in taxlots	1,697	10,109	6.0
Exceptions Areas	1293	4,337	3.4
Resource land	404	5,772	14.3

Map 11 shows the study area with a 25% slope and other constraints; Map 12 shows the study area with a 10% slope. The 10% slope is significant as Division 38 allows cities to assume that lands with contiguous areas over 10% slope in tax lots smaller than 5 acres are unsuitable for industrial development.

We struggled with classifying lands outside the UGB. The rules for determining “suitability” of land in the UGB study area are confusing. The provisions are found in OAR 660-038-0170(5):

*With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is “suitable” to satisfy a need deficiency identified in OAR 660-038-0080 or 660-038-0150, whichever is applicable, unless it demonstrates that the land cannot*

satisfy the need based on one or more of the conditions described in subsections (a) through (f) of this section:

**Comment:** Our interpretation is that subsection 5 applies to all lands within the study area.

*(a) Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified employment need, as follows:*

*(A) Parcelization: the land consists primarily of parcels 2-acres or less in size, or*

*(B) Existing development patterns: the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure.*

**Comment:** OAR 660-038-0170(5)(a) clearly references employment land need; as such, parcelization and lot size can only be used as a screen for employment lands.

*(b) The land would qualify for exclusion from the preliminary study area under the factors in OAR 660-038-0160(2) but the city declined to exclude it pending more detailed analysis.*

**Comment:** Our interpretation is that subsection 5(b) applies to all lands within the study area.

*(c) The land is, or will be upon inclusion in the UGB, subject to natural resources protection under Statewide Planning Goals 5 such that that no development capacity should be forecast on that land to meet the land need deficiency.*

**Comment:** Our interpretation is that subsection 5(c) applies to all lands within the study area that is subject to Goal 5 protection. This evaluation requires the same level of analysis that a traditional BLI would require.

*(d) With respect to needed industrial uses only, the land is over 10 percent slope, as measured in the manner described in OAR 660-038-0160(5); is an existing lot or parcel that is smaller than 5 acres in size; or both.*

**Comment:** It is clear that this applies only to industrial land. To decipher this provision, we must refer to OAR 660-038-0160(5). That section has four subsections. While not entirely clear, we assume that this refers to (5)(a), which states: "Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater; provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;"

A strict application of this suggests that only lots of five acres or smaller, with a "Contiguous areas of at least five acres where 75 percent or more of the land has a slope." Our interpretation is that would mean that for a five-acre lot, the slope over 10%



would need to cover 75% of the lot area or 3.75 acres. The rule does not address larger lots with slopes over 10%.

*(e) The land is subject to a conservation easement described in ORS 271.715 that prohibits urban development.*

**Comment:** Our interpretation is that subsection 5(e) applies to all lands within the study area that have conservation easements that prohibit urban development.

*(f) The land is committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:*

*(A) Public park, church, school, or cemetery, or*

*(B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan or land use regulations.*

**Comment:** Our interpretation is that subsection 5(f) applies to all lands within the study area that have any of the listed uses.

*(6) For vacant or partially vacant lands added to the UGB to provide for residential uses:*

*(a) Existing lots or parcels one acre or less may be assumed to have a development capacity of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less than two acres shall be assumed to have an aggregate development capacity of two dwelling units per acre.*

**Comment:** Our interpretation is that subsection 6(a) applies to all lands within the study area that would be added for residential uses. It is not clear whether the capacity is for the total number of units on the lot, or for additional units. Because the City has not calculated land need or determined which lands are suitable for residential uses, this study does not include a capacity analysis.

In short, the language focuses on suitability, but does not provide guidance for when a tax lot might be deemed developed or committed—with the potential exception that lands that would be added for residential uses under two acres have specific capacity assumptions tied to them. In that sense, all land potentially has capacity. The rule allows consideration of parcelization as a suitability criteria. The direction is vague: *the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure.* To put some structure on this part of the analysis, we classified tax lots as follows:

- Developed: tax lots less than 0.5 acre with existing single-family dwellings
- Partially Vacant - <2 Ac: tax lots between 0.5 and 1.99 acres with more than \$10,000 in improvement value.

- Partially Vacant -  $\geq 2$  Ac: tax lots 2.0 acres and larger with more than \$10,000 in improvement value. We used aerial photo review to determine the vacant area of these tax lots.
- Vacant: tax lots of any size with  $< \$10,000$  of improvement value.

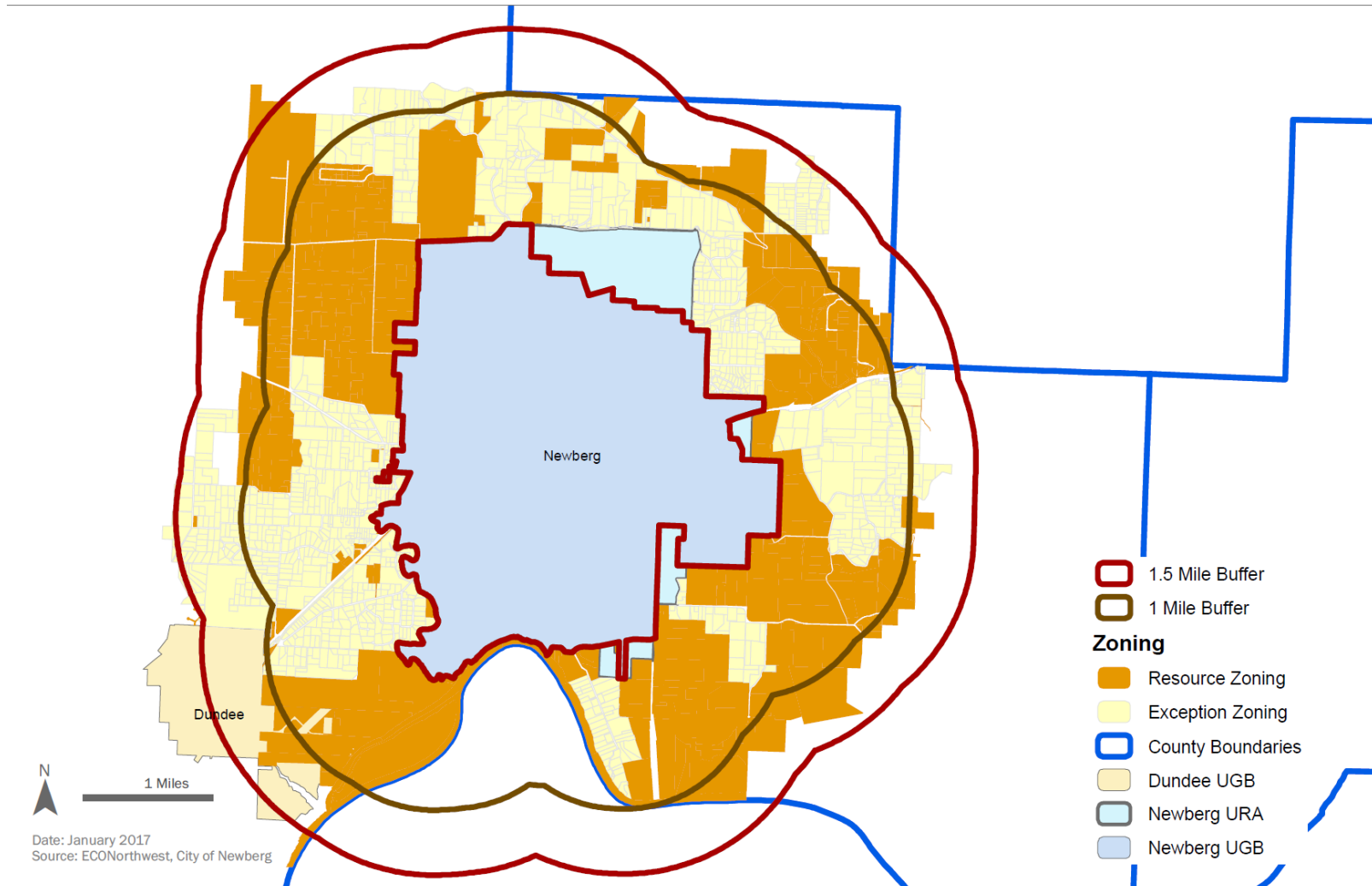
These interpreted aspects of the rules were applied to both the URAs as well as the UGB study areas. We note that if Newberg pursues a boundary amendment using the Division 38 rules, more analysis will be required that is specific to lands that would be added for residential or employment uses. The framework ECO developed is intended to provide structure to allow presentation of the results in a more meaningful manner.



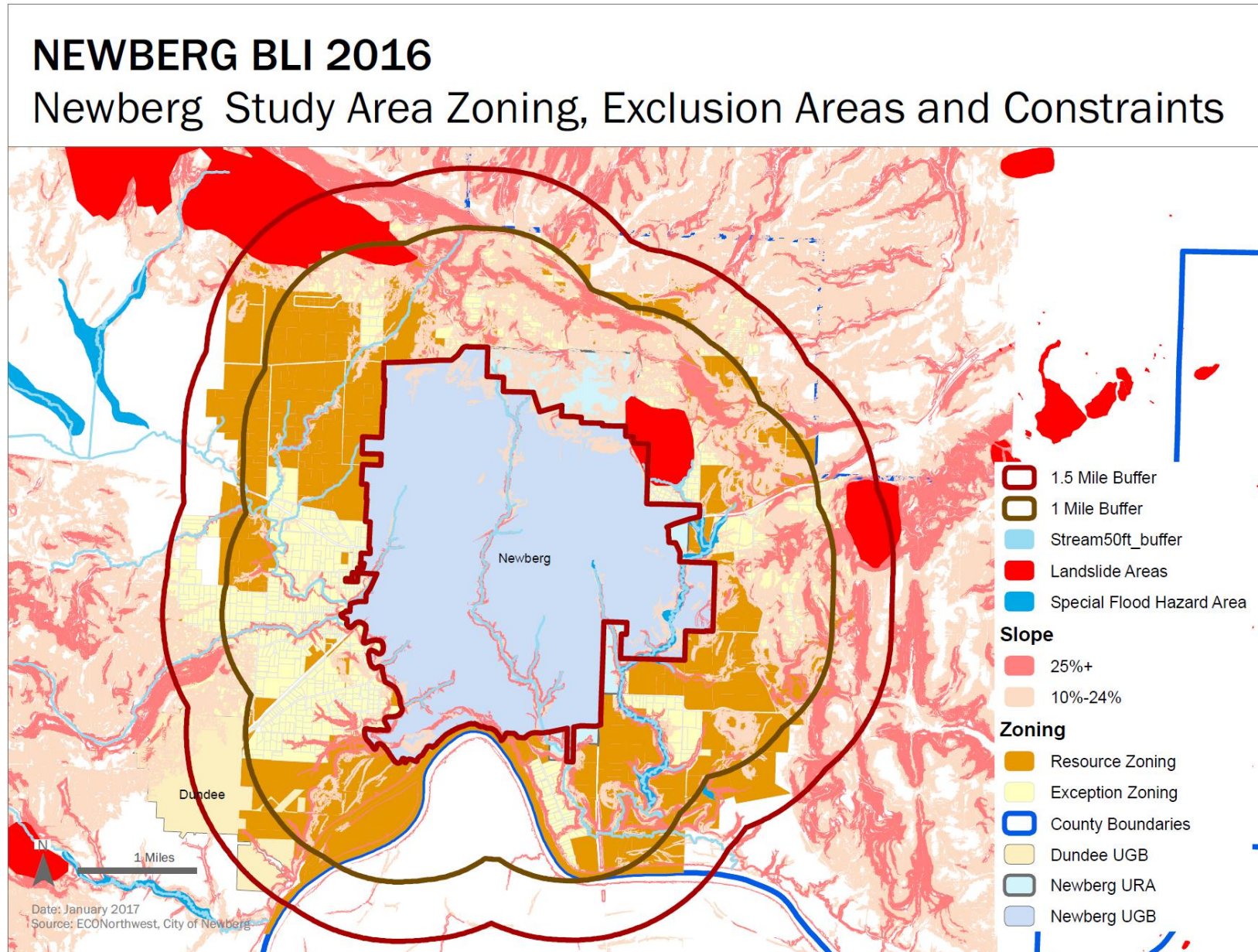
Map 11. Newberg Study Area, Buffers, Zoning, and Exclusion Areas (including 25% Slope Constraint)

# NEWBERG BLI 2016

## Newberg Study Area Zoning, Exclusion Areas and Constraints



Map 12. Newberg Study Area, Buffers, Zoning, and Exclusion Areas (including 10% Slope Constraint)



## Urban Reserve Areas

Newberg established urban reserve areas as allowed by OAR 660-021. Prior to the 2016 revisions to ORS 197 and the establishment of the Division 38 rule, urban reserves were first priority lands for inclusion in a UGB. ORS 197A.320 changed the priority scheme to add exception lands as first priority.

Newberg has four urban reserve areas. The URAs include 527 acres in 111 tax lots. Table 10 shows tax lots in the URA by classification. The results show 452 buildable (suitable) acres within the URA (slopes <25%) and 265 acres with slopes <10%. Map 13 shows the location of URAs and constraints.

**Table 10. Land by Classification in Newberg Urban Reserve Areas**

Classification	Tax Lots	Total Acres	Developed Acres	Constrained Acres	Suitable Acres	
					>25% slope	>10% slope
Developed	24	12	9	3	0	0
Partially Vacant - <2 Ac	49	386	25	39	347	200
Partially Vacant - >=2 Ac	6	8	4	2	6	5
Vacant	32	121	0	22	99	60
<b>Total</b>	<b>111</b>	<b>527</b>	<b>38</b>	<b>66</b>	<b>452</b>	<b>265</b>

Table 11 shows tax lots by size and constraint status for the Newberg URAs. The results show that about 40% of the 452 buildable acres in URAs are in lots of 10 acres or larger.

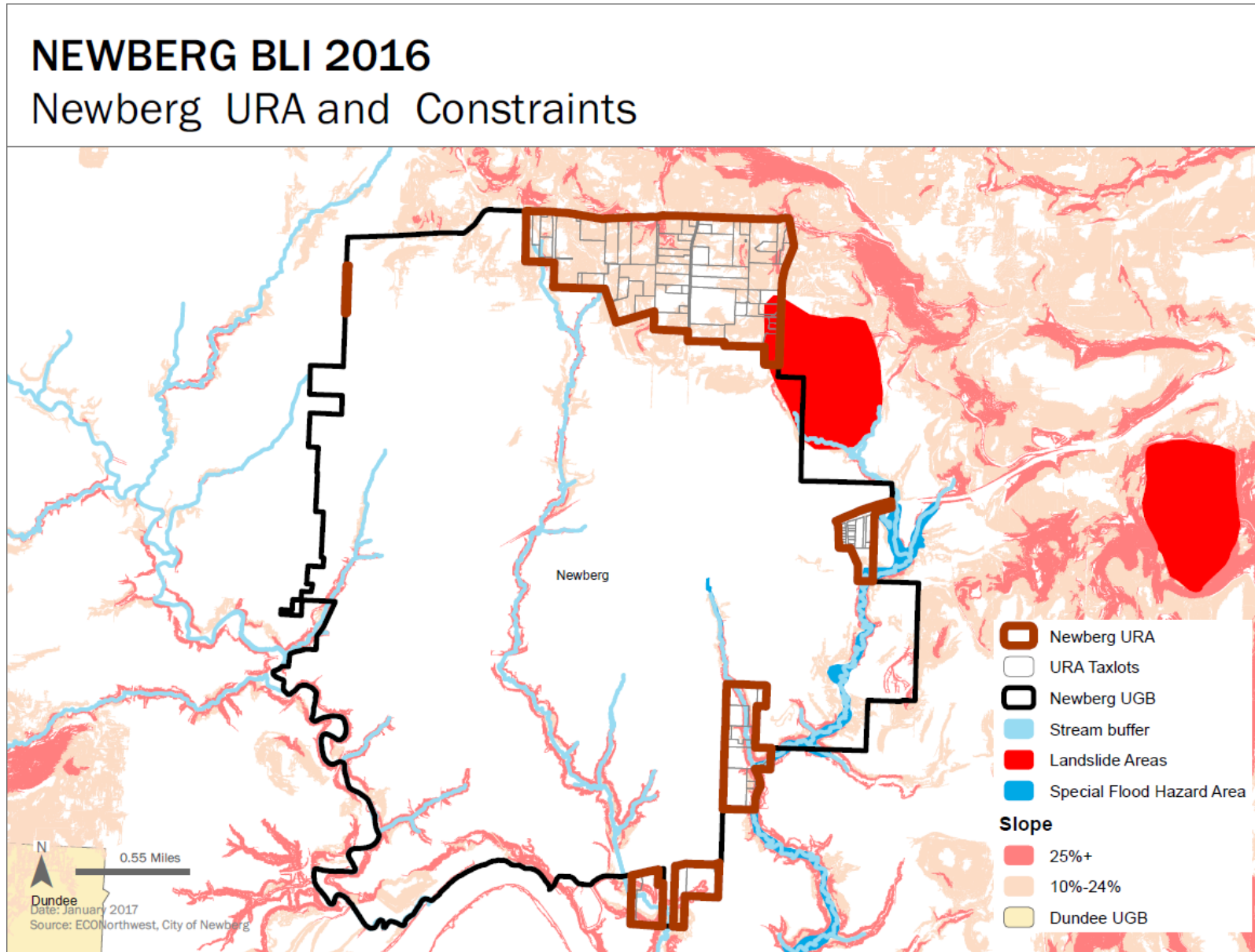
**Table 11. Vacant and Partially Vacant Tax lots by Size, Newberg URA (25% slope)**

Lot Size (Ac)	Tax Lots	Total Acres	Buildable Acres	Existing DU
<=1	42	17	5	42
>1 and <2	6	8	6	6
>=2 and <5	27	89	76	27
>=5 and <10	20	153	133	20
>=10 and <20	14	195	167	14
>=20 and <50	2	64	64	2
<b>Total</b>	<b>111</b>	<b>527</b>	<b>452</b>	<b>111</b>

Note: Estimated capacity is for new dwelling units and assumes 1 new dwelling unit per lot for lots <=1 acre; 2 new dwelling units per lot for lots between 1 and 2 acres, and 6 dwelling units per lot for lots over 2 acres.



Map 13. Newberg Urban Reserve Areas and Development Constraints



## UGB Study Area (Outside Urban Reserves)

The UGB Study Area includes 9,821 acres in 1,665 tax lots (excluding right-of-way). Table 12 shows tax lots by size and constraint status for the Newberg UGB Study Area. The results show that over 40% of the 9,821 acres outside of URAs are in lots of 20 acres or larger. The majority of land in larger lots is in resource zones; 6% of land in exceptions zones is in lots of 20 acres or larger.

**Table 12. Vacant and Partially Vacant Tax lots by Size and Constraint Status, Newberg UGB Study Area (25% slope)**

Lot Size (Ac)	Resource			Exceptions			Total		
	Tax Lots	Acres	% of Acres	Tax Lots	Acres	% of Acres	Tax Lots	Acres	% of Acres
<=1	69	41	1%	216	122	3%	285	163	2%
> 1 and <2	45	67	1%	250	368	9%	295	435	4%
>=2 and <5	61	206	4%	612	1,797	42%	673	2,003	20%
>=5 and <10	69	509	9%	138	968	22%	207	1,477	15%
>=10 and <20	63	955	17%	60	784	18%	123	1,738	18%
>=20 and <50	56	1,694	31%	6	178	4%	62	1,873	19%
>=50	19	2,024	37%	1	107	2%	20	2,131	22%
<b>Total</b>	<b>382</b>	<b>5,497</b>	<b>100%</b>	<b>1,283</b>	<b>4,325</b>	<b>100%</b>	<b>1,665</b>	<b>9,821</b>	<b>100%</b>

Table 13 shows tax lots in the UGB Study Area by classification. The results show 7,413 buildable (suitable) acres within the UGB Study Area (slopes <25%), and 5,417 suitable acres (slopes >10%). Nearly 2,800 acres are in priority 1 exceptions areas, with about 2,215 of those in partially vacant (e.g., rural residential lots with a dwelling) lots greater than 2 acres.

**Table 13. Land by Classification in Newberg UGB Study Area**

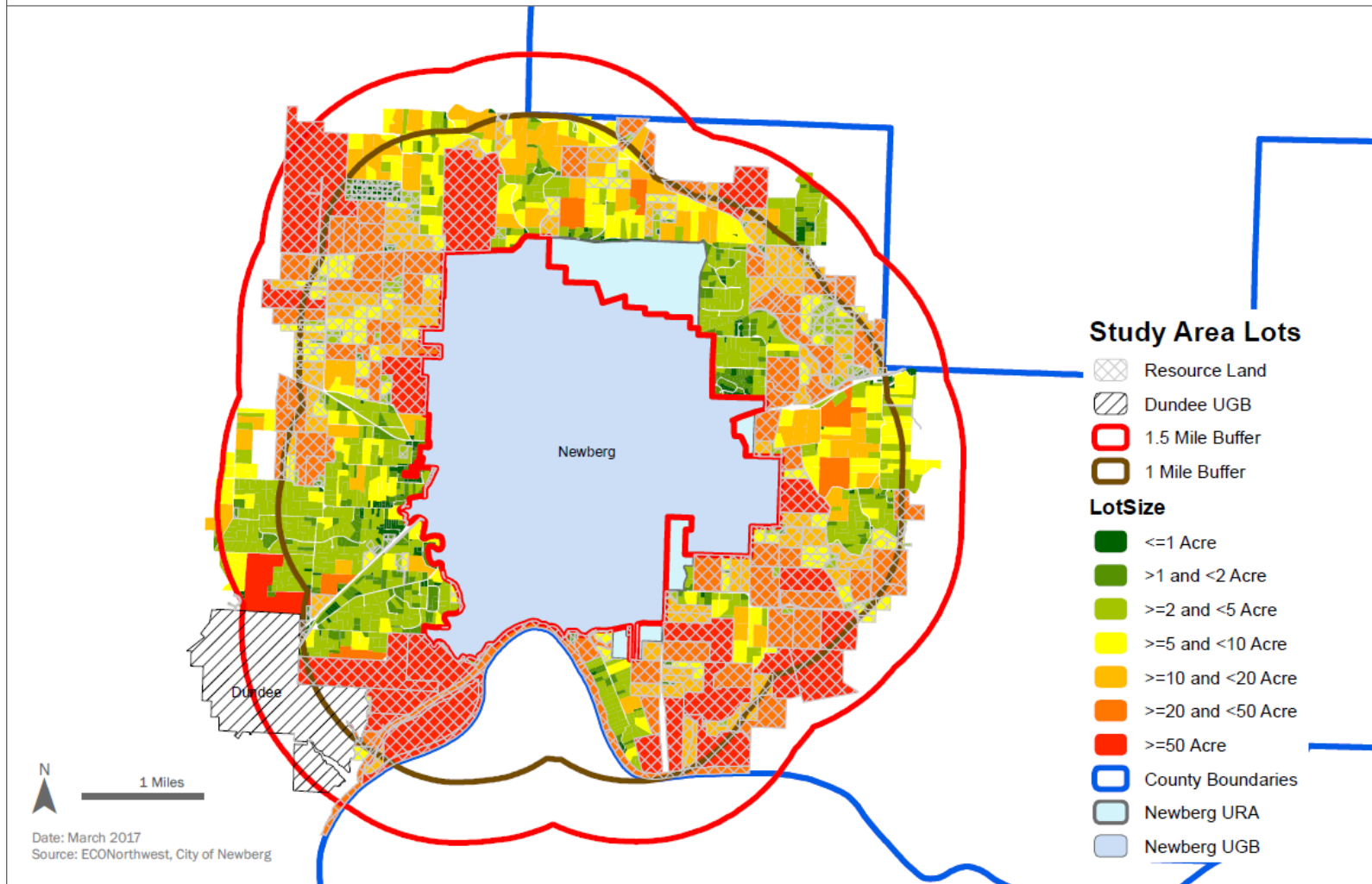
Development Status	Tax Lots	Total Acres	Developed Acres	Slope 25% or over		Slope 10% or Over	
				Constrained Acres	Suitable Acres	Constrained Acres	Suitable Acres
<b>Resource Lands</b>							
Developed	21	9	7	2	0	2	0
Partially Vacant - <2 ac	16	27	8	2	17	5	14
Partially Vacant - >=2 ac	184	3,724	92	480	3,152	1,127	2,505
Vacant	161	1,737	0	277	1,461	537	1,200
<b>Subtotal</b>	<b>382</b>	<b>5,497</b>	<b>107</b>	<b>761</b>	<b>4,629</b>	<b>1,671</b>	<b>3,719</b>
<b>Exceptions Areas</b>							
Developed	145	93	82	11	0	20	-9
Partially Vacant - <2 ac	219	320	104	69	147	113	103
Partially Vacant - >=2 ac	727	3,342	338	788	2,215	1,669	1,335
Vacant	192	570	0	148	421	300	270
<b>Subtotal</b>	<b>1,283</b>	<b>4,325</b>	<b>525</b>	<b>1,016</b>	<b>2,783</b>	<b>2,101</b>	<b>1,698</b>
<b>TOTAL</b>	<b>1,665</b>	<b>9,821</b>	<b>632</b>	<b>1,777</b>	<b>7,413</b>	<b>3,772</b>	<b>5,417</b>

Note: Suitable acres for slopes 10% or over shows a negative figure in the Developed row for Exceptions areas. This is because some of the developed area is in slopes over 10%.

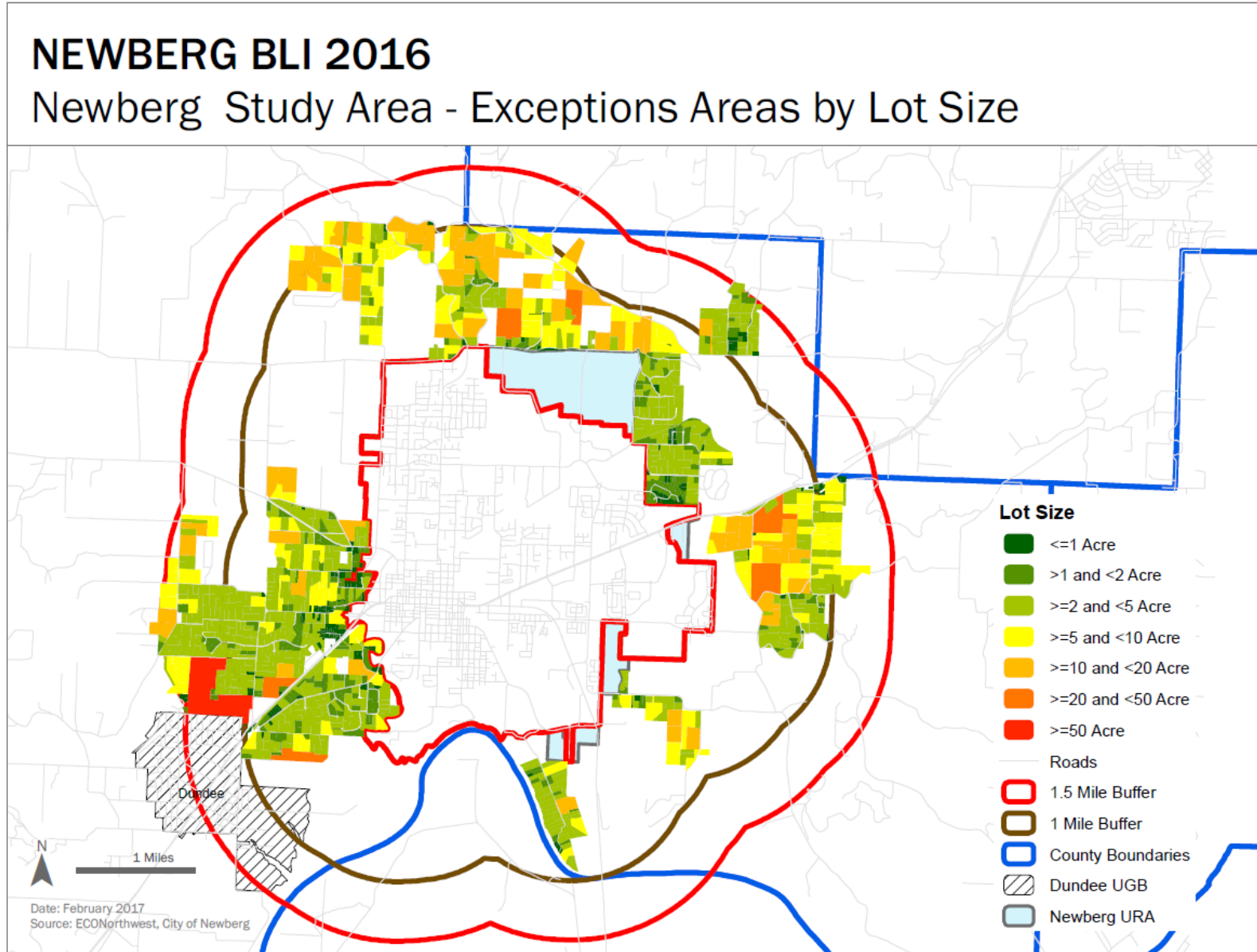
Map 14. Tax lots by Size, Newberg UGB Study Area

# NEWBERG BLI 2016

## Newberg Study Area - Lot Size

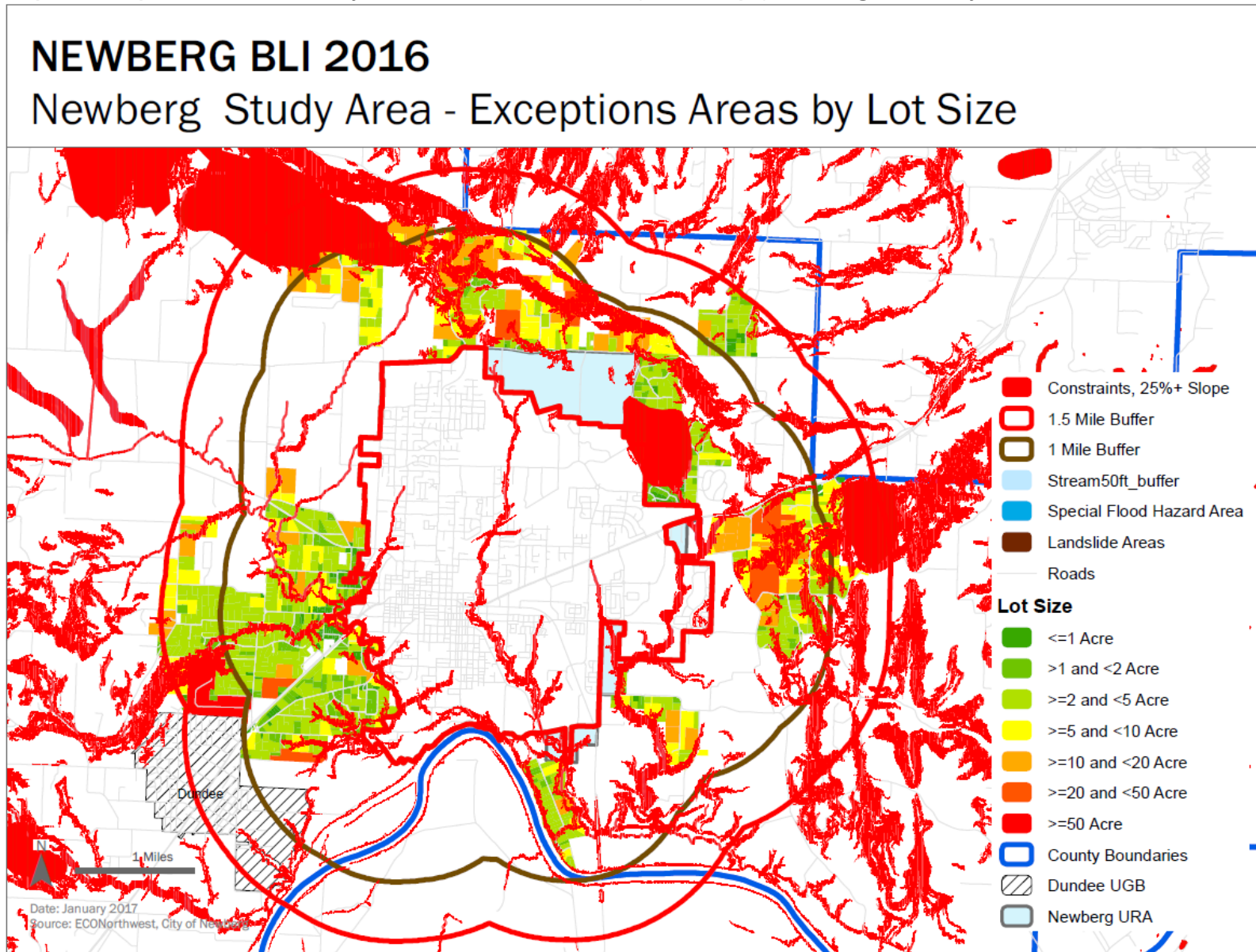


Map 15. Exceptions Area Tax lots by Size, Newberg UGB Study Area





Map 16. Exceptions Area Tax lots by Size and Constraint Status (25%+ Slope), Newberg UGB Study Area





## 4. Conclusions and Implications

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Newberg faces a key decision in the coming months: whether to pursue a boundary amendment using the Division 38 method, or use the traditional method. The issues with the traditional method are well known. Newberg’s last attempt at an expansion using the traditional method was appealed and ultimately withdrawn.

ECO does not make a recommendation about which method is most appropriate for the City of Newberg. That is a decision that the City Council will need to make with staff input. What we want to do is to inform that dialog. This chapter includes two sections: (1) issues with the Division 38 method; and (2) comparison of the Division 38 method with the standard method.

### 4.1 Issues with the Division 38 Methods

ECO identified a number of issues with the Division 38 method. To help the City—and DLCD—better understand those issues, and how they impact the BLI results, we summarize them here. This task was not in our work program, but we feel compelled to discuss the issues given their nature and extent. This discussion is not intended to be comprehensive—there may be other issues with the Division 38 method that we did not encounter since we only implemented the BLI portions of the rule. We also note that some of these issues may be unique to Newberg—we are working from a sample of one city; other cities may have a different experience with the rules. Thus, our comments focus on the following sections (note, we number them for reference; the order is not intended to imply precedence or priority):

1. **Standardization of Data Sources.** This is less a critique, than an observation and suggestion. For many data sources, several hosts and versions might be available (e.g., UGB data from the City or Oregon Explorer). It’s not always clear which is preferable or if the data are the most accurate data available. It took a fair amount of time to assemble the required databases, some of which may require expensive subscriptions or fees (part of the Newberg UGB study is in Washington County; Metro manages the data in the region and we used ECO’s subscription to RLIS for the Washington County data). As a suggestion, DLCD could generate and post approved data sets for many of the attributes required—particularly natural hazards.
2. **Split Plan Designations.** The rule does not address the issue of split plan designations. These are very common in cities and many are too big to be ignored. The topology of polygons in plan designation layers frequently does not conform to tax lot boundaries creating so-called “slivers.” These slivers are not true split designations; rather they are remnant from how the data were originally input. ECO sometimes uses complicated algorithms to evaluate split plan designations. For the purpose of the Newberg BLI, ECO and the Community Development Director reviewed maps and agreed on specific tax lots with split plan designations to split. Any lot with a split over two acres was evaluated; any lot with at least 0.5 acre in a split was split.

3. **Deduction of constraints.** In a typical BLI, we would merge all constraints together to create a single constraint layer. Those constraints would then be deducted from vacant and partially vacant areas. In this sense, all constraints are treated the same. This has been found compliant with statewide planning goals, as many BLIs using these methods have been adopted and acknowledged.

Division 38 treats different constraints differently. Some constraints are allowed a 100% deduction; some a 50% deduction, and some, the extent of local policy. Moreover, industrial lands get a different threshold for slope (which is not inconsistent with methods used by ECO in the past) This makes sense in theory; in practice it greatly complicates the process of deducting constraints.

For example, constraints often share the same geography. It's not uncommon for a stream to have a floodway and floodplain that are accompanied by steep slopes and Goal 5 resources. Under the Division 38 rule, each of these interactions must be analyzed and accounted for individually. These are not simple operations to perform in GIS.

Finally, we find the ½ acre threshold on water bodies in OAR 660-038-0070 and 130 (1)(a)(B) odd. This also requires additional work, since the default assumption on a typical BLI is that waterbodies of all sizes, are not developable. This rule implies that waterbodies under ½ acre do not pose a constraint (e.g., that they can be filled and developed) without the understanding of requirement of other regulatory agencies to fill these water bodies.

4. **Public lands with residential plan designations.** Generally, Division 38 does not require inventory of public lands. We note that some cities we've worked with do not have a public land designation. In those instances, Division 38 would require most lands to be inventoried as residential or commercial.

The rule makes provisions for publicly owned-park land that might meet the threshold of partially vacant (e.g., lots of ½ acre or larger), but not for other public uses. Newberg has schools and other public uses that total more than 70 acres (including Chehalem Valley Middle School) that clearly are not, and will not be available for development in the 14-year planning horizon.

5. **Developed employment land.** The rule does establish a clear threshold for employment lands to be considered developed or committed. The rule identifies thresholds for partially vacant that either require 50% of the land be classified as vacant (lots less than 1 acre) or that aerial photo review occur. Aerial photo interpretation is not particularly complicated, but it is time consuming.
6. **Partially vacant employment land.** OAR 660-038-0120(2)(b)(A) reads "*The real market improvement value of the lot or parcel is greater than five percent and less than 40 percent of the real market land value, in which case, the city must assume that 50 percent of the lot or parcel is developed and 50 percent is vacant.*" The example below shows two developments that meet this threshold. Both would be considered fully developed in a traditional BLI. One

is a bank (on the right) and the other a Jiffy Lube (on the left). While this does not equate to a lot of land in Newberg, it forces an unreasonable assumption on the BLI.



7. **Determination of slopes using contour data.** GIS experts typically build slope thresholds from DEMs (digital elevation models) and not contours. The development of slope thresholds is an advanced GIS operation that we would not characterize as simple. This is an area where the state could provide a standardized data set for cities to use.
8. **Errors/anomalies/inconsistencies in County Assessment data.** Consistent with previous experience with County Assessment data, we found many errors or anomalies (these “errors” do not affect the assessment of property, but also do not reflect the value of use). Key among them was developed tax lots with \$0 real market improvement values. Not surprisingly, this happens frequently on lands that are exempt from taxation.

Churches provide a good example. Newberg has 55 taxlots that have “church” in the owner field. Twenty-seven of those taxlots show an improvement value of \$0; three have an improvement value of less than \$10,000, and 25 have an improvement value of \$10,000 or more. Per the Division 38 rule, all residential land with improvement value less than \$10,000 and greater than 3,000 SF is to be considered vacant. These lands totaled 61 acres. The image below highlights three churches that would typically be considered developed or partially vacant based on aerial photo or field inspection.



9. **Partially Vacant multi-family residential land.** Per the Division 38 rule, all residential land with improvement value less than \$10,000 and great than 3,000 SF is to be considered vacant. The image below shows several developments—assisted living facilities—that are fully developed, but get classified as partially vacant. The rule does not provide a clear and objective pathway to identifying when multi-family land is considered developed. Based on the rule criteria, all multifamily land with improvements must be subject to aerial orthophoto review. This process is no more efficient than a standard BLI.





10. **Condo common areas.** The Yamhill County Assessor systematically assesses condo common areas as having \$0 improvement value. These areas are clearly not available for future development, nor do they have any residential capacity. The Division 38 rule requires they be considered vacant. A cursory search identified 28 taxlots with about 10 acres—enough to be a consideration in our view. The image below provides one example.



11. **Classification of lands in the UGB study area.** We found this portion of the rule convoluted and difficult to interpret. The rule uses vague criteria for determining whether land in the UGB study area is vacant, partially vacant, or developed—in fact there are limited criteria for determining development status, only criteria for exclusions that address various reasons for exclusion.

For land that would be for future residential use, the rule incorporates thresholds from the UO research of 1 and 2 acres. The language around capacity is a bit unclear with respect to whether the units are total units or new units. A plain interpretation would be total units.

Because the rule lacked clear guidance on how to evaluate both residential and employment lands in the UGB study area, we developed a classification system based on development status and lot size to summarize the results. It is not clear, however, whether that system would pass legal muster given that the rule does not provide any guidance. It is useful in the context of thinking about lot size and development capacity.

To summarize, **the simplified BLI method is not simple.** In our initial comments about the Division 38 rule, we indicated that there is no way to make a GIS-based inventory simple. We understand the rationale for a GIS based method. However, as described above, parts of the Division 38 method are more complicated than a typical standard method. Moreover, in most instances, the rule requires assumptions that increase the amount of land assumed available for development.

## 4.2 Summary

Clear differences exist between the Division 38 and standard methods. Given some of the issues with land classification, it is difficult for ECO to recommend the City use this methodology moving forward. We identified far too much residential land that would normally be considered developed that the Division 38 rules require the City to consider as vacant. Moreover, we do not see any flexibility in interpreting the Division 38 rules. While we are not attorneys, a common-sense reading of the rule suggests a literal interpretation of its provisions. In short, the rule does not accommodate exceptions.

# Appendix A: Data Sources and Study Area Determination

ECO conducted a buildable land inventory (BLI) consistent with the requirements of OAR 660-038. The first step in the inventory was to obtain the necessary GIS data (Exhibit A-1). The data came from several sources—the City of Newberg; the Metro RLIS database; Yamhill County; and the Oregon Geospatial Data Center.

**Exhibit A-1. Data Sources for Newberg BLI**

<b>Data</b>	<b>Source</b>	<b>Description</b>
Tax lots – Yamhill	Yamhill County Assessor, provided by City of Newberg	Tax lot fabric for entire county. Fabric includes roads.
Tax lots – Washington	Metro RLIS – ECO subscription	Tax lots
Tax lots - Marion	Marion County GIS	Tax lots
City Boundaries	City	Includes city limit, UGB and urban reserve areas
UGB	Oregon Spatial Explorer	2015 UGBs
Counties	Oregon Spatial Explorer	2015 County boundaries
Streets	City of Newberg	City / county roads
Streams	City of Newberg	Perennial streams
Zoning	Yamhill County; Metro RLIS (Washington); Marion County GIS	Zoning outside incorporated city boundaries
Landslide areas	DOGAMI SLIDO 3.2 database	DOGAMI mapped landslide areas
Special Flood Area	Oregon Spatial Explorer – statewide FEMA FIRM database	Areas of special flood hazard
Building Footprint	City of Newberg	Building footprints for land inside the Newberg UGB

## Study Area Determination

The first step in the inventory process is to determine the study area. The study area for Newberg includes all land within the Newberg urban growth boundary (UGB) as well as lands outside the UGB.

## Land within the Newberg UGB

As required by OAR 660-038, the inventory will include all land within the current Newberg UGB. From a practical perspective, this means that all lands within tax lots identified by the Yamhill County Assessor that fall within the UGB (as shown by the GIS data) will be inventoried. The tax lot database ECO received from the City is current as of August 2016. The inventory then builds from the tax lot-level database to estimates of buildable land by plan designation.

## UGB Study Area

OAR 660-038-0160 provides detailed guidance on establishing the study area to evaluate land for inclusion in the UGB. The full text of the requirements is included in Appendix A. For this discussion, we focus on the applicable standards. The rule divides the study area determination into two phases: (1) the preliminary study area; and (2) the final study area. OAR 660-038-0160(1) defines the requirements for the preliminary study area. Items underlined apply to Newberg.

*(1) The city shall determine which land to add to the UGB by evaluating alternative locations within a “study area” established pursuant to this rule. To establish the study area, the city must first identify a “preliminary study area” which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:*

*(a) All lands in the city’s acknowledged urban reserve, if any;*

*(b) All lands that are within the following distance from the acknowledged UGB, except as provided in subsection (d):*

*(A) For cities with a UGB population less than 10,000: one-half mile;*

*(B) For cities with a UGB population equal to or greater than 10,000: one mile;*

*(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:*

*(A) For cities with a UGB population less than 10,000: one mile;*

*(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;*

*(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).*

According to the Population Research Center at Portland State University, Newberg’s 2015 population was 22,900. Thus, the provisions for cities with populations over 10,000 apply to Newberg.

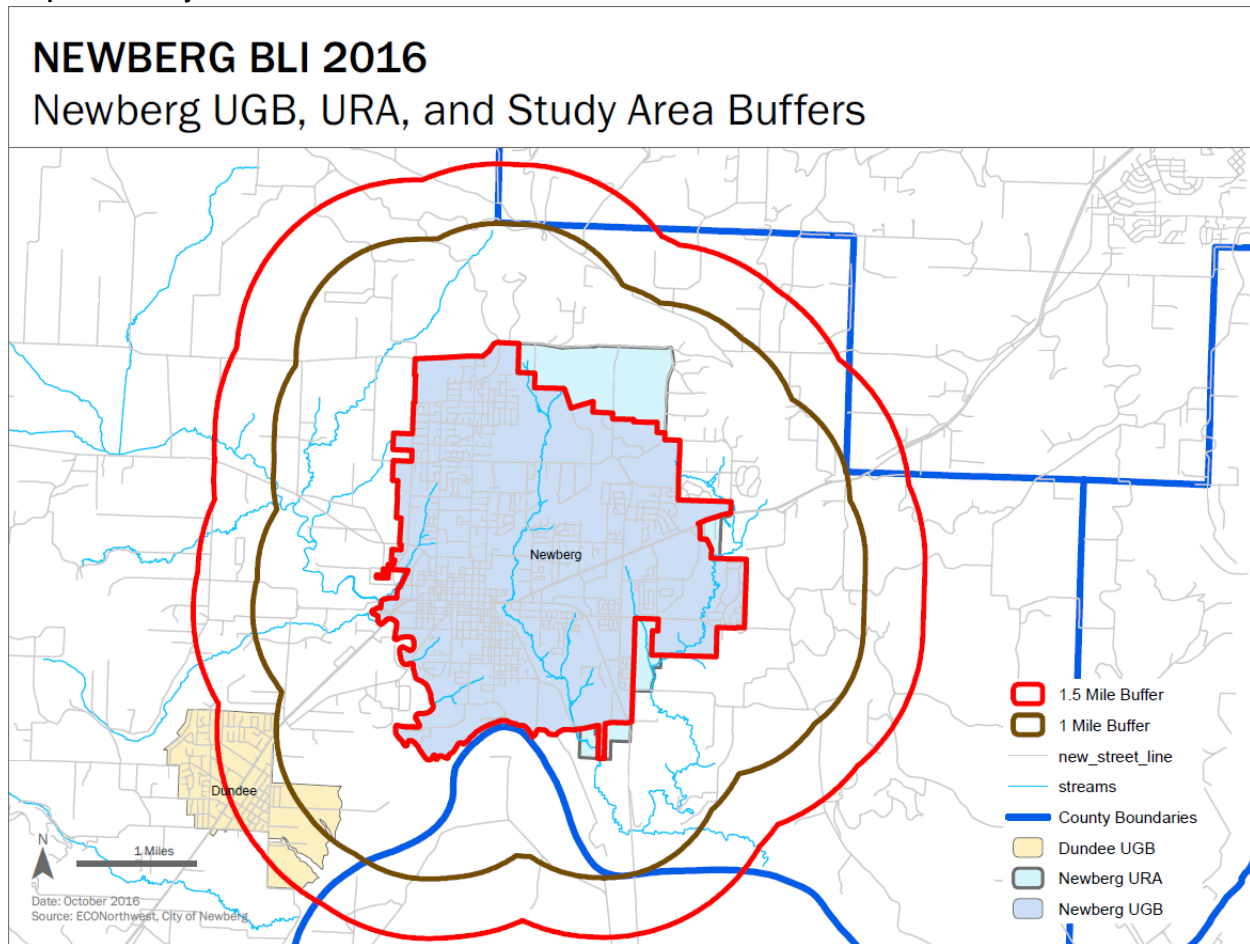
Based on OAR 660-038-0160(1), Newberg must include the following areas within the UGB study area:



- Established urban reserve areas (URAs). Newberg has 551 total acres in acknowledged URAs
- All lands within one mile of the UGB (and not in a UGB).
- Exceptions areas within 1.5 miles of the UGB that are contiguous to land within the one-mile buffer.

Map A-1 shows the study area boundaries based on these requirements.

**Map A-1. Study Area Buffers**



*(2) The city may exclude land from the preliminary study area if it determines that any of the conditions in this section apply to the land:*

*(a) Based on the standards in section (5) of this rule, it is impracticable to provide necessary public facilities or services to the land;*

*(b) The land is subject to significant development hazards, due to a risk of:*

*(A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology*

*and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;*

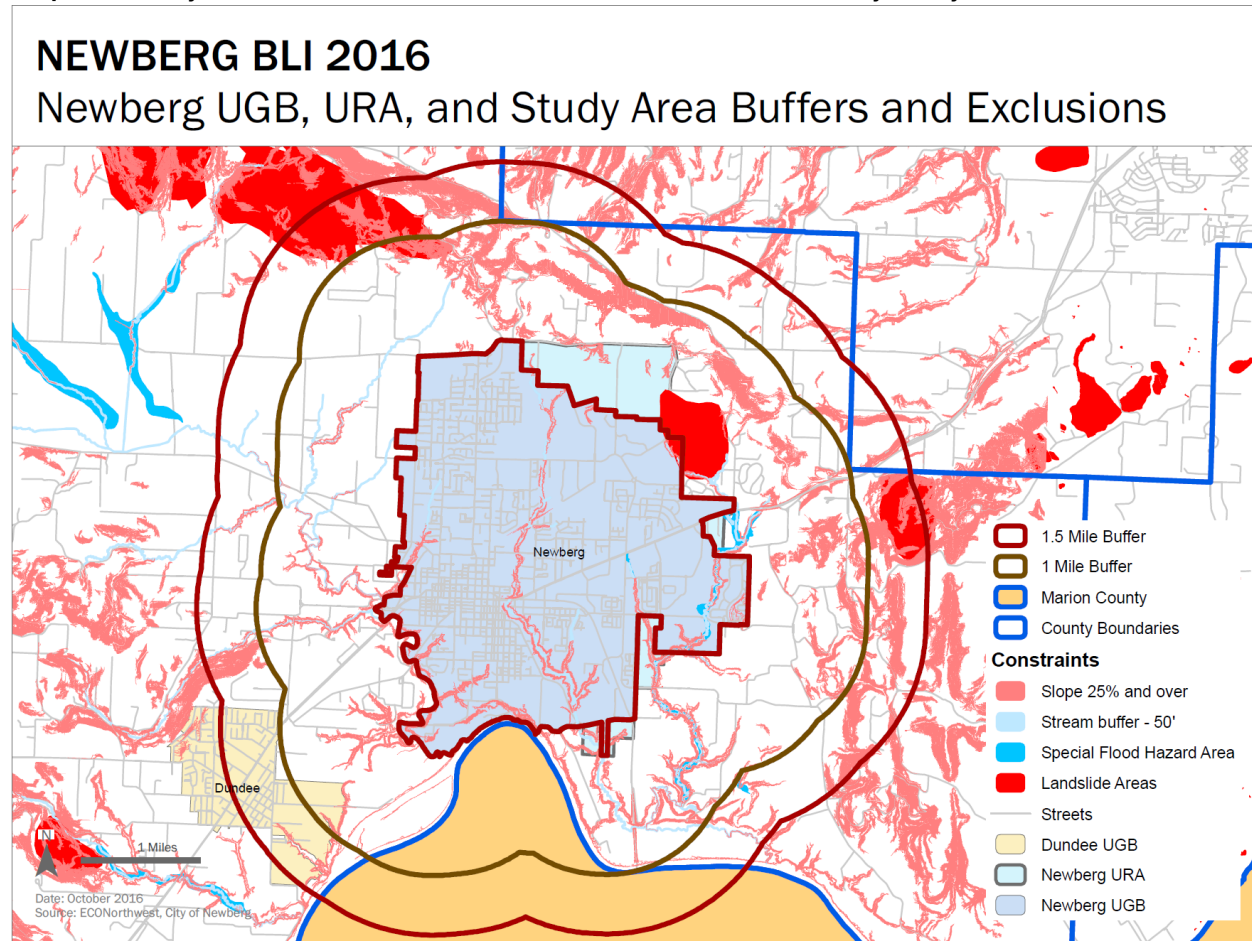
*(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);*

This section has several other provisions that are either not applicable to Newberg or which the City has chosen not to apply. Based on these provisions, the City removed the following areas from further consideration:

- **Areas in Marion County.** The Willamette River is the boundary between Yamhill and Marion County. A portion of the Newberg UGB is adjacent to the river. Moreover, areas within the one- and 1.5-mile buffers fall within Marion County. The City finds that it is impracticable to provide necessary public services to these areas as described in OAR 660-038-0160(7)(b).
- **Landslide areas.** Several areas within the one- and 1.5-mile buffer are identified in DOGAMI's SLIDO 3.2 database. These were removed from further consideration pursuant to OAR 660-038-0160(2)(b)(A).
- **Flood areas.** Several areas within the one- and 1.5-mile buffer are identified in the Special Flood Hazard Area by FEMA. These were removed from further consideration pursuant to OAR 660-038-0160(2)(b)(B).
- **Dundee UGB.** Areas within the Dundee UGB are removed from further consideration.

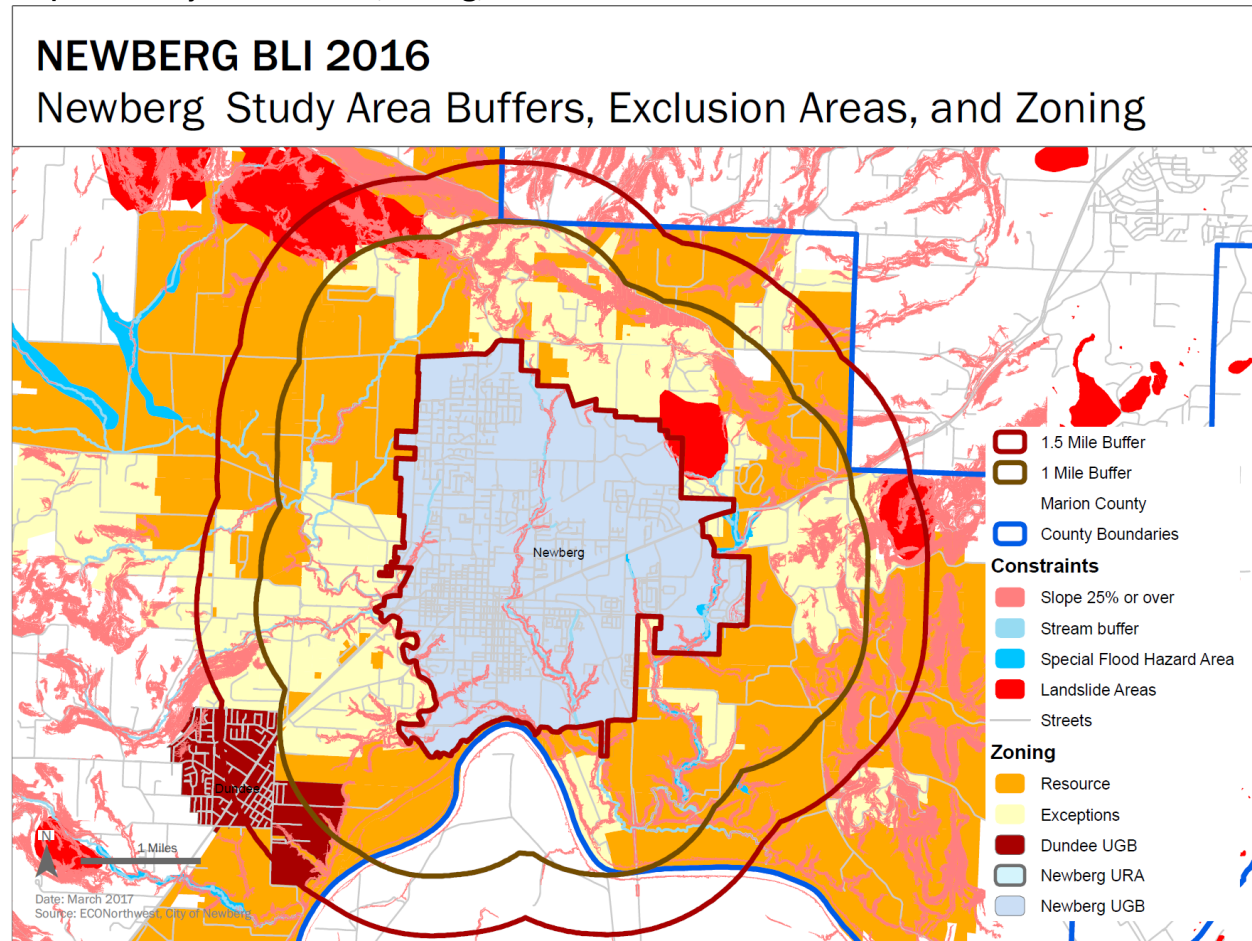
Map A-2 shows areas excluded from the preliminary study area.

Map A-2. Study Area Buffers and Areas Excluded from the Preliminary Study Area



The final step in defining the study area is to identify exception areas in the area between the one and 1.5-mile buffer that are contiguous to exception areas within the one-mile buffer. Map A-3 shows tax lots included in the preliminary study area. Note that the full area of lots that intersect the one- and 1.5-mile buffers were included. The City does not anticipate splitting tax lots based on the buffers.

Map A-3. Study Area Tax Lots, Zoning, and Exclusions



We note that additional lands could be excluded from the inventory based on the provisions of subsections 3-5. Because it is not clear what the City's land need is at this point, it is not particularly efficient to review 10,000 acres for all of these deductions. A more prudent approach would be to narrow down lands outside the UGB into study areas and conduct more detailed analysis of those areas.

*(3) After excluding land from the preliminary study area under section (2), the city must adjust the study area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed to satisfy the combined need deficiency determined under OAR 660-038-0080 and 660-038-0150. Such adjustment shall be made by expanding the applicable distance specified under section (1) and applying section (2) to the expanded area.*

*(4) For purposes of evaluating the priority of land under OAR 660-038-0170, the "study area" shall consist of all land that remains in the preliminary study area described in section (1) of this rule after adjustments to the area based on sections (2) and (3).*

*(5) For purposes of subsection (2)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:*

*(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater; provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;*

*(b) Lands requiring the construction of a new freeway interchange, overpass, underpass, or similar improvement to accommodate planned urban development providing such improvement is not currently identified in the Statewide Transportation Improvement Program (STIP) for construction within the planning period;*

*(c) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city's determination shall be based on an evaluation of:*

*(A) The likely amount of development that could occur on the land within the planning period;*

*(B) The likely cost of facilities and services; and,*

*(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.*

*(d) As used in this section, "impediments to service provision" may include but are not limited to:*

*(A) Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;*

*(B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;*

*(C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;*

*(D) Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject protection measures under the plan or implementing regulations, or on a published state or federal inventory, that would prohibit or substantially impede the placement or construction of necessary public facilities and services.*

*(6) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-038-0170(1)(d).*



# Appendix B: Division 38 Guidelines for Buildable Land Inventories

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The Division 38 Simplified Urban Growth Boundary Methods rule (OAR 660-038) was adopted by the Land Conservation and Development Commission in January 2016 after a year-long rulemaking process. We include the sections that directly pertain to buildable land inventories here for reference. A complete copy of the rule is available on the Oregon Secretary of State website: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_660/660\\_038.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_660/660_038.html).

## 660-038-0010 - Definitions

The definitions in ORS 197.015, the statewide planning goals, and the following definitions apply to this division:

(1) “Buildable lands” means land in urban or urbanizable areas that are suitable for urban uses, as provided in ORS 197A.300(1). Note: This definition applies to this division only; a different definition of “buildable lands” is provided in laws and rules concerning needed housing (ORS 197.295; OAR 660-007-0005 and 660-008-0005 and OAR 660-024-0010).

(2) “Commercial” and “commercial use” mean office, retail, institutional and public employment land uses described by the North American Industry Classification System (NAICS) Categories 44, 45, 51, 52, 53, 54, 55, 56, 61, 62, 71, 72, 81, 92, and 99. These are land uses that generally do not require significant space for indoor or outdoor production or logistics.

(3) “Industrial” and “industrial use” mean employment activities including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment, and research and development, that generate income from the production, handling or distribution of goods or services, including goods or services in the traded sector, as defined in ORS 285A.010. “Industrial use” means NAICS Categories 11, 21, 22, 23, 31, 32, 33, 42, 48, and 49. These are land uses that generally require significant space for indoor or outdoor production or logistics.

(4) “Initiate” means that the local government issues a public notice specified in OAR 660-018-0020, including a notice to the Department of Land Conservation and Development, for a proposed plan amendment that concerns evaluating or amending a UGB.

(5) “Nonresource land” has the meaning specified in OAR 660-004-0005(3).

(6) “Range” means a range of numbers specified in rules in this division (see ORS 197A.325(2)(a)). A city may choose to use the number at either end of a stated range or any number between. Ranges allow a city to make choices regarding its future growth.

(7) "Serviceable" means, with respect to land supply in a UGB, and as described in OAR 660-038-0200, that:

(a) Adequate sewer, water and transportation capacity for planned urban development is available or can be either provided or made subject to committed financing; or

(b) Committed financing can be in place to provide adequate sewer, water and transportation capacity for planned urban development.

(8) "UGB" means "urban growth boundary."

(9) "Urbanizable land" means land inside a UGB that, due to the present unavailability of urban facilities and services, or for other reasons, either retains the zone designations assigned prior to inclusion in the UGB or is subject to interim zone designations intended to maintain the land's potential for planned urban development until appropriate public facilities and services are available or planned.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

#### **660-038-0060 - Buildable Lands Inventory (BLI) for Residential Land within the UGB**

A city must determine the supply and development capacity of lands within its UGB by conducting a buildable lands inventory (BLI) as provided in this rule.

(1) For purposes of the BLI, the city shall classify the existing residential comprehensive plan and zoning designations within its UGB based on allowed density. The classification shall be based on either:

(a) The allowed density and housing types on the comprehensive plan map; or

(b) If the comprehensive plan map does not differentiate residential districts by density or type of housing, the applicable city or county zoning map, as follows:

(A) For cities with a UGB population less than 2,500, districts shall be classified as follows:

(i) Districts with a maximum density less than or equal to eight dwelling units per acre: low density residential. A city may classify a district as low density residential despite a maximum density of greater than eight dwelling units per acre if the majority of existing residences within the district are single-family detached and if the city has a medium density residential district as determined by subparagraph (ii);

(ii) Districts with a maximum density greater than eight dwelling units per acre: medium density residential.

(B) For cities with UGB populations greater than or equal to 2,500, districts shall be classified as follows:

(i) Districts with a **maximum density less than or equal to eight dwelling units per acre: low density residential**. A city may classify a district as low density residential despite a maximum density of greater than eight dwelling units per acre if the majority of existing residences within the district are single-family detached and the city has a medium density residential district as determined by subparagraph (ii);

(ii) Districts with a **maximum density greater than eight dwelling units per acre and less than or equal to 16 dwelling units per acre: medium density residential**, unless the district has been classified as low density residential pursuant to subparagraph (i). A city may classify a district as medium density residential despite a maximum density of greater than 16 dwelling units per acre if the majority of development within the district is developed at densities of between eight and 16 dwelling units per net acre and the city has a high density residential district as determined by subparagraph (iii);

(iii) Districts with a **maximum density greater than 16 dwelling units per acre: high density residential**, unless the district has been classified as medium density residential pursuant to subparagraph (ii);

(iv) A city may not classify as low density a district that allows higher residential densities than a district the city has classified as medium density. A city may not classify as medium density a district that allows higher residential densities than a district the city has classified as high density.

(2) The city must identify all vacant lots and parcels with a residential comprehensive plan designation. A city shall assume that a lot or parcel is **vacant if it is at least 3,000 square feet with a real market improvement value of less than \$10,000**.

(3) The city must identify all partially vacant lots and parcels with a residential comprehensive plan designation, as follows:

(a) For lots and **parcels at least one-half acre in size that contain a single-family residence, the city must subtract one-quarter acre for the residence**, and count the remainder of the lot or parcel as vacant land, and

(b) For lots and parcels at least **one-half acre in size that contain more than one single-family residence, multiple-family residences, non-residential uses, or ancillary uses such as parking areas and recreational facilities, the city must identify vacant areas using an orthophoto or other map of comparable geometric accuracy**. For the purposes of this identification, **all publicly owned park land shall be considered developed**. If the vacant area is at least one-quarter acre, the city shall consider that portion of the lot or parcel to be vacant land.

(4) The city must determine the amount and mapped location of low density, medium density, and high density vacant and partially vacant land in residential plan or zone districts within the city's UGB.

(5) The city must, within the city limits,

(a) Identify all lots and parcels within a residential district that are developed;

(b) Identify all portions of partially vacant lots and parcels within a residential district that are developed with residential uses;



- (c) Calculate the total area of land identified in (a) and (b);
- (d) Calculate the total number of existing dwelling units located on the land identified in (a) and (b); and
- (e) Calculate the net density of residential development on the land identified in (a) and (b).

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

### **660-038-0070 - Adjust Residential Lands Inventory to Account for Constrained Lands**

A city must adjust the inventory of residential lands prepared under OAR 660-038-0060 to account for constrained lands using this rule.

(1) The city must identify the following physical constraints on land inventoried as vacant or partially vacant under OAR 660-038-0060:

(a) Floodways and water bodies. For the purpose of this subsection, “water bodies” includes;

(A) Rivers; and

(B) Lakes, ponds, sloughs, and coastal waters at least one-half acre in size.

(b) Other lands within the Special Flood Hazard Area as identified on the applicable Flood Insurance Rate Map;

(c) Lands within the tsunami inundation zone established pursuant to ORS 455.446;

(d) Contiguous lands of at least one acre with slopes greater than 25 percent. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum 10-foot contour intervals;

(e) Lands subject to development restrictions as a result of acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 5, 6, or 7, and

(f) Lands subject to development prohibitions, natural resource protections, or both in acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 15, 16, 17, or 18.

(2) For lands identified in section (1), the city may reduce the estimated residential development capacity by the following factors in terms of acreage:

(a) For lands within floodways and water bodies: a 100 percent reduction.

(b) For other lands within Special Flood Hazard Area as identified on the applicable Flood Insurance Rate Map: a 100 percent reduction.

(c) For lands within the tsunami inundation zone: no reduction unless the acknowledged comprehensive plan or land use regulations applicable to such areas prohibits or reduces residential development, in which case the reduction shall be based upon the maximum density allowed by the acknowledged comprehensive plan or land use regulation.

(d) For lands with slopes that are greater than 25 percent: a 100 percent reduction. However, if the lot or parcel includes land with slopes less than 25 percent, the reduction applies only to the land with slopes greater than 25 percent. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

(e) For lands subject to development restrictions in an acknowledged comprehensive plan or land use regulations developed pursuant to Statewide Planning Goals 5, 6, or 7: a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.

(f) For lands subject to development prohibitions, natural resource protections, or both, in an acknowledged comprehensive plan or land use regulations that implements Statewide Planning Goals 15, 16, 17 or 18: a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.

(3) The residential BLI amount for each type of needed housing for a city is the amount of buildable land for that needed housing type determined in OAR 660-038-0060 reduced by the constraints as determined in this rule.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

### **660-038-0120 - Inventory of Buildable Employment Land within the UGB**

A city must determine the supply and development capacity of employment lands within its UGB at the time of initiation by conducting a buildable lands inventory (BLI) for employment land as provided in this rule and OAR 660-038-00130.

(1) For purposes of the employment BLI, the city shall classify the existing employment zoning districts and plan map districts within its UGB as either “commercial” or “industrial” based on the applicable definitions in OAR 660-038-0010. Districts that allow both commercial and industrial uses as per the definition must be classified as one or the other, based on the intent of the plan and with consideration of whether the predominant NAICS categories allowed by the district are characteristic of a commercial or industrial use.

(2) The city must identify all lots and parcels in the UGB with either a commercial or industrial designation on the comprehensive plan map or zoning district, determine which lots or parcels are vacant, partially vacant, or developed and calculate the total area of such land, as follows:

(a) A city may assume that a lot or parcel is **vacant if the real market improvement value is less than \$5,000 or if the real market improvement value is less than or equal to 5 percent of the real market land value.**

(b) A city may assume that a lot or parcel is partially vacant if either:

(A) The real market improvement value of the lot or parcel is greater than **five percent and less than 40 percent of the real market land value, in which case, the city must assume that 50 percent of the lot or parcel is developed and 50 percent is vacant, or**

(B) Based on an orthomap, the lot or parcel is greater than **one acre in size and at least one-half acre is not improved.**

(c) A city may assume that a lot or parcel is **developed if the real market improvement value is greater than or equal to 40 percent of the real market land value.**

(3) The city must use the results of section (2) to determine the current density of employment land within the UGB under OAR 660-038-0140(4) and (5).

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

#### **660-038-0130**

##### **Adjust Employment Buildable Land Inventory to Account for Constrained Lands**

A city must adjust the employment buildable lands inventory determined under OAR 660-038-0120 to account for constrained lands using this rule.

(1) The city must identify the following physical constraints on employment land inventoried under OAR 660-038-0120:

(a) Floodways and water bodies. For the purpose of this subsection, “water bodies” includes:

(A) Rivers; and

(B) Lakes, ponds, sloughs, and coastal waters at least one-half acre in size;

(b) Other lands within the Special Flood Hazard Area as identified on the applicable Flood Insurance Rate Map;

(c) Lands within the tsunami inundation zone established pursuant to ORS 455.446;

(d) Contiguous lands planned and zoned for **commercial use of at least one acre with slopes that are greater than 25 percent**. For purposes of this rule, slope shall be measured as the increase in elevation divided by the horizontal distance at maximum 10-foot contour intervals;

(e) Contiguous lands planned and zoned for **industrial use of at least one acre with slopes that are greater than 10 percent**. For purposes of this rule, slope shall be measured as the increase in elevation divided by the horizontal distance at maximum 10-foot contour intervals;

(f) Lands subject to development restrictions as a result of acknowledged comprehensive plan or land use regulations to implement Statewide Planning Goals 5, 6, or 7, and

(f) Lands subject to development prohibitions, natural resource protections, or both, in an acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goals 15, 16, 17, or 18.

(2) For lands identified in section (1), the city may reduce the estimated development capacity by the following factors in terms of acreage:

(a) For lands within floodways and water bodies: a 100 percent reduction.

(b) For other lands within the Special Flood Hazard Area (SFHA) as identified on the applicable Flood Insurance Rate Map (FIRM), either (at the city's option):

(A) A 50 percent reduction, or

(B) A reduction to the levels required by the acknowledged comprehensive plan or land use regulations.

(c) For lands within the tsunami inundation zone: no reduction unless the acknowledged comprehensive plan or land use regulations applicable to such areas prohibits or reduces allowed development, in which case the reduction shall be based upon the maximum density allowed by the acknowledged comprehensive plan or land use regulations.

(d) For lands designated for commercial use, contiguous lands of at least one acre with slope greater than 25 percent: a 100 percent reduction, provided that if such land includes slopes less than 25 percent, the reduction applies only to those areas with slopes greater than 25 percent. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

(e) For lands designated for industrial use, contiguous lands of at least one acre with slope greater than 10 percent: a 100 percent reduction, provided that a lot or parcel with slopes greater than 10 percent that has at least five contiguous acres with slopes less than 10 percent, this authorized reduction does not apply to those areas.

(f) For lands subject to restrictions in density or location of development in an acknowledged comprehensive plan or land use regulations developed pursuant to Statewide Planning Goals 5, 6, or 7: a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.

(g) For lands subject to development prohibitions, natural resource protections, or both, in an acknowledged comprehensive plan or land use regulations that implements Statewide Planning Goals 15, 16, 17, or 18: a reduction to the maximum level of development authorized by the acknowledged comprehensive plan or land use regulations.

(3) The amount of buildable land in the UGB designated for commercial and industrial uses is that amount determined in OAR 660-038-0120 reduced by the constraints determined under section (2) of this rule.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

### **660-038-0160 - Establishment of Study Area to Evaluate Land for Inclusion in the UGB**

Cities shall comply with this rule and OAR 660-038-0170 when determining which lands to include within the UGB in response to a deficit of land to meet long-term needs determined under OAR 660-038-0080, 660-038-0150, or both.

(1) The city shall determine which land to add to the UGB by evaluating alternative locations within a “study area” established pursuant to this rule. To establish the study area, the city must first identify a “**preliminary study area**” which **shall not include land within a different UGB** or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city’s acknowledged urban reserve, if any;

(b) All lands that are within the following distance from the acknowledged UGB, except as provided in subsection (d):

(A) For cities with a UGB population less than 10,000: one-half mile;

(B) For cities with a UGB population equal to or greater than 10,000: one mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

(2) The city may exclude land from the preliminary study area if it determines that any of the conditions in this section apply to the land:

(a) Based on the standards in section (5) of this rule, it is impracticable to provide necessary public facilities or services to the land;

(b) The land is subject to significant development hazards, due to a risk of:

(A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist

demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446.

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:

(i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;

(ii) Core habitat for Greater Sage Grouse; or

(iii) Migration corridors or big game winter range, except where located on lands designated as urban reserves or exception areas;

(B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for that scenic program;

(C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;

(D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;

(E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;

(F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

(G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2.

(d) The land is owned by the federal government and managed primarily for rural uses.

(3) After excluding land from the preliminary study area under section (2), the city must adjust the study area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed to satisfy the combined need deficiency determined under OAR 660-038-0080 and 660-038-0150. Such adjustment shall be made by expanding the applicable distance specified under section (1) and applying section (2) to the expanded area.

(4) For purposes of evaluating the priority of land under OAR 660-038-0170, the “study area” shall consist of all land that remains in the preliminary study area described in section (1) of this rule after adjustments to the area based on sections (2) and (3).

(5) For purposes of subsection (2)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:

(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater; provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

**(b) Lands requiring the construction of a new freeway interchange, overpass, underpass, or similar improvement to accommodate planned urban development providing such improvement is not currently identified in the Statewide Transportation Improvement Program (STIP) for construction within the planning period;**

(c) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city’s determination shall be based on an evaluation of:

(A) The likely amount of development that could occur on the land within the planning period;

(B) The likely cost of facilities and services; and,

(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.

(d) As used in this section, “impediments to service provision” may include but are not limited to:

(A) Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;

(B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;

**(C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;**

(D) Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject protection measures under the plan or implementing regulations, or on a published state or federal inventory, that would prohibit or substantially impede the placement or construction of necessary public facilities and services.

(6) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-038-0170(1)(d).

(7) A city that has a population of 10,000 or more that evaluates or amends its UGB using a method described in this division, must notify districts and counties that have territory within the study area in the manner required by ORS 197A.315 and meet other applicable requirements in that statute.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

#### **660-038-0170 - Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities**

(1) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-038-0160, as follows:

(a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to **determine which land in that priority category is suitable to satisfy the need deficiency** determined under OAR 660-038-0080 and 660-038-0150 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

(b) **If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency**, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need. The city must proceed in this manner until all the land need is satisfied.

(c) If the **amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency**, the city must choose which land in that priority to include in the UGB by applying the criteria in section (7) of this rule.

(d) In evaluating the sufficiency of land to satisfy a need under this section, the city may consider factors that reduce the capacity of the land to meet the need, including factors identified in sections (5) and (6) of this rule.

(e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need deficiency determined under OAR 660-038-0080 or 660-038-0150 is not required to be selected for inclusion in the UGB unless its inclusion is necessary to serve other higher priority lands.

(2) Priority of Land for inclusion in a UGB:

(a) **First priority is urban reserve, exception land, and nonresource land.** Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:

(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;

(B) Land that is subject to an acknowledged exception under ORS 197.732; and

(C) Land that is nonresource land.



(b) **Second priority is marginal land:** land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

(c) **Third priority is forest or farm land that is not predominantly high-value farmland:** land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensive plan that is not predominantly high-value farmland, as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In selecting as much of the suitable land as necessary to satisfy the need, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.

(d) **Fourth priority is farmland that is predominantly high-value farmland:** land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting as much of the suitable land as necessary to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

(3) Notwithstanding subsections (2)(c) or (d) of this rule, land that would otherwise be excluded from a UGB may be included if:

(a) The land contains a small amount of third or fourth priority land that is not important to the commercial agricultural enterprise in the area and the land must be included in the UGB to connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB; or

(b) The land contains a small amount of third or fourth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.

(4) For purposes of categorizing and evaluating land pursuant to subsections (2)(c) and (d) and section (3) of this rule:

(a) **Areas of land not larger than 100 acres may be grouped together and studied as a single unit of land;**

(b) Areas of land larger than 100 acres that are similarly situated and have similar soils may be grouped together provided soils of lower agricultural or forest capability may not be grouped with soils of higher capability in a manner inconsistent with the intent of section (2) of this rule, which requires that higher capability resource lands shall be the last priority for inclusion in a UGB;

(c) When determining whether the land is predominantly high-value farmland, or predominantly prime or unique, “predominantly” means more than 50 percent.

(5) With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is “suitable” to satisfy a need deficiency identified in OAR 660-038-0080 or 660-038-

0150, whichever is applicable, unless it demonstrates that the land cannot satisfy the need based on one or more of the conditions described in subsections (a) through (f) of this section:

(a) Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified **employment** need, as follows:

(A) Parcelization: the land consists primarily of **parcels 2-acres** or less in size, or

(B) Existing development patterns: the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure.

(b) The land would qualify for exclusion from the preliminary study area under the factors in OAR 660-038-0160(2) but the city declined to exclude it pending more detailed analysis.

(c) The land is, or will be upon inclusion in the UGB, **subject to natural resources protection under Statewide Planning Goals 5** such that that no development capacity should be forecast on that land to meet the land need deficiency.

(d) With respect to **needed industrial uses only, the land is over 10 percent slope**, as measured in the manner described in OAR 660-038-0160(5); is an **existing lot or parcel that is smaller than 5 acres** in size; or both.

(e) The land is subject to a **conservation easement described in ORS 271.715** that prohibits urban development.

(f) The land is **committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:**

**(A) Public park, church, school, or cemetery, or**

(B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan or land use regulations.

(6) For vacant or partially vacant lands added to the UGB to provide for **residential** uses:

(a) **Existing lots or parcels one acre or less may be assumed to have a development capacity of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less than two acres shall be assumed to have an aggregate development capacity of two dwelling units per acre.**

(b) In any subsequent review of a UGB pursuant to this division, the city may use a development assumption for land described in subsection (a) of this section for a period of up to 14 years from the date the lands were added to the UGB.

(7) Pursuant to subsection (1)(c), if the amount of suitable land in a particular priority category under section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by first applying the boundary location factors of Goal 14 and then applying applicable criteria in the comprehensive plan and land use regulations acknowledged prior

to initiation of the UGB evaluation or amendment. The city may not apply local comprehensive plan criteria that contradict the requirements of the boundary location factors of Goal 14. The boundary location factors are not independent criteria; when the factors are applied to compare alternative boundary locations and to determine the UGB location the city must demonstrate that it considered and balanced all the factors. The criteria in this section may not be used to select lands designated for agriculture or forest use that have higher land capability or cubic foot site class, as applicable, ahead of lands that have lower capability or cubic foot site class.

(8) The city must apply the boundary location factors in coordination with service providers and state agencies, including the Oregon Department of Transportation (ODOT) with respect to Factor 2 regarding impacts on the state transportation system, and the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) with respect to Factor 3 regarding environmental consequences. "Coordination" includes timely notice to agencies and service providers and consideration of any recommended evaluation methodologies.

(9) In applying Goal 14 Boundary Location Factor 2, to evaluate alternative locations under section (7), the city must compare relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. For purposes of this section, the term "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities. The evaluation and comparison under Boundary Location Factor 2 must consider:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

(10) The adopted findings for UGB amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235

Stats. Implemented: ORS 197A.300, 197A.302, 197A.305, 197A.310, 197A.312, 197A.315, 197A.320 & 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16



DATE: March 27, 2017  
TO: Doug Rux  
FROM: Bob Parker  
SUBJECT: Comparison of Division 38 and Traditional BLI Methods

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The City of Newberg is preparing to evaluate the sufficiency of lands within its Urban Growth Boundary (UGB). That process has two steps: (1) documentation of land needed for housing, employment and public facilities; and (2) documentation of land supply. Newberg intends to pursue the boundary amendment in the second half of 2017 with the potential of using the Division 38 (OAR 660-038) simplified urban growth boundary method. As an initial step in the process, the City contracted ECONorthwest to prepare a buildable lands inventory (BLI) that complies with applicable state statutes and administrative rules.

The requirements for establishment of a UGB are defined in Statewide Planning Goal 14. The Goal 14 administrative rule (OAR 660-024) provides specific guidance with respect to the adoption and amendment of UGBs. In 2015, however, the Land Conservation and Development Commission (LCDC) developed a new administrative rule that created a simplified pathway for boundary reviews, which is codified as OAR 660-038 (Simplified Urban Growth Boundary Method).

ECONorthwest prepared a BLI using the Division 38 method. The results of the analysis are presented in a report titled “Newberg Buildable Lands Inventory: Division 38 Simplified Method.” That report concluded that the rules governing the methods had a number of problems. As a supplement to that study, ECONorthwest developed a BLI using the standard rules to provide a point of comparison to the Division 38 results and to assist City staff in decision making related to the upcoming UGB review. This memorandum summarizes the results of the Standard BLI and compares them to the Division 38 results.

## 1 Results of Traditional BLI

To our knowledge, Newberg is the first city to implement a BLI using the Division 38 methods, and this is the first document to compare the results to a traditional BLI. While it was outside of our scope of work for this project, as we got deeper into the analysis, we were curious about what differences, if any, would emerge between the Division 38 methods and a traditional BLI.

ECO used methods consistent with the many other acknowledged BLIs we have completed for Oregon cities. We also used all the same data for the traditional BLI as for the Division 38 BLI. **The standard BLI presented in this memo does not rely on any previous work done by the**

City and uses the same data sets as the Division 38 BLI it is compared to<sup>1</sup>. The methods used for the standard BLI are described in Appendix A.

Table 1 shows a comparison of land by classification using the Division 38 methods and the standard methods. The results show significant differences. As one would expect, the total number of tax lots and acres is the same for both methods—they build from the same land base. Major differences emerge in the classifications. For reasons explained in the previous section the Division 38 method results in many more tax lots being classified as vacant or partially vacant. The overall result is a 386-acre difference in buildable lands.

**Table 1. All Land by Classification, Division 38 Method and Standard Method, Newberg UGB**

Classification	Tax Lots	Total Acres	Developed Acres	Constrained Acres	Buildable Acres
<b>Division 38 Method</b>					
Developed	6,275	1,362	1,323	40	0
Partially Vacant	389	1,047	300	139	608
Vacant	487	654	0	75	579
Public	215	688	617	71	0
<b>Total</b>	<b>7,366</b>	<b>3,751</b>	<b>2,240</b>	<b>324</b>	<b>1,187</b>
<b>Standard Method</b>					
Developed	6,569	1,860	1,768	92	0
Partially Vacant	169	515	85	72	358
Vacant	277	492	3	47	443
Public	351	884	770	113	0
<b>Total</b>	<b>7,366</b>	<b>3,751</b>	<b>2,626</b>	<b>324</b>	<b>801</b>
<b>Difference</b>					
Developed	-294	-498	-446	-52	0
Partially Vacant	220	532	216	66	250
Vacant	210	162	-3	28	136
Public	-136	-196	-153	-42	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>-386</b>	<b>0</b>	<b>386</b>

Table 2 shows a more detailed comparison by plan designation. Following is a comparison by broad land use categories:

- **Residential.** The Division 38 method identifies 952 buildable acres; the Standard Method identifies 625 acres. Differences exist across all categories, but the biggest difference (203 acres) is in the MDR category. Based on reviewing the data in detail, this is due to several reasons—developments that have no improved value and condo/homeowner association common areas are two key reasons.

<sup>1</sup> The City completed a residential BLI in 2009 and an employment BLI in 2013. Those studies were not referenced as part of this effort.

- **Commercial.** The two methods result in a 20-acre difference in vacant commercial land. The Division 38 method yields 146 acres, while the standard method yielded 126. One key difference here is the Division 38 requirement that all lots that have improvement to land value ratios of between 0.05 and 0.40 and are less than one acre be considered 50% vacant.
- **Industrial.** The Division 38 method identifies 89 vacant industrial acres; the Standard Method 50.

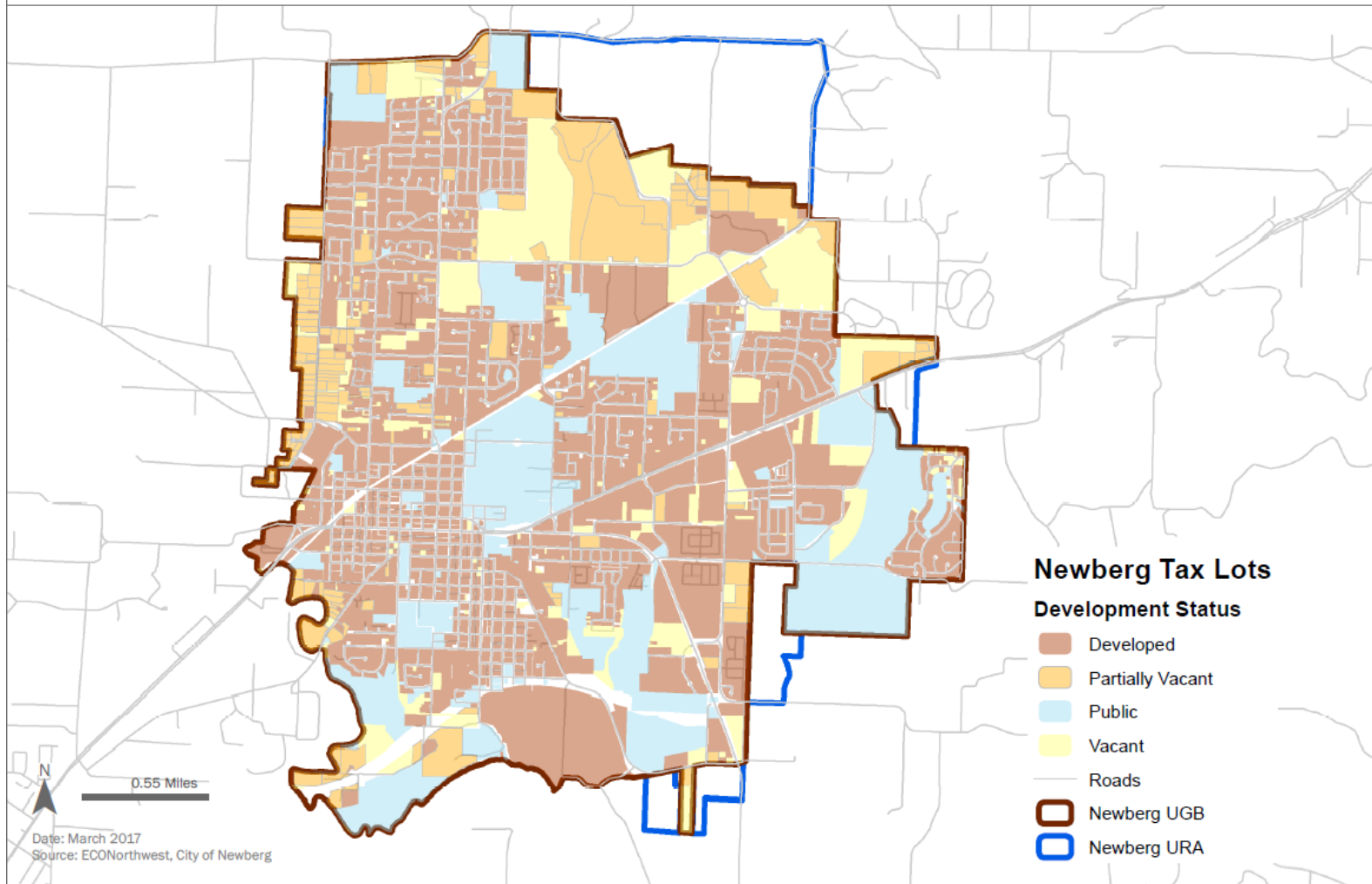
**Table 2. Vacant and Partially Vacant Land by Generalized Plan Designation, Comparison of Division 38 Method and Standard Method, Newberg UGB**

<b>Generalized Plan Designation</b>	<b>Tax Lots</b>	<b>Total Acres</b>	<b>Developed Acres</b>	<b>Constrained Acres</b>	<b>Buildable Acres</b>
<b>Division 38 Method</b>					
<b>Residential</b>					
LDR	349	728	80	82	565
MDR	264	423	42	70	311
HDR	52	94	9	8	76
Subtotal	665	1,244	132	160	952
<b>Employment</b>					
Commercial	155	164	13	5	146
Industrial	55	282	144	49	89
Subtotal	210	446	157	54	235
<b>Total</b>	<b>875</b>	<b>1,690</b>	<b>289</b>	<b>214</b>	<b>1,187</b>
<b>Standard Method</b>					
<b>Residential</b>					
LDR	280	644	66	72	506
MDR	77	149	7	34	108
HDR	11	15	3	1	12
Subtotal	368	809	76	107	625
<b>Employment</b>					
Commercial	48	140	6	8	126
Industrial	30	58	5	4	50
Subtotal	78	198	11	12	176
<b>Total</b>	<b>446</b>	<b>1,007</b>	<b>87</b>	<b>119</b>	<b>801</b>
<b>Difference</b>					
<b>Residential</b>					
LDR	69	83	14	10	59
MDR	187	273	35	35	203
HDR	41	78	7	7	64
Subtotal	297	435	55	53	327
<b>Employment</b>					
Commercial	0	0	0	0	0
Commercial	107	24	7	-3	20
Industrial	25	224	139	45	39
Subtotal	132	247	146	42	59
<b>Total</b>	<b>429</b>	<b>683</b>	<b>202</b>	<b>95</b>	<b>386</b>

Map 1. Land by Development Status, Traditional Method, Newberg UGB

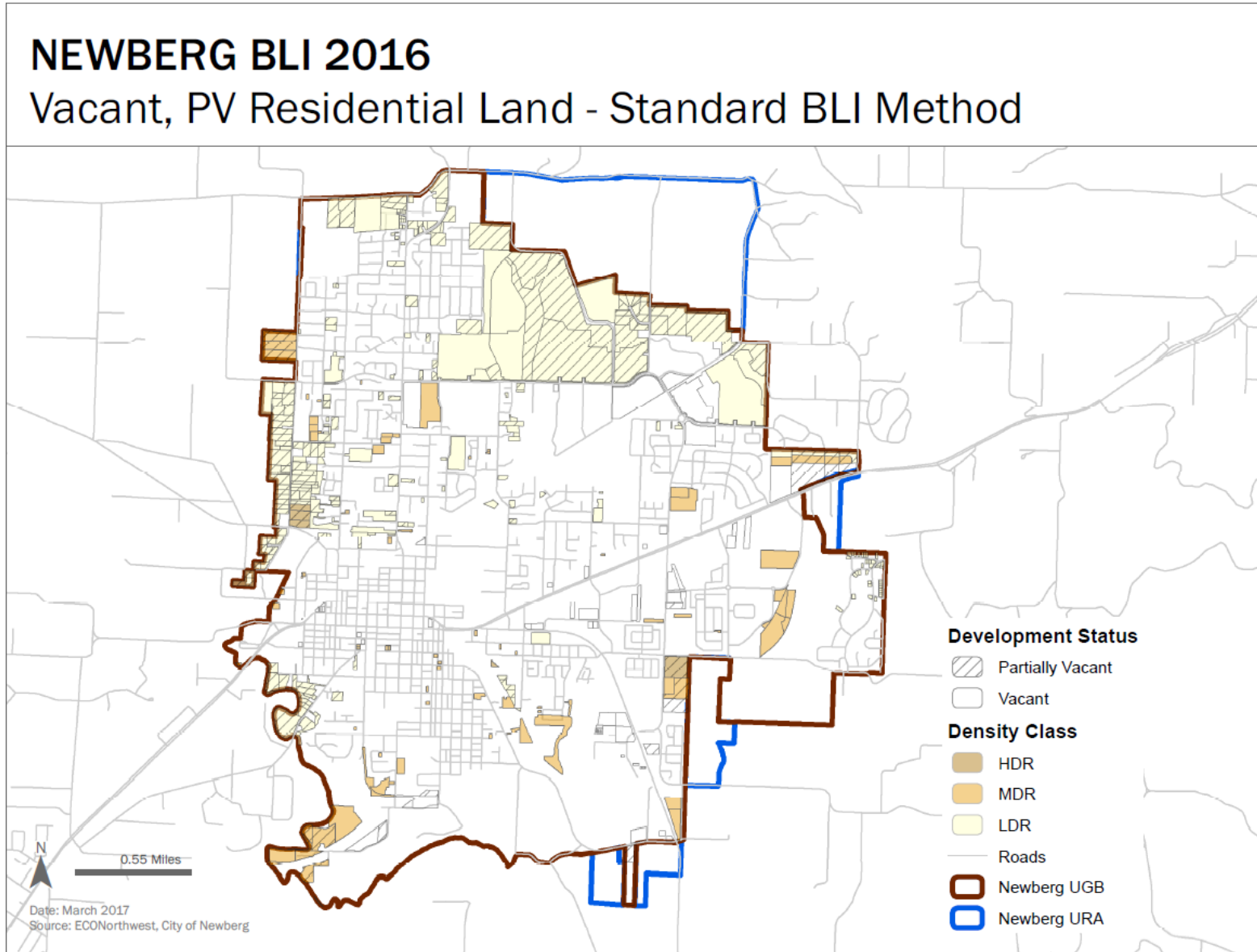
# NEWBERG BLI 2016

## Development Status - Standard BLI Method

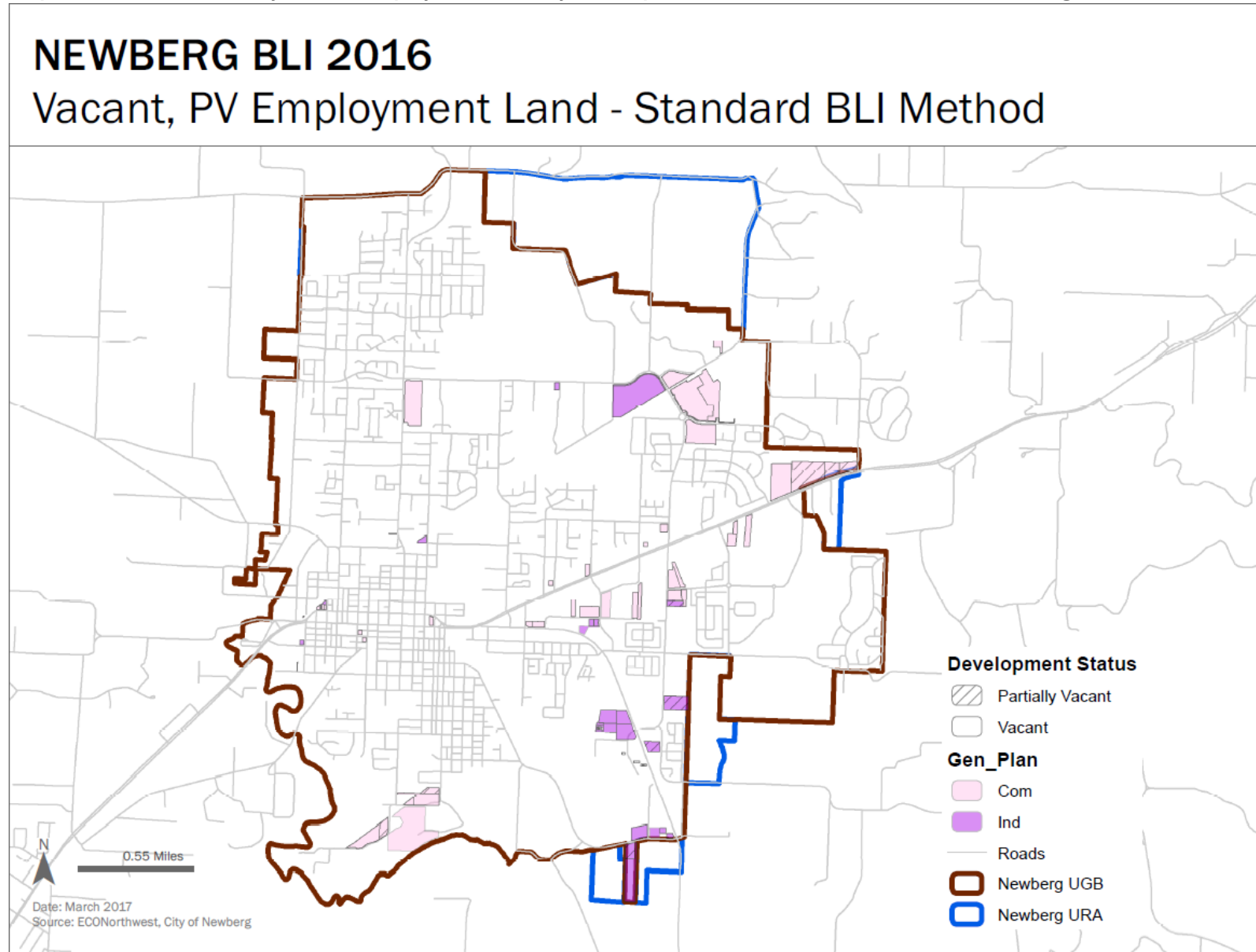




Map 2. Vacant and Partially Vacant Residential Land by Development Status, Traditional Method, Newberg UGB



Map 3. Vacant and Partially Vacant Employment Land by Development Status, Traditional Method, Newberg UGB



## Appendix A: Buildable Land Inventory Methods

The general structure of the standard method buildable land inventory (BLI) analysis is based on the DLCD HB 2709 workbook “*Planning for Residential Growth – A Workbook for Oregon’s Urban Areas*,” which specifically addresses residential lands. The steps and sub-steps in the supply inventory are:

1. Calculate the gross vacant acres by plan designation, including fully vacant and partially vacant parcels.
2. Calculate gross buildable vacant acres by plan designation by subtracting unbuildable acres from total acres.
3. Calculate net buildable acres by plan designation, subtracting land for future public facilities from gross buildable vacant acres.
4. Calculate total net buildable acres by plan designation by adding redevelopable acres to net buildable acres. (note: this study did not evaluate redevelopment potential)

The methods used for this study are consistent with many others completed by ECONorthwest that have been acknowledged by DLCD and LCDC. These include Harrisburg, Grants Pass, Lebanon, Sweet Home, and Newberg to name a few.

This Appendix describes the methods and definitions ECONorthwest used to complete the Newberg buildable lands inventory using traditional methods consistent with Goals 9, 10, and 14.

### 1.1 BLI Methods

The BLI only includes lands within the Newberg UGB—we did not address study areas outside the UGB in this process. The buildable lands inventory uses methods and definitions that are consistent with OAR 660-008, OAR 660-009 and OAR 660-024. The steps in the inventory were:

- **Generate employment “land base.”** This involved “clipping” all of the tax lots in the Newberg UGB with the comprehensive plan layer. The GIS function was followed by a quality assurance step to review the output and validate that the resulting dataset accurately represents all lands designated for employment use in the Newberg UGB.
- **Classify lands.** Each tax lot was classified into one of the following categories:
  - Vacant land
  - Partially vacant land
  - Developed land
  - Public land
- **Identify constraints.** The City identifies areas in steep slopes (over 25%), floodways, 100-year floodplains, areas with landslide hazard, and land identified

for future public facilities (including the Newberg-Dundee Bypass) as constrained or committed lands. These areas are deducted from lands that were identified as vacant or partially vacant. To estimate the constrained area within each tax lot, all constraints listed above were merged into a single constraint file which was overlaid on tax lots.

- **Tabulation and mapping.** The results are presented in tabular and map format with accompanying narrative. The maps include lands by classification, and maps of vacant and partially vacant lands with constraints.

ECO did not evaluate redevelopment potential for this analysis. Consistent with previous efforts, the City will need to assess redevelopment potential if it pursues a traditional UGB review process. Table A-1 shows data sources used for the BLI.

**Exhibit A-1. Data Sources for Newberg BLI**

Data	Source	Description
Tax lots – Yamhill	Yamhill County Assessor, provided by City of Newberg	Tax lot fabric for entire county. Fabric includes roads.
City Boundaries	City	Includes city limit, UGB and urban reserve areas
UGB	Oregon Spatial Explorer	2015 UGBs
Counties	Oregon Spatial Explorer	2015 County boundaries
Streets	City of Newberg	City / county roads
Streams	City of Newberg	Perennial streams
Zoning	Yamhill County; Metro RLIS (Washington); Marion County GIS	Zoning outside incorporated city boundaries
Landslide areas	DOGAMI SLIDO 3.2 database	DOGAMI mapped landslide areas
Special Flood Area	Oregon Spatial Explorer – statewide FEMA FIRM database	Areas of special flood hazard
Building Footprint	City of Newberg	Building footprints for land inside the Newberg UGB

## 1.2 Definitions

The first step in the buildable inventory was to develop working definitions and assumptions. ECO began the buildable lands analysis with a tax lot database provided by the City’s GIS staff. The tax lot database was current as of October 2016. The inventory builds from the tax lot-level database to estimates of buildable land by plan designation.

A key step in the buildable lands inventory was to classify each tax lot into a set of mutually exclusive categories. Consistent with applicable administrative rules, all tax lots in the UGB are classified into one of the following categories:

- *Vacant land.* Tax lots that have no structures or have buildings with very little value. For the purpose of this inventory, residential and employment lands with improvement values under \$10,000 are considered vacant. These lands were subject to aerial photo review; if photos showed the land was in a committed use such as a parking lot, an assessment was made to determine if it should be classified as partially vacant or developed.
- *Partially vacant land.* Partially vacant tax lots are those occupied by a use but which contain enough land to be further subdivided without need of rezoning. This determination was made through review of aerial photographs.
- *Developed land.* Land that is developed at densities consistent with zoning with improvements that make it unlikely to redevelop during the analysis period. Lands not classified as vacant, partially-vacant, or undevelopable are considered developed.
- *Public land.* Lands in public ownership are mostly considered unavailable for employment uses. This includes lands in Federal, State, County, City, or other public ownership. Public lands were identified using the Yamhill County Assessment property tax exemption codes and verified by reviewing ownership. This category only includes public lands that are in a public plan designation and those located in residential or employment plan designations.

ECO initially classified land using a rule-based methodology. ECO then generated maps that show the results of the application of those rules, with some adjustments made through a validation step based on review of aerial photos and building permit data.

### 1.3 Development constraints

Consistent with state guidance on buildable lands inventories, ECO deducted certain constraints from the buildable lands inventory including wetlands and steep slopes. We use categories that are more restrictive than the definition provided in OAR 660-009-0005(2):

(2) "Development Constraints" means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas.

Based on the Division 9 rule and data provided by the City of Newberg and discussions with City staff, ECO deducted the following constraints from the employment lands inventory.

- *Land constrained by natural hazards.* This includes:
  - *Land within floodways.* We deducted lands within floodways as identified on the FEMA FIRM maps.

- *Lands within floodplains.* We deducted lands in the Special Flood Hazard Area (the 100-year floodplain) from the buildable lands inventory.
- *Land with slopes over 25%.* Lands with slopes over 25% are considered unsuitable for development.
- *Lands with landslide potential.* This included lands identified in DOGAMI's SLIDO 3.0 database.
- *Land within natural resource protection areas.* This includes wetlands and stream corridors.

**Table 5: Measures to Accommodate Housing Needs**

<b>Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:</b>			
<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
1	Does not allow accessory dwelling units	Allows accessory dwelling units: No off-street parking requirement Any type of structure Owner may live in either dwelling Allowed in any zoning district that allows detached single-family No Systems Development Charges for Water, Sewer, or Transportation	High
2	No minimum density standards	Minimum density standard at least 70 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as defined in OAR 660-38-0070 and for minor partitions.	High
3	Single-family detached homes allowed in medium density zoning district (as defined by residential need path standards)	No more than 25 percent of residences in development application in medium density zoning district may be single-family detached homes, unless the detached home is on a lot less than or equal to 3,000 square feet. Minor partitions exempted.	High
4	Off-street parking requirements of one space per multi-family dwelling or greater	Change parking requirements to maximum of no more than one space per multi-family dwelling and no more than .75 spaces per multi-family dwelling within ¼ mile of high frequency transit service (defined as transit service with weekday peak hour service headway of 20 minutes or less). Allow provision of on-street parking spaces to meet off-street parking requirements. Allow reductions below one space per multi-family dwelling for developments that provide spaces for car-share vehicles or free transit passes to residents.	High



<b>Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:</b>			
<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
5	No density bonus for affordable housing	Establish density bonus for affordable housing of at least 20 percent with no additional development review standards vs. development applications that do not include a density bonus. The affordable housing units shall constitute at least 20 percent of the overall dwelling units in the development application granted the density bonus. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable housing is defined as housing that is reserved for households with a maximum household income of 80 percent of a city's mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city's mean household income.	High
6	Current land use/zoning designations	Rezone from low density to medium or high density: City UGB 10,000 to 25,000: at least 10 acres City UGB 25,000 to 50,000: at least 25 acres City UGB > 50,000: at least 50 acres	High
7	Does not allow duplexes in single-family residential zoning districts	Permit duplexes on any lot in single-family residential zoning districts with no additional development review standards vs. single-family detached residences.	High
8	Current public street standards	Reduction in public street right of way width standard by at least two feet.	High
9	Does not allow residences in some commercial zoning districts	Allow residences above the first floor and behind commercial uses on additional commercially-zoned lands, with no off-street parking requirement greater than one space per residence, with provisions for additional parking reductions for shared commercial and residential uses and in areas with approved parking management districts. UGB population 10,000 to 25,000: at least 20 acres UGB population 25,000 to 50,000: at least 50 acres UGB population > 50,000: at least 100 acres	High



**Table 5:** OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:

Item	Current Zoning Code Provision	Adopted change (note: none of these changes may require approval of a conditional use permit)	High or Low Impact
10	Systems Development Charges reductions or waivers	Adopt provisions that eliminate systems development charges for affordable housing units, or reduce systems development charges for such units by a minimum of 75 percent of the total systems development charges assessed to similar units that are not reserved for affordable housing. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable housing is defined as housing that is reserved for households with a maximum household income of 80 percent of a city's mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city's mean household income.	High
11	Does not authorize property tax exemptions for low income housing development pursuant to ORS 307.515 to 307.537	Authorizes property tax exemptions for low income housing development pursuant to ORS 307.515 to 307.537 under both the criteria set forth in ORS 307.517 and the criteria set forth in ORS 307.518, for all zoning districts within the city that permit multiple-family dwellings, with no additional development review standards vs. equivalent residential development that does not receive the exemption.	High
12	Does not authorize property tax exemptions for non-profit corporation low-income housing development pursuant to ORS 307.540 to 307.548.	Authorizes property tax exemptions for non-profit corporation low-income housing development pursuant to ORS 307.540 to 307.548, with no additional development review standards vs. equivalent residential development that does not receive the exemption.	High
13	Does not authorize property tax exemptions for multiple-unit housing pursuant to ORS 307.600 to 307.637	Authorizes property tax exemptions for multiple-unit housing pursuant to ORS 307.600 to 307.637, with no additional restrictions on location of such exemptions above those set in the statutes, and with required benefits pursuant to ORS 307.618 that are clear and objective and do not have the effect of discouraging the use of the property tax exemption by otherwise qualifying developments through the imposition of unreasonable cost or delay.	High
14	Allows accessory dwelling units, but missing one or more of desired attributes	Allows accessory dwelling units: No off-street parking requirement Any type of structure Owner may live in either dwelling Any zoning district that allows detached units No Systems Dev. Charges for Water or Sewer	Low

<b>Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:</b>			
<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
15	Does not allow accessory dwelling units	Allows accessory dwelling units, but with at least one of the attributes from measure #14 above not adopted.	Low
16	Off-street parking requirements greater than one space per multi-family dwelling	Change parking requirements to maximum of one space per multi-family dwelling.	Low
17	No minimum density standards	Minimum density standards at least 50 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as defined in OAR 660-38-0070 and for minor partitions.	Low
18	Minimum density standard less than 70percent of maximum density	Raise minimum density standards to at least 70 percent of maximum density for all residential zoning districts. Exemptions for constrained lands as defined in OAR 660-038-0070 and for minor partitions.	Low
19	Current land use/zoning designations	Rezone from low density to medium or high density: City UGB 10,000 to 25,000: 5 to 10 acres City UGB 25,000 to 50,000: 10 to 25 acres City UGB > 50,000: 20 to 50 acres.	Low
20	Density bonus for affordable housing less than 25 percent or with additional development review restrictions vs. standard housing	Increase density bonus for affordable housing to at least 25 percent with no additional development review standards vs. standard housing	Low
21	Current land use/zoning designations	Reduce minimum lot size for single-family residential zoning districts by at least one-quarter of the current minimum: City UGB 10,000-25,000: at least 25 acres City UGB 25,000-50,000: at least 50 acres City UGB >50,000: at least 100 acres	Low
22	Does not allow residences in some commercial zoning districts	Allow residences above the first floor and behind commercial uses on additional commercially-zoned lands, with no off-street parking requirement greater than one space per residence. UGB population 10,000 to 25,000: 10 to 20 acres UGB population 25,000 to 50,000: 20 to 50 acres UGB population > 50,000: at least 40 to 100 acres	Low
23	Does not have a cottage housing code provision	Adopt a cottage housing code provision authorizing at least 12 du/ac.	Low
24	Does not allow duplexes in single-family residential zoning districts	Permit duplexes on corner lots in single-family residential zoning districts with no additional development review restrictions vs. single-family	Low

<b>Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:</b>			
<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
		detached residence.	
25	Off-street parking requirements for detached single-family units, attached single-family units, duplexes, or triplexes greater than one space per unit.	Reduce parking requirements for detached single-family units, attached single-family units, duplexes, and triplexes to no greater than one space per unit.	Low
26	No systems development charge deferrals	Adopt provisions that defer payment of systems development charges for affordable housing units to the date of occupancy of the unit. The affordable housing units must be reserved as affordable housing for a minimum of 50 years. Affordable housing is defined as housing that is reserved for households with a maximum household income of 80 percent of a city's mean household income. The percentage threshold for the household affordable housing reservation may also be less than 80 percent of a city's mean household income.	Low
27	Does not authorize property tax exemptions for single-unit housing in distressed areas pursuant to ORS 307.651 to 307.687	Authorizes property tax exemptions for single-unit housing pursuant to ORS 307.651 to 307.687, with design standards pursuant to ORS 307.657(3) that are clear and objective and do not have the effect of discouraging the use of the property tax exemption by otherwise qualifying developments through the imposition of unreasonable cost or delay.	Low
28	Does not authorize freeze in property tax assessment valuation for rehabilitated residential property pursuant to ORS 308.450 to 308.481	Authorizes freeze in property tax assessment valuation for rehabilitated residential property pursuant to ORS 308.450 to 308.481. The boundaries of the area that qualifies for the assessment freeze shall be between 10 percent and 20 percent of the city's total land area. The city shall promulgate standards and guidelines for review of applications under the program pursuant to ORS 308.456(3) that are clear and objective and do not have the effect of discouraging use of the program by otherwise qualifying rehabilitations through the imposition of unreasonable cost and delay.	Low
29	Single-family homes allowed in high density zoning district (as defined by residential need path standards)	New single-family homes not allowed in high density zoning district	Low
30	Does not allow attached-single family residences in a single-	Permit attached single-family residences in a single-family residential district with a minimum lot size of	Low



<b>Table 5: OAR 660-038-0190(5) Table of measures to accommodate housing needs within the UGB:</b>			
<b>Item</b>	<b>Current Zoning Code Provision</b>	<b>Adopted change (note: none of these changes may require approval of a conditional use permit)</b>	<b>High or Low Impact</b>
	family residential district with a minimum lot size 5,000 square feet or less	5,000 square feet or less.	
31	No maximum lot size for single-family detached dwellings in zoning districts that permit attached and multi-family housing	Maximum lot size for single-family detached dwellings in zoning districts that permit attached and multi-family housing of 5,000 square feet. Minor partitions exempted.	Low

# Newberg 2030

## Technical Advisory Committee Meeting

May 15, 2017, 3:00 PM

Newberg City Hall

414 E First Street, Newberg, OR 97132

### Agenda

1. Review of Task 4 Draft Action Plan and Implementation Policies.
  
2. Next steps:
  - a. Submit Task 4 by May 31, 2017 to DLCD.

# Newberg 2030

## Technical Advisory Committee Meeting

May 15, 2017, 3:00 PM

Newberg City Hall

414 E First Street, Newberg, OR 97132

### Attendance:

Rob Hallyburton, Doug Rux, Sonya Johnson, Keith McKinnon, Cheryl Caines

### Agenda & Summary

1. Review of Task 4 Draft Action Plan and Implementation Policies.

Doug Rux reviewed the draft Action Plan highlighting the previous completion of Tasks 1, 2 and 3 providing a brief summary. The focus of the Action Plan is to address the following:

- a. Strategies to refresh, realign, and reinforce the City's economic development objectives and opportunities

The Technical Advisory Committee (TAC) reviewed City of Newberg economic development activities related to the Riverfront Master Plan, Yamhill County Economic Vitality Summits, Newberg Economic Development Strategy and Newberg Strategic Tourism Plan.

- b. Actions and policies necessary to achieve the identified residential density mix to satisfy the UGB Simplified rules.

The TAC discussed OAR 660-38-0190(3) Table 5 efficiency measures. It was noted that identified actions related to efficiency measures have been identified that align with ongoing discussions within the community such as Accessory Dwelling Units, affordable housing, minimum density requirements, off-street parking and density bonuses, as examples.

- c. Identify strategies to achieve community goals and objectives – future planning efforts.

TAC members reviewed and discussed strategies in the Action Plan that were drawn from community survey work and stakeholder meetings. The identified topics included missing middle housing, residential parking, building design, low income housing, public resources, Accessory Dwelling Units, balancing efficiency of existing land and the potential need for expansion land, outdoor recreation opportunities, and implementing the Downtown Improvement Plan.

- d. Actions necessary to move forward with analysis produced in Tasks 3 & 4 including benefits and risks to continue with Simplified path or revert back to Traditional UGB path.

The TAC discussed the four alternatives in the Action Plan including proceeding with Division 38 as is, requesting DLCD/LCDC make technical fixes to Division 38 based on the issues Newberg has identified in the Buildable Lands Inventory and Study Area Boundary, letting some other comparable sized community go through the entirety of Division 38 before Newberg proceeds, and finally reverting back to the Division 24 method.

A general discussion was held on issues identified in the Buildable Lands Inventory report submitted in March, 2017. Rob Hallyburton inquired if there was still time to provide a written response to the issues and it was noted the City would appreciate a written response. The group also discussed the opportunity to submit to DLCD a request that LCDC add to its administrative rule making process a revisit of Division 38 based on the City's comments. Rob Hallyburton explained that at their July meeting LCDC will be looking at a draft of potential rule amendments for biennium 17-19. LCDC would finalize their priorities for administrative rule changes in September. He indicated Division 38 is on the list. Doug Rux inquired what the process and timeline would be. At this time it is undetermined.

TAC members discussed a next step of conducting a needs analysis based on the preliminary population estimate by Portland State University to get an idea of potentially how many acres of urban growth boundary expansion might be needed. Rob Hallyburton indicated that DLCD has been developing a spreadsheet to assist in running scenarios. He will send the City a copy.

2. Next steps:
  - a. Submit Task 4 by May 31, 2017 to DLCD.

# Newberg 2030 Citizen Planning Committee Meeting

May 15, 2017, 4:00 PM

Newberg City Hall

414 E First Street, Newberg, OR 97132

## **Agenda**

1. Review of Task 4 Draft Action Plan and Implementation Policies.
  
2. Next steps:
  - a. Submit Task 4 by May 31, 2017 to DLCD.



# Newberg 2030

## Citizen Planning Committee Meeting

May 15, 2017, 4:00 PM  
Newberg City Hall  
414 E First Street, Newberg, OR 97132

### Attendance:

Ryan Howard, Sid Friedman, Lisa Rogers, Larry Hampton, Bryan Doyle, Mike Gougler, Doug Rux, Cheryl Caines, Rob Hallyburton

### Agenda & Summary

1. Review of Task 4 Draft Action Plan and Implementation Policies.

Doug Rux reviewed the draft Action Plan highlighting the previous completion of Tasks 1, 2 and 3 providing a brief summary. The focus of the Action Plan is to address the following:

- a. Strategies to refresh, realign, and reinforce the City's economic development objectives and opportunities

The Citizens Planning Committee (CPC) reviewed City of Newberg economic development activities related to the Riverfront Master Plan, Yamhill County Economic Vitality Summits, Newberg Economic Development Strategy and Newberg Strategic Tourism Plan.

Sid Friedman suggested the wording might be changed Task 4 1.b. to use "suggest" or "lead" as the word "require" did not seem appropriate. Staff noted a change would be made.

- b. Actions and policies necessary to achieve the identified residential density mix to satisfy the UGB Simplified rules.

The CPC discussed OAR 660-38-0190(3) Table 5 efficiency measures. It was noted that identified actions related to efficiency measures have been identified that align with ongoing discussions within the community such as Accessory Dwelling Units, affordable housing, minimum density requirements, off-street parking and density bonuses, as examples.

Sid Friedman indicated most of the efficiency measures identified looked good either for Division 38 or Division 24. He specifically noted minimum density and single family in high density zones are two that make the most sense.

Lisa Rogers asked how long will it take to get the efficiency measures be implemented. The CPC discussed timelines of completing the Action Plan by the end of May, in June get a final population estimate number from Portland State University, and in July meet with City Council to review the population estimate and Action Plan. If the City Council provides direction to proceed with the Division 38 process then a consultant would be hired who would consider the efficiency measures in the evaluation process which would take a year plus to complete.

It was asked if the efficiency measures could be fast tracked and implemented. City staff indicated some of the possible efficiency measures are currently being worked on through the Housing Newberg Task Force, Planning Commission and Affordable Housing Commission. A question was raised if any efficiency measures were adopted early would they be allowed full credit with DLCD and the Division 38 process. Rob Hallyburton thought that they would, but would need to double check. Doug Rux noted that the Housing Newberg Task Force could take some of the possible efficiency measure noted in the Action Plan and include them in the Housing Newberg proposal that is being developed to present to the City Council.

- c. Identify strategies to achieve community goals and objectives – future planning efforts.

CPC members reviewed and discussed strategies in the Action Plan that were drawn from community survey work and stakeholder meetings. The identified topics included missing middle housing, residential parking, building design, low income housing, public resources, Accessory Dwelling Units, balancing efficiency of existing land and the potential need for expansion land, outdoor recreation opportunities, and implementing the Downtown Improvement Plan.

Sid Friedman noted that the City of Newberg conducted a visual preference survey on building design 10-15 years ago. Bryan Doyle inquired about the differences in the Division 38 and Division 24 vacant acres.

Lisa Rogers commented that there are so many working poor and more that 60% of their income goes to housing. Rob Hallyburton noted that Goal 10 does not mean that housing gets built but only planned for.

- d. Actions necessary to move forward with analysis produced in Tasks 3 & 4 including benefits and risks to continue with Simplified path or revert back to Traditional UGB path.

The CPC discussed the four alternatives in the Action Plan including proceeding with Division 38 as is, requesting DLCD/LCDC make technical fixes to Division 38 based on the issues Newberg has identified in the Buildable Lands Inventory and Study Area Boundary,

# Newberg 2030 Project

letting some other comparable sized community go through the entirety of Division 38 before Newberg proceeds, and finally reverting back to the Division 24 method.

Lisa Rogers inquired about the possible timeline for each of the scenarios. City Staff explained that proceeding with Division 38 as is would be approximately 1.5 years. The technical fixes option was probably 2 – 2.5 years. The option of another community going through Division 38 – timeline is unknown. The Division 24 option could be 2-3 years and there is more room for disagreement and appeal

A general discussion was held on issues identified in the Buildable Lands Inventory report submitted in March, 2017. Sid Freidman questioned some of the Eco Northwest's comments on partially vacant land. There was a discussion on the assumption that you must use tax assessor data but the rule does not require that data set. Another data set could be used. It was discussed what other data set could be used, what might be the potential costs, how much disagreement might be created with data outside of the tax assessment data, and the process is no longer a Simplified Method but a complex one. It was suggested that schools in residential could have a comprehensive plan and zone change to designate it as public or quasi-public but there's a cost for that process. Sid Friedman noted that there are some aspects of Division 38 that could be clarified as noted in his letter to the CPC back in March.

The CPC inquired who created the Division 38 rule. It was explained that it was DLCD and LCDC through a Rules Advisory Committee (RAC) and subcommittees. A discussion occurred on why a city would use Division 38. The intent was to have a simpler method to address UGB expansions other than the Division 24 process. The intent was to have a more formulaic process and reduce uncertainty, and use less discretion.

2. Next steps:
  - a. Submit Task 4 by May 31, 2017 to DLCD.