

file

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending the)
Yamhill County Comprehensive Plan Map and)
Text to Establish an Urban Reserve Area) ORDINANCE 596
For the City of Newberg; Amending the Yamhill)
County Land Division Ordinance.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on July 19, 1995 Commissioners Dennis L. Goecks, Robert Johnstone, and Thomas E.E. Bunn being present.

WHEREAS Statewide Land Use Planning Goal 14 (Urbanization) requires that the establishment of an urban growth boundary be a cooperative process between a city and a county, and in practice this means that the city and the county must adopt the same urban growth boundary; and in compliance with this requirement the Yamhill County and the City of Newberg (hereinafter the "city") have previously adopted the same urban growth boundary, which has been acknowledged by the Land Conservation and Development Commission, and which contains an amount of vacant, urbanizable land that when added to existing urban, developed land, will satisfy growth requirements to the year 2000 (a 20-year planning cycle); and that the city and county exercise their respective planning and zoning responsibilities inside the acknowledged urban growth boundary pursuant to an Urban Area Growth Management Agreement with the city;

WHEREAS, in 1992 the Land Conservation and Development Commission adopted Oregon Administrative Rules, Chapter 660, Division 21 (Urban Reserve Area), authorizing planning for areas outside urban growth boundaries to be reserved for eventual inclusion in an urban growth boundary and to be protected from patterns of development which would impede urbanization, and requiring that cities and counties cooperatively designate urban reserve areas and that such urban reserve areas shall include an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the time frame used to establish the urban growth boundary;

WHEREAS, city has held hearings and has adopted a proposed Urban Reserve Area, which includes lands outside of the city's urban growth boundary that are appropriate for urban growth to the year 2020;

WHEREAS on March 20, 1995 the City Council of the City of Newberg adopted Newberg City Ordinance No. 95-2397 (hereinafter referred to as "the city's proposed Newberg

URA"), which would establish an urban reserve area, amend city's comprehensive plan map and the text of the city's comprehensive plan to implement the Urban Reserve Area, and the City Council directed city staff to prepare amendments of the Newberg Urban Area Growth Management Agreement for final adoption by the City Council within 12 months of the adoption of the ordinance;

WHEREAS, on March 22, 1995, the city submitted a proposed Newberg URA to the Board for adoption; and

WHEREAS, on March 22, 1995, the Board held a public hearing at which time the Board received public testimony, and following close of the hearing, the Board deliberated and voted 2-1 to grant tentative approval of the proposed Newberg URA, subject to preparation of necessary findings, with the following exceptions:

(1) In any area where city's proposed Newberg URA boundary runs upon a road, then the URA boundary should be a line which coincides with the outermost boundary line of such road; and

(2) Eliminate from Area C of city's proposed Newberg URA, tax lots 3216AB-1803, 3216AB-1804, 3216AB-1817 and 3216AB-1816; and

WHEREAS, it is necessary in order to adopt a City of Newberg URA that both the City and the Board agree on the areas to be placed in the URA;

WHEREAS, on May 16, 1995 the Board conferred with the Newberg City Counsel regarding these two concerns, and on June 19, 1995, city adopted Ordinance No. 95-2412, which amends Ordinance 95-2397 to address the above two concerns raised by the Board; and

WHEREAS, the Board finds that adoption of city's proposed URA, as set forth in Newberg City Ordinance 95-2397, as amended by Ordinance No. 95-2412, (herein referred to "the Newberg URA"), will serve the purposes set forth in OAR, Chapter 660, Division 21 (Urban Reserve Rule), and thereby promote the welfare of the citizens of Yamhill County; and

WHEREAS, the attached findings, as set forth in Exhibit "A" demonstrate that the adoption of the Newberg URA, pursuant to the amendment to the Yamhill County Comprehensive Plan Map and text, and the Yamhill County Land Division Ordinance, are in the best interests of the citizens of Yamhill County; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. The findings of fact containing the justification for the Newberg Urban Reserve Area (2020 Plan), set forth in Newberg City Ordinance 95-2397, as amended by

Ordinance No. 95-2412, attached hereto and incorporated herein as Exhibit "A", are accepted and agreed to, and are hereby adopted.

Section 2. The Newberg Urban Reserve Area as indicated in on the map adopted by Newberg City Ordinance 95-2397, as amended by Ordinance No. 95-2412, attached hereto as Exhibit "A", is hereby accepted and approved, and the Yamhill Comprehensive Map (1974) shall be amended to reflect the Newberg Urban Reserve Area.

Section 3. The text of the Newberg City Comprehensive Plan amendments implementing the Newberg Urban Reserve Area, adopted by Newberg City Ordinance 95-2397, as amended by Ordinance No. 95-2412, attached hereto as Exhibit "A", is hereby accepted and approved, and the Yamhill County Comprehensive Plan (1974) text is hereby amended as specified in the attached Exhibit "B", made part of this ordinance by reference.

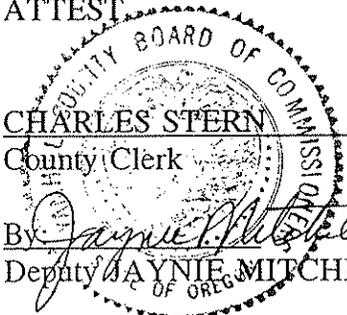
Section 4. The Yamhill County Land Division Ordinance No. 497 (codified), as adopted by Board Order 89-930, as amended by Ordinance 529 (hereinafter "Land Division Ordinance"), is hereby amended as set forth in the attached Exhibit "C", made part of this ordinance by reference.

Section 5. County planning staff and County Counsel are directed to prepare amendments of the Newberg Urban Area Growth Management Agreement for final adoption by the Board within 12 months of the adoption of the ordinance.

Section 6. This ordinance shall take effect on the 90th day following adoption, October 17, 1995.

DONE at McMinnville, Oregon this 19th day of July, 1995.

ATTEST


CHARLES STERN
County Clerk
By Jayne Mitchell
Deputy JAYNIE MITCHELL

YAMHILL COUNTY BOARD OF COMMISSIONERS

Dennis L. Goecks
Chairman DENNIS L. GOECKS

Robert Johnstone
Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

Not Available for Signature
Commissioner THOMAS E. E. BUNN

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ORDINANCE NO. 95-2412

AN ORDINANCE AMENDING ORDINANCE NO. 95-2397 (ESTABLISHING AN URBAN RESERVE AREA) PROVIDING THAT PORTION OF THE CERTAIN AREA KNOWN AS STUDY AREA "C" (TAX LOT NOS. 3216AB 1803, 1804, 1816 AND 1817) BE REMOVED FROM THE URBAN RESERVE AREA, AND ADDRESSING THE BOUNDARIES OF THE URBAN RESERVE AREA WHERE SUCH BOUNDARY IS A ROAD RIGHT-OF-WAY.

RECITALS:

WHEREAS, the City of Newberg adopted an Urban Reserve Area (URA) on March 20, 1995; and

WHEREAS, the Yamhill County Commissioners ("County") had some questions and concerns concerning part of the URA and the City and County had a joint meeting on May 16, 1995 to discuss those concerns; and

WHEREAS, after the joint meeting, the City Council directed staff to prepare an Ordinance amending Ordinance No.95-2397 to address the County Commissioner's concerns; and

WHEREAS, it is necessary in order to adopt an URA that both the City and County agree on the areas to be placed in the URA.

NOW, THEREFORE, the City Council of the City of Newberg ordains as follows:

Section 1. Ordinance No. 95-2397 is hereby amended as follows:

Exhibit "A" is amended by adding the following:

- (1) "Study Area 'C'. A portion of Study Area "C" (4 lots located in the Oxberg Lakes Subdivision, Tax Lot Nos. 3216AB-1803, 1804, 1816, 1817) is excluded from the Urban Reserve Area. Although Study Area "C" does have as its boundary, the north line of Crestview Drive which is addressed in the City's Transportation Plan, the City and County agree that excluding this portion of Study Area "C" from the Urban Reserve Area will not interfere with the development of Crestview Drive as a collector street if the County Transportation Plan so designates. The exclusion of this portion of Study Area "C" is not intended to indicate a decision concerning the future development of the Crestview connection to Hwy 99W. That decision will be made in the adoption of a future transportation plan.

- (2) It is the policy when interpreting the URA's, that when the boundary of the URA is a road-way, that the URA include the road to outer limit of the roadway. Thus, including the entire roadway within the URA. Any dedication of right-of-way during development phases to bring the right-of-way up to City standards, shall provide that the right-of-way thus dedicated, shall be inside the URA.

Section 2. Exhibit "B" is hereby amended by revising the map indicating Study Area "C" from the Urban Reserve Area.

Section 3. All other findings and exhibits of Ordinance No. 95-2397 remain as passed and are in full force and effect.

Section 4. The complete Urban Reserve Area is adopted by Ordinance No. 95-2397 and Ordinance No. 95-2412, which amends Ordinance No. 95-2397.

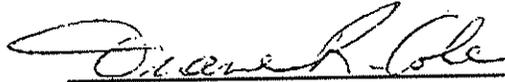
ADOPTED by the Newberg City Council this 19th day of June, 1995 by the following votes:

8 Yes

-0- No

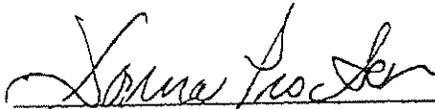
-0- Abstain

-0- Absent

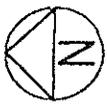
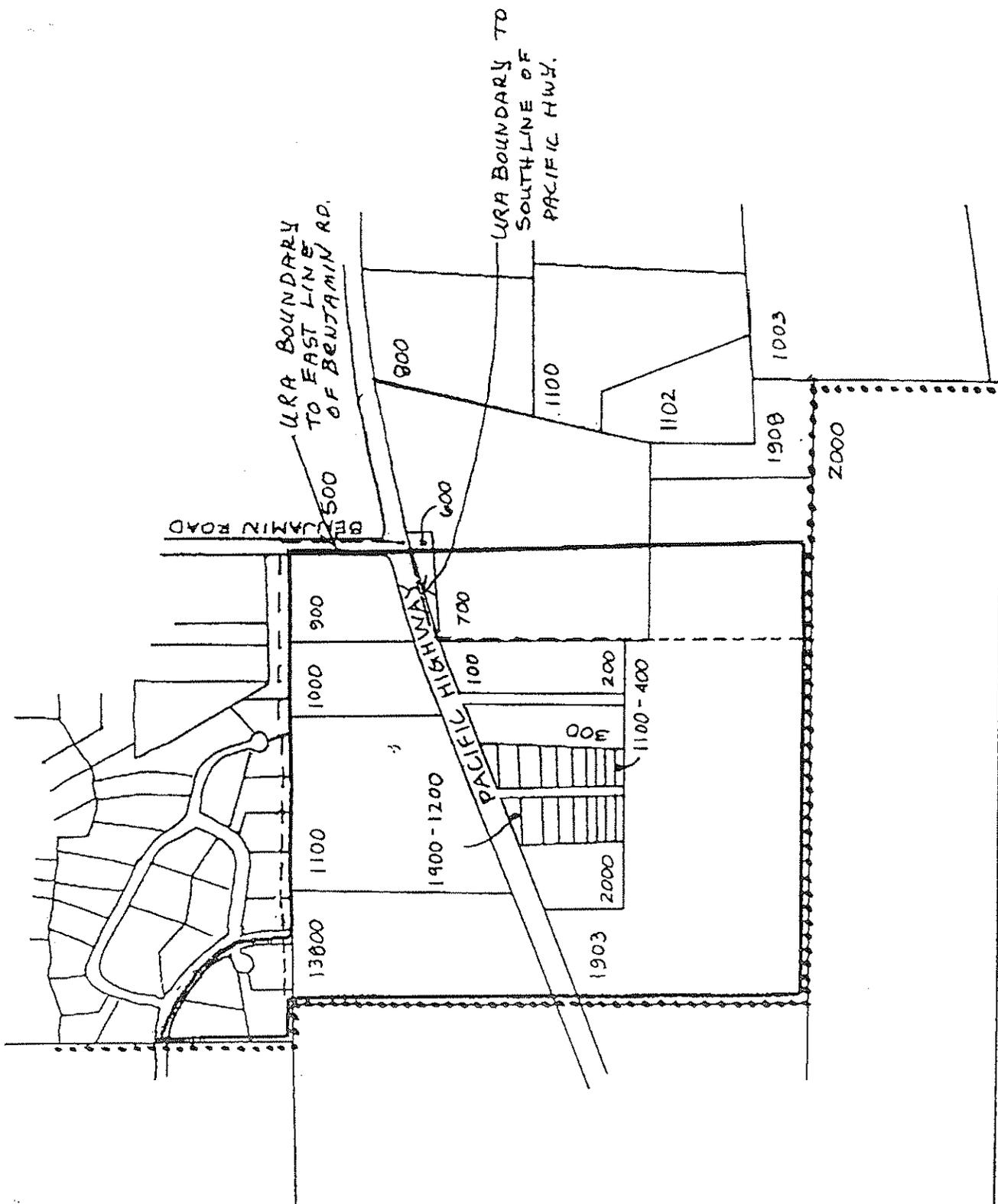


Duane R. Cole
City Recorder

ATTEST by the Mayor this 20th day of June, 1995.



Donna Proctor
Mayor



- LEGEND**
- Reserve area boundary
 - Urban Growth Boundary
 - Study area boundary

NEWBERG URBAN RESERVE AREA PROJECT
 STUDY AREA "C"

ORDINANCE NO. 95-2397

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP AND TEXT TO ESTABLISH AN URBAN RESERVE AREA FOR FUTURE EXPANSION OF THE CITY OF NEWBERG TO BE KNOWN AS THE "FINAL ALTERNATIVE (2020 PLAN)"

- WHEREAS, The City of Newberg held study sessions with the Planning Commission on November 22, 1991 and December 19, 1991 regarding the establishment of Urban Reserve Areas; and
- WHEREAS, In 1992, the Land Conservation and Development Commission (LCDC) established Division 21 of the Oregon Administrative Rules which requires the City of Newberg to adopt an Urban Reserve Area; and
- WHEREAS, On January 6, 1992, the City Council and Planning Commission conducted a joint meeting to discuss the Urban Reserve Proposal; and
- WHEREAS, On January 30, 1992 and February 27, 1992, the Planning Commission held public hearings to consider boundaries for inclusion in the Urban Reserve Areas; and
- WHEREAS, On March 9, 1993 and March 15, 1993, neighborhood workshops were held for residents in areas that are currently being considered for Urban Reserve Areas; and
- WHEREAS, On June 24, 1993 a publicly noticed Open House meeting was held at the Newberg School District Building Board Room to consider evidence regarding the proposal to establish Urban Reserve Areas; and
- WHEREAS, On August 10, 1993, the Newberg Urban Area Management Commission (NUAMC) held a public hearing to consider the adoption of Urban Reserve Areas in accordance with Division 21 of the Oregon Administrative Rules; and
- WHEREAS, On June 8, 1994, the Department of Land Conservation and Development extended the deadline for adoption of Urban Reserve Areas to January 29, 1995; and
- WHEREAS, On November 9, 1994, the City provided notice to DLCD within forty-five (45) days of the proposed hearing; and
- WHEREAS, On December 5, 1994, the City Council of the City of Newberg unanimously voted to hold a public hearing on the establishment of the Urban Reserve and set the hearing for January 3, 1995; and
- WHEREAS, On December 17, 1994 and on December 28, 1994, the City placed notice of the public hearing before the City Council on January 3, 1995 in the Newberg Graphic in accordance with state and local procedures relating to legislative actions; and

- WHEREAS, On December 9, 1994, although not legally required, the City noticed property owners of the upcoming hearing before the City Council on January 3, 1995; and
- WHEREAS, On December 9, 1994, although not required, the City placed notice in four public places of the upcoming hearing before the City Council on January 3, 1995; and
- WHEREAS, On January 3, 1995, the City Council agreed to continue the hearing to allow additional testimony; and
- WHEREAS, On February 6, 1995, the City Council was presented with two alternatives identified as Alternative A (2030 Plan) and Alternative B (2025 Plan) and the City Council continued the item to March 6, 1995 and directed staff to renotice the item in the Graphic so that additional testimony could be heard on the new alternative that was presented; and
- WHEREAS, On February 15, 1995 and March 1, 1995, notice was placed in the Newberg Graphic advertising the upcoming hearing on March 6, 1995 on the two alternative proposals; and
- WHEREAS, On March 6, 1995, the City Council duly held a public hearing on the item in accordance with the legislative hearings procedures discussed various options indicated as the Alternative A (2030 Plan) and Alternative B (2025 Plan) and a third alternative which removed 140 acres of resource lands from alternative B to be known as the Final Alternative (2020 Plan); and
- WHEREAS, On March 6, 1995, the City Council voted 5-3 to remove all of the resource lands, consisting of 140 acres, from Alternative B and to return to the City Council on March 20, 1995 with revised findings to support the new alternative; and
- WHEREAS, The City Comprehensive Plan does not include specific criteria for amending the comprehensive plan text. Given the legislative nature of this proposal, it is concluded that an amendment to the Plan must be consistent with the applicable policies of the comprehensive plan and any relevant statewide planning goals; and
- WHEREAS, On March 20, 1995, the City Council continued to deliberate on the item and considered the staff report; the decision of NUAMC; the record of the NUAMC proceedings; written and oral testimony; all relevant information submitted into the record; and the attached Findings of Fact - Exhibit A as amended; and
- WHEREAS, The attached findings provide for the inclusion of exception lands in accordance with Division 21 of the Oregon Administrative Rules, Section 660-21-030.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

- Section 1. The Newberg City Council adopts the findings of fact which shall be made a part of this ordinance as attached in Exhibit A as amended at the meeting held on March 20, 1995.
- Section 2. An Urban Reserve Area as indicated in Exhibit B as amended at the meeting of March 20, 1995, is hereby established and the Comprehensive Plan Map shall be amended to reflect the change.
- Section 3. The text of the Comprehensive Plan shall be changed in order to implement the Urban Reserve Area and the changes are made in accordance with Exhibit C as amended at the meeting of March 20, 1995.
- Section 4. Staff is directed to prepare amendments to the existing Newberg Urban Area Growth Management Agreement, for final adoption by the City Council within 12 months of the date of adoption of this ordinance.

PASSED by the City Council of the City of Newberg this 20th day of March 1995, by the following votes:

AYES: 5

NAYS: 1 (Currier)

ABSENT: 2 (McMullen/McCain)


City Recorder

ATTEST:


Donna Proctor - Mayor

Exhibits:

- A - Findings of Fact
- B - Map of URA boundaries to the Comprehensive Plan Text

EXHIBIT A (Ord. 95-2397)
FINDINGS OF FACT
Modified: March 10, 1995
Amended before adoption on March 20, 1995

Final Alternate (2020 Plan)

Findings address the existing plan policies, statewide goals and administrative rules. The findings identify the consistency of the existing Comprehensive Plan policies with the proposed Urban Reserve Area (URA) and policies.

CRITERIA

The City Comprehensive Plan does not include specific criteria for amending the comprehensive plan text. Given the legislative nature of this proposal, it is concluded that an amendment to the Plan must be consistent with the applicable policies of the comprehensive plan and must be consistent with any relevant statewide planning goals. Applicable policies and relevant statewide planning goals are addressed in the findings section.

The state urban reserve area rule provides criteria for adoption of URAs. Section 660-21-015(4) requires that findings be prepared that demonstrate compliance with local comprehensive plans as well as statewide planning goals and administrative rules. OAR Chapter 660 Division 21 is the urban reserve area rule that governs this process. The rule is addressed in the findings section.

I. COMPREHENSIVE PLAN POLICY FINDINGS

A. Land Use Planning Policy 1

To implement the Comprehensive Plan, the following detailed plans shall be periodically updated by the City:

- a. *Phased Utility Expansion Plan*
- b. *Six-Year Capital Improvements Program*
- c. *Bikeway and Pedestrian Plan*
- d. *Streets Plan*

Staff Analysis:

As part of the URA process, the public facility plan for transportation, water, sanitary sewer and storm drainage will be modified on a phased basis to identify planned infrastructure for the URA. The City of Newberg will initiate transportation and utility corridor planning for the URA in coordination with Yamhill County and property owners. These plans implement land use policy 1.

B. Agricultural Lands Policy 1

The conversion of urbanizable land from agricultural to urban land uses shall be orderly and efficient.

Staff Analysis:

Orderly transition from urbanizable agricultural land to urban land is facilitated by identifying the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to the year 2020.

C. The Economy - General Policies 1. e. & f.

- 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.*

Staff Analysis:

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

D. Public Facilities and Services - All Facilities & Services Goal and Policy 1. a.

Goal: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.*

Policy 1. a. *The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.*

Staff Analysis:

Orderly and efficient development patterns are facilitated by the network of arterial and collectors proposed in the Transportation System Plan. Transportation and utility corridor planning for the URA will provide the framework to guide interim rural development and long-range urban development within the URA.

E. Urbanization - Goal 1 and Policy 1. a.

Goal 1: *To provide for the orderly and efficient transition from rural to urban land uses.*

Policy 1.a: *The conversion of lands from rural to urban uses within the Urban Growth Boundary will be based on a specific plan for the extension of urban services.*

Staff Analysis:

The designated URA identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to the year 2020. Designated URA lands will be included within the Urban Growth Boundary on a phased basis at periodic review. The City and County will coordinate plans for interim rural residential development within the URA. After street and utility corridor plans are adopted, overall rural residential densities shall be limited to one dwelling per five acres. To ensure that interim rural development does not inhibit long-term urbanization of lands within the UGB and URA, such strategies as shadow plats, cluster development, redevelopment plans and non-remonstrance agreements for annexation and provision of urban facilities will be used.

II. STATE GOAL FINDINGS

A. Goal 1 - Citizen Involvement

After several months of consideration, the Newberg Planning Commission completed an initial proposal on a future growth area in the Spring of 1992. Following a joint meeting with the Newberg City Council, the Planning Commission then examined the urban growth potential of twenty different study areas outside the existing Newberg UGB. Using a planning assistance grant from the Department of Land Conservation and Development, the City of Newberg hired Dorman & Company in January of 1993 to evaluate and recommend an urban reserve area and development strategies. Two workshops were held on March 9 and 15, 1993 to explain objectives of the project and hear comments, questions and concerns of property owners. A third open house/public workshop was held on June 24, 1993. A newsletter with a map identifying the recommended URA boundary was provided to all affected property owners in advance of the workshop. A public hearing before the Newberg Urban Area Management Commission (NUAMC) was held in August 10, 1993. NUAMC forwarded their recommendations on land to be included in the URA to the Newberg City Council and Yamhill County Board of Commissioners for final hearings in January, 1995. Notice with a map identifying the recommended URA boundary was provided to all affected property owners in advance of the Newberg City Council hearing.

B. Goal 2 - Land Use Planning

The URA designation is an element of the Comprehensive Plan. The URA designation meets City policies as identified above and in Goal 14 findings below.

C. Goal 3 - Agricultural Lands

OAR 660, Div. 21 allows adoption of URA's. OAR 660-21-015(2) indicates that land shall be included within an URA only according to the following priorities: First priority goes to land identified in an acknowledged comprehensive plan as exceptions areas or non-resource land; second priority goes to land designated as marginal land; third priority goes to land designated as secondary; fourth priority goes to land designated for agriculture or forestry; and finally for each category, lands currently served by a public sewer or water system shall have a higher priority for inclusion than lands without such facilities. No designated resource lands are included within the URA boundary except for approximately 19 acres in Study Area "D".

D. Goal 10 - Housing

The recommended URA for Newberg places a priority on including lands which are designated on Yamhill County's comprehensive plan for rural residential development which have not yet been rezoned or developed to rural residential densities. By including these lands within the URA, the City has the opportunity to ensure that rural residential patterns do not inhibit future urban development. Several areas adjacent to the UGB have already been rezoned for rural residential use, partitioned and largely developed. Many of these areas have been excluded from the URA because of property owner opposition and because there is little opportunity for the City to have an impact on development patterns or influence a high degree of infill or redevelopment.

E. Goal 11 - Public Facilities and Services

The City of Newberg will initiate transportation and utility corridor planning for the URA in coordination with Yamhill County and property owners. The City is also preparing for the orderly extension of public facilities and services within the boundary by taking into consideration topography, creek corridors, elevation and drainage basins when selecting URA boundaries.

F. Goal 12 - Transportation

The City has adopted a transportation plan which will be implemented within the URA upon adoption of the URA.

G. Goal 14 - Urbanization

The proposed establishment of the URA complies with the Criteria listed in Division 21, Section 660-21-030 of the Oregon Administrative Rules which provides for determination of URAs. These requirements are identified below.

(1) Land Supply

Urban reserve areas shall include an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the time frame used to establish the urban growth boundary, except for the Portland Metropolitan area urban growth boundary, where the urban reserve area shall include an amount of land estimated to be a 30-year supply.

Staff Analysis:

The land supply within the Urban Growth Boundary (UGB) represents an approximately ten (10) year land supply. The URA proposal is projected to meet land needs to the year 2020, 30 years into the future. The inclusion of land within the URA would provide an additional ten (10) years beyond the existing UGB time frame. This is in compliance with the above requirement. A total acreage of 916 acres of land are included in the URA with approximately 750 acres of buildable land. Using a figure of 4.4 units per acre and 2.5 people per unit, a total capacity of 8,200 persons could be accommodated. Combined with the existing population and the UGB, a total of approximately

34,700 people could be accommodated.

(2) Lands for Inclusion

Inclusion of land within an urban reserve area shall be based upon factors 3 through 7 of Goal 14 and the criteria for exceptions in GOAL 2 and ORS 197.732. Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan area urban growth boundary, shall first study lands adjacent to the urban growth boundary for suitability for inclusion within urban reserve areas, as measured by factors 3 through 7 of Goal 14 and by the requirements of OAR 660-04-010. Local governments shall then designate for inclusion within urban reserve areas those suitable lands which satisfy the priorities in subsection (3) of this rule.

Staff Analysis:

The requirement notes several other criteria that must be met for inclusion of land. These are noted below.

Factors 3 through 7 of Goal 14

Establishment and changes of the boundaries shall be based upon considerations of the following factors:

- (3) Orderly and economic provision for public facilities and services;*
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;*
- (5) Environmental, energy, economic, and social consequences;*
- (6) Retention of agricultural land as defined with Class I being the highest priority for retention and Class VI the lowest priority; and*
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.*

Staff Analysis:

The above factors were considered as part of the July 1993 report titled "City of Newberg Urban Reserve Area Project". A matrix was developed to consider these factors and is included in Table 5. Specific factors considered as part of the matrix include contiguity to the UGB and City limits, percentage of study area designated rural residential, percentage of study area designated agricultural, transportation access, sewer and water potential, and natural boundaries. Only lands indicated as exception areas were included except for approximately 19 acres in Study Area "D".

GOAL 2 and ORS 197.732.

Part II - Exceptions: A local government may adopt an exception to a goal when:

- (a) *The land is subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;*
- (b) *The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impractical; or*
- (c) *The following standards are met:*
 - (1) *Reasons justify why the state policy embodied in the applicable goals should not apply;*
 - (2) *Areas which do not require a new exception cannot reasonably accommodate the use;*
 - (3) *The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and*
 - (4) *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

Staff Analysis:

The above standards were used to identify lands appropriate for inclusion into the URA. This comprises the majority of the land within the URA and these lands are identified in Table 5 of the "City of Newberg Urban Reserve Area Project". Some lands not meeting the above criteria were included in the URA and meet the alternative criteria noted above. This reads as follows:

Local governments shall then designate for inclusion within urban reserve areas those suitable lands which satisfy the priorities in subsection (3) of this Section.

(3) Prioritizing Land for Inclusion

Land found suitable for an urban reserve may be included within an urban reserve area only according to the following priorities:

- (a) *First priority goes to lands adjacent to an urban growth boundary which are identified in an acknowledged comprehensive plan as exception areas or non-resource land. First priority may include resource land that is completely surrounded by exception areas unless these are high value crop areas as defined in Goal 8 or prime or unique agricultural lands as defined by the United States Department of Agriculture;*

Staff Analysis:

According to this requirement, first priority was given to lands meeting the above standard. All lands included within boundaries are exception lands meeting the above requirement, except for approximately 20 acres in Study Area "D".

(b) If land of higher priority is inadequate to accommodate the amount of land estimated in subsection (1), second priority goes to land designated as marginal land pursuant to ORS 197.247.

Staff Analysis:

This requirement does not apply. ORS 197.247 was repealed by 1993 c.793 Subsection 55.

(c) If land of higher priority is inadequate to accommodate the amount of land estimated in subsection (1), third priority goes to land designated as secondary if such category is defined by Land Conservation and Development Commission rule or by the legislature.

(d) If land of higher priority is inadequate to accommodate the amount of land estimated in subsection (1), fourth priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

Staff Analysis:

The above sections do not apply since adequate land was available to meet the requirements of subsection (1) above, except for approximately 20 acres which were included under Study Area "D".

(4) Inclusion of Land of Lower Priority

Land of lower priority under section (3) of this rule may be included if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands; or

(b) Future urban services could not reasonably be provided to the higher priority areas due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban reserve area requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

Staff Analysis: This does not apply since no resource lands were included, except for approximately 20 acres which were included in Study Area "D".

STUDY AREA "D":

Study Area "D" has agricultural lands. The resource lands in Area "D" total 20.08 acres. The boundaries for this study area were chosen for various reasons. These are as follows:

1. The area is contiguous with the UGB and with the City limits on the north side.
2. Existing transportation access is available via Springbrook/Hwy. 219 and Fernwood Road.
3. The agricultural lands needed to be included due to the proposed to the northerly extension of a sewer trunk adjacent to Springbrook Creek.

Staff Analysis:

Rule: (a) Specific types of identifiable land needs cannot be reasonably accommodated on higher priority lands.

Response: Not Applicable.

Rule: (b) Future urban services could not reasonably be provided to the higher priority areas due to topographical or other physical constraints.

Response: Urban services cannot be reasonably be provided to other higher priority lands due to topographical and physical constraints. Other potential lands for inclusion include (1) an area just to the west of the City known as the Newberg/Dundee Corridor and (2) lands to the northeast of the City between Urban Reserve Areas B and C. The "corridor lands" were not included since they cannot be reasonably served by public utilities due to topographical constraints and the existence of several tributaries to Chehalem Creek. The creek creates topographical problems in serving the area making it difficult to provide "gravity sewer" as well as being a physical barrier making utility crossings difficult without heavily impacting the natural creek environment. Lands to the northeast of the City were not included due to the existing development pattern. The existing development pattern into small ranchette's makes it difficult and inefficient to logically extend urban services through the area, comprising a physical constraint.

Rule: (c) Maximum efficiency of land uses within a proposed urban reserve area requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

Response: The inclusion of resource land in Area D provides maximum efficiency of land uses by providing for the logical extension of utility and roadway services to lands currently in the City immediately to the north of Area D. Inclusion of these lands allows for efficient extension of a gravity fed sewage system to higher priority lands to the north on portions of Area C. Furthermore, greater efficiency of transportation services can be obtained by including the resource lands in the Urban Reserve Area, thereby facilitating the future 99W bypass. The extension of the bypass provides maximum efficiency of land uses by providing access for both lands in the City limits and for higher priority lands.

EXHIBIT B (Ord. 95-2397)
URBAN RESERVE AREA BOUNDARIES
Modified: March 10, 1995
Amended before Adoption on March 20, 1995
STUDY AREA D



LEGEND

- Reserve area boundary
- Urban Growth Boundary
- Study area boundary

NEWBERG URBAN RESERVE AREA PROJECT

STUDY AREA "D"

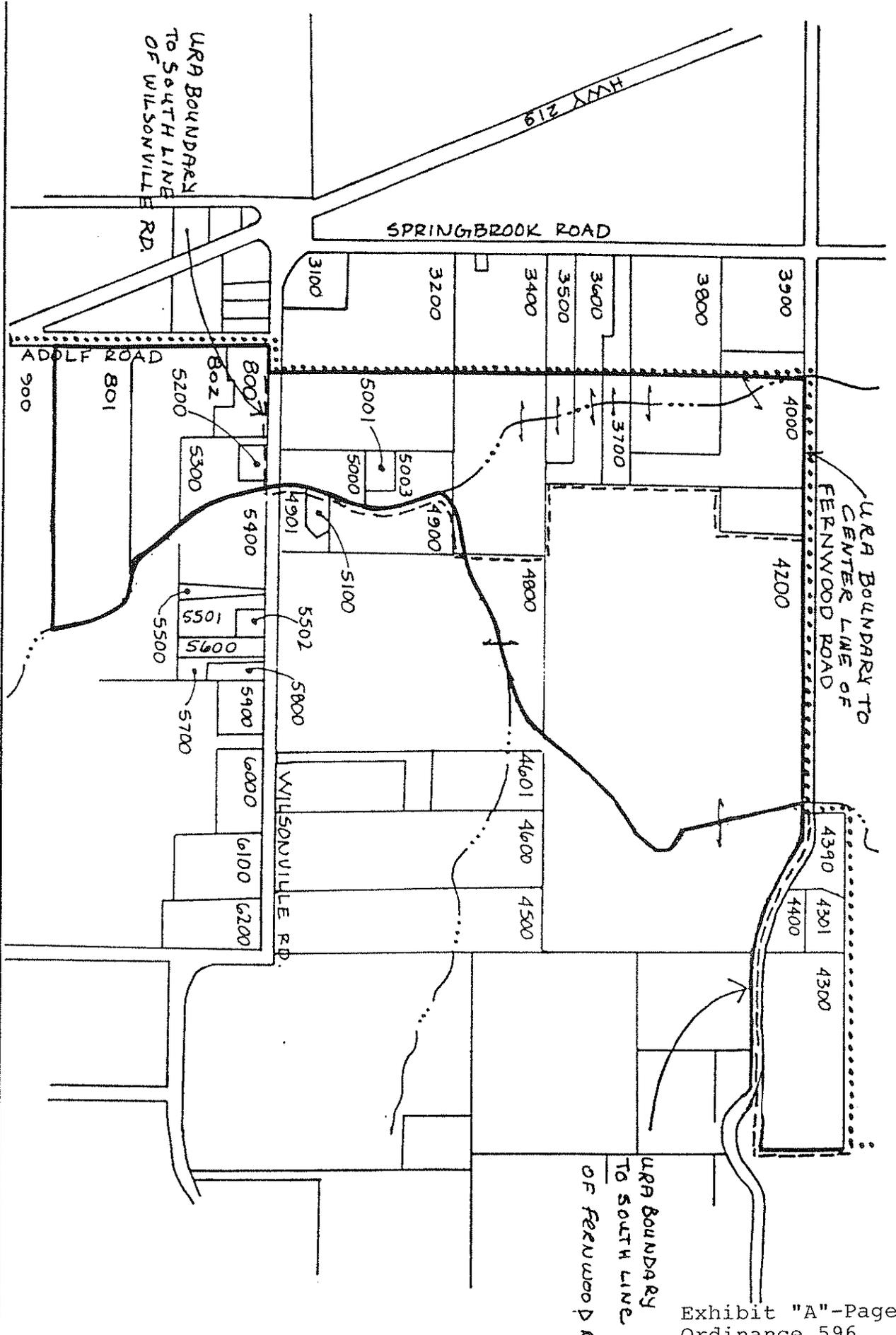


Exhibit C (Ord. 95-2397)
Modified: March 10, 1995
Amendments before Adoption on March 20, 1995
Comprehensive Plan Map and Text

1. Comprehensive Plan Map

Amend the Plan Map to identify the Urban Reserve Area boundary (see map in Attachment D). On a phased basis, amend public facility plans for transportation, water, sanitary sewer and storm drainage to identify planned infrastructure for the Urban Reserve Area.

2. Comprehensive Plan Text

Adopt new policy statements under the Urbanization Goals of the Plan (Section N) as follows. Additions are shown in **bold**, deletions are shown in ~~strike-out~~.

- o Amend or add policies on page 30 (N. Urbanization, Policy 1.e., 1.h. & 1.i.).

1. Urban Growth Boundary and Urban Reserve Area Policies

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:

- *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. ~~Commercial and industrial uses will generally be discouraged.~~*
- *Agricultural uses will be in accordance with the Yamhill County Comprehensive Plan.*

- ***The City and County shall 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 be limited to one dwelling per five acres. The following strategies will 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):***
 - 1) ***shadow plats***
 - 2) ***cluster development***
 - 3) ***redevelopment plans***
 - 4) ***non-remonstrance agreements for annexation and provision of urban facilities***

- h. ***The designated Urban Reserve Area identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to provide a thirty (30) to fifty (50) year land supply. Designated Urban Reserve Area lands will be included within the Urban Growth Boundary on a phased basis at periodic review. Property owners will also have the opportunity to request that land within the designated Urban Reserve Area be included within the Newberg Urban Growth Boundary, based on the criteria outlined in LCDC Goal 14 and the Urban Growth Management.***

- 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.***

- o Add policy on page 26 (L. Public Facilities and Services, Policy 2.e.)

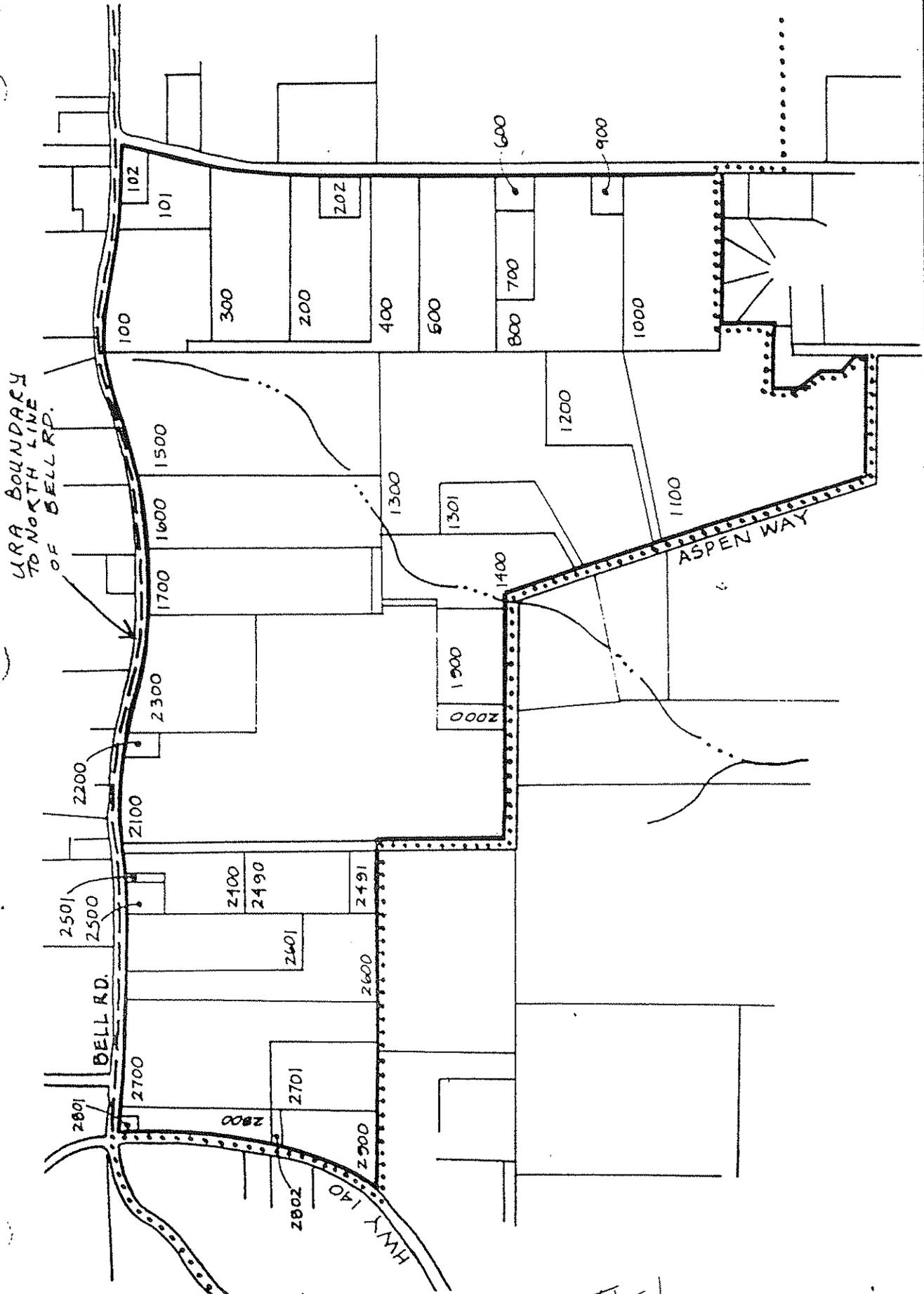
- e. ***Individual water service may be provided to properties within the Urban Reserve Area on a case-by-case basis, staff will review and make recommendations with approval by the City Council. New connections will only be allowed where service to existing users will not be diminished.***

- o Add Plan Description for Urban Reserve Area on page 33 (Plan Description IV.C.)

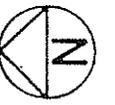
C. URBAN RESERVE AREA

The Urban Reserve Area (URA) identifies lands to include within the Newberg UGB to meet projected growth needs for the City for the next thirty (30) to fifty (50) years. Any development within the URA requires review by the City of Newberg in accordance with the policies in this plan and a joint agreement adopted by the City of Newberg and Yamhill County called the "Newberg Urban Area Growth Management Agreement". Lands included in this area will receive highest priority for inclusion into the Urban Growth Boundary during periodic reviews.

NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "A"



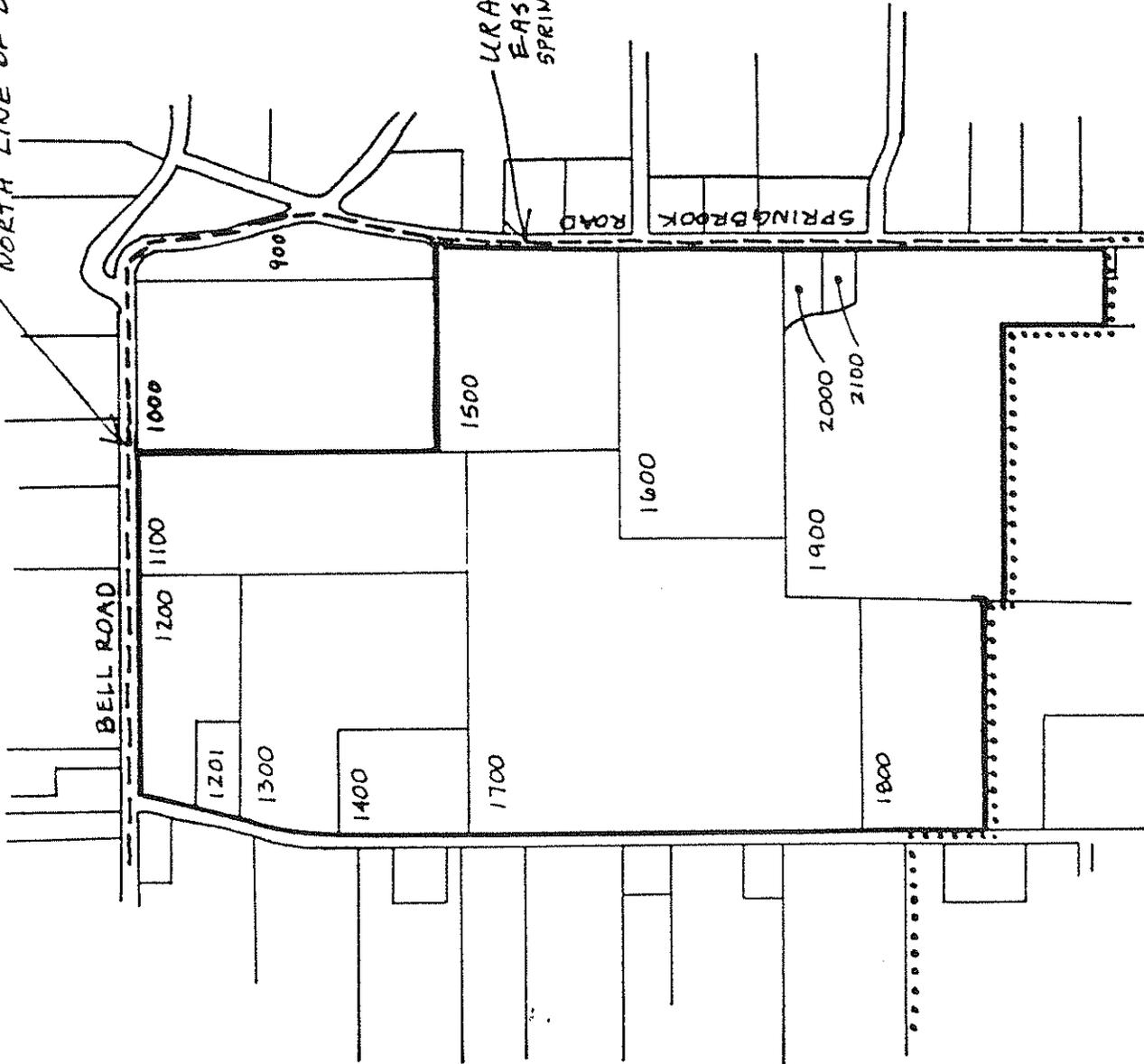
- LEGEND
- Reserve area boundary
 - - - Urban Growth Boundary
 - Study area boundary



VI-1

URA BOUNDARY TO
NORTH LINE OF BELL RD.

URA BOUNDARY TO
EAST LINE OF
SPRINGBROOK RD.



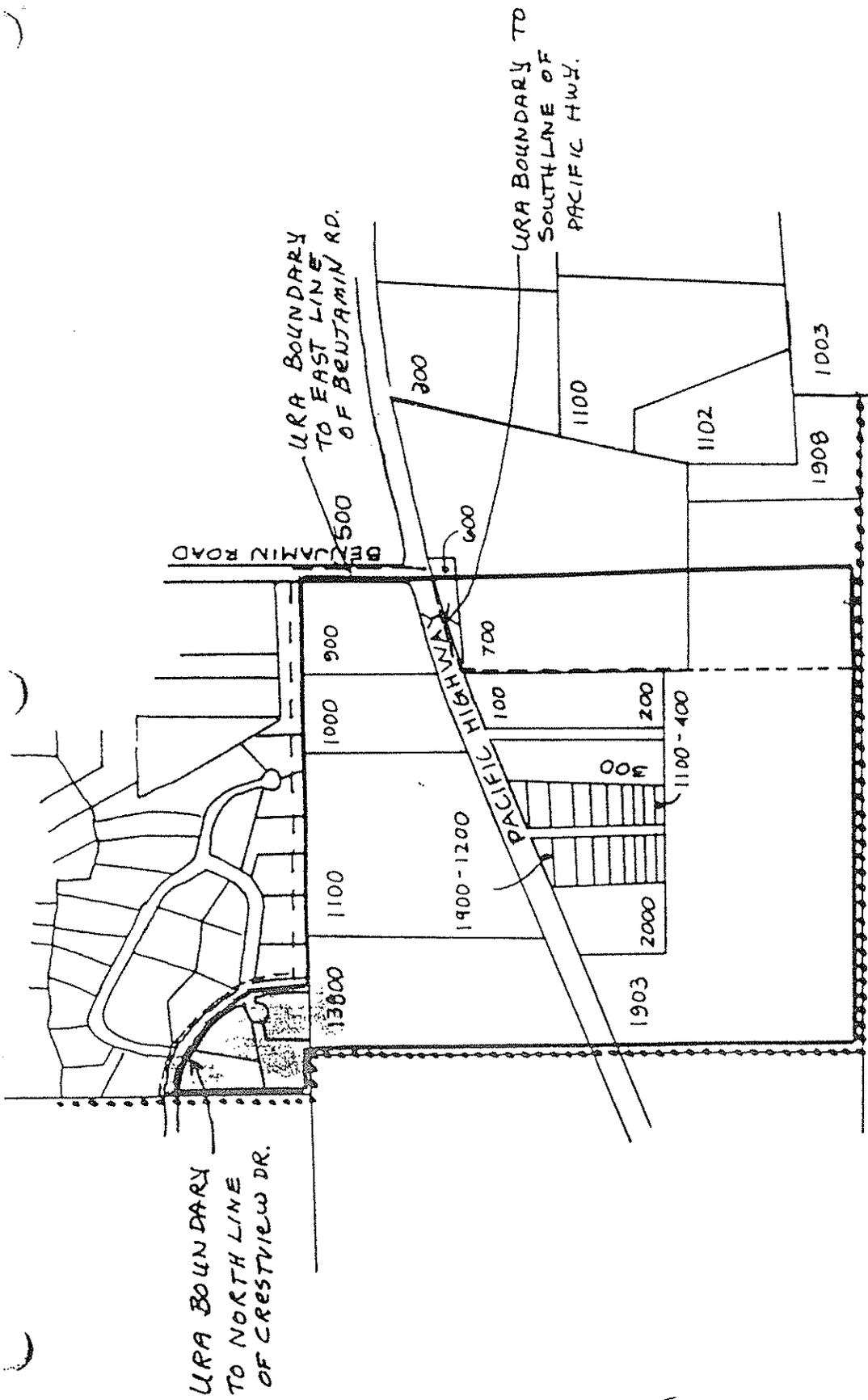
NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "B"

LEGEND
— Reserve area boundary
- - - Urban Growth Boundary
..... Study area boundary



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VI-1



NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "C"

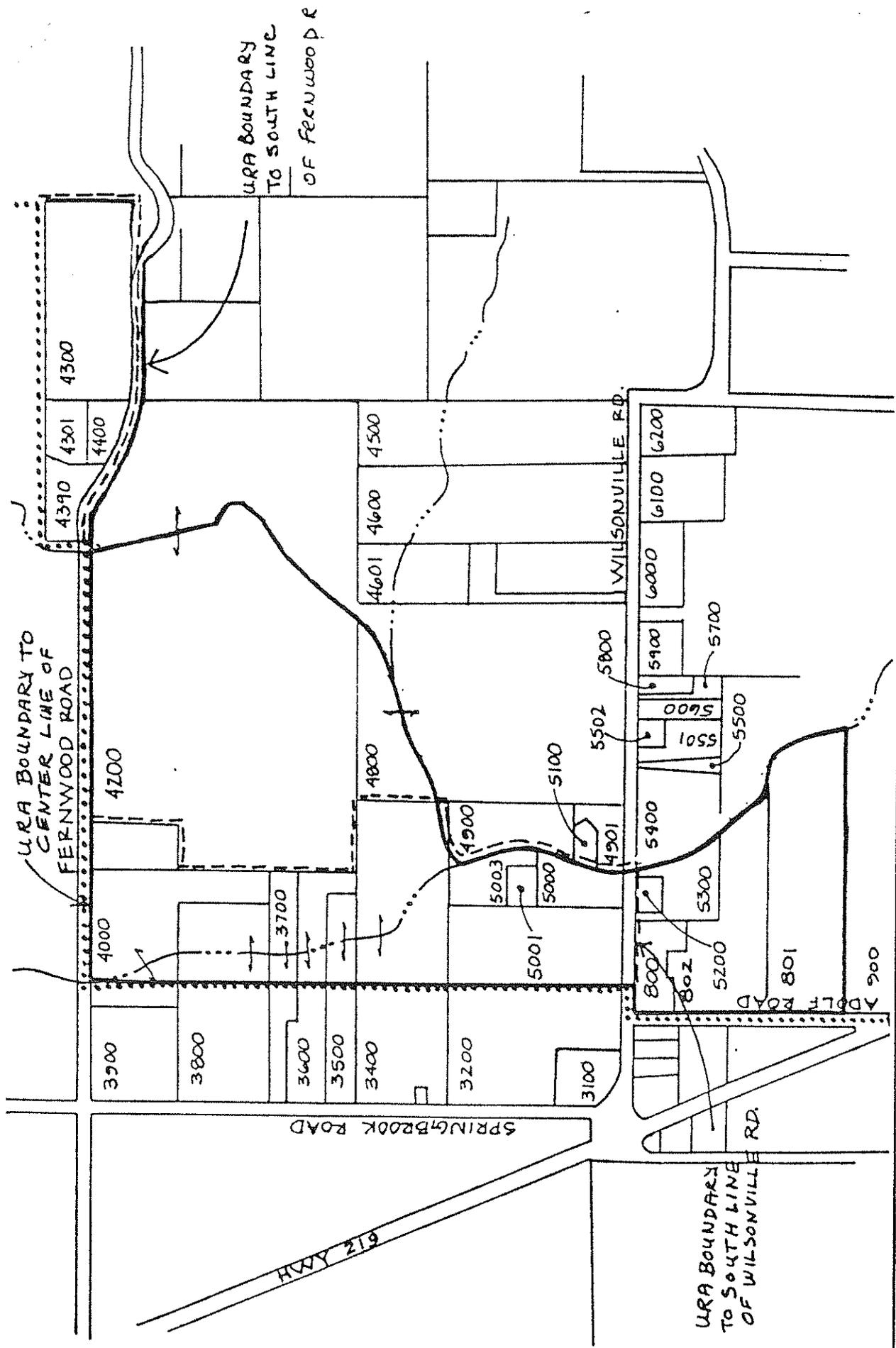
- LEGEND**
- Reserve area boundary
 - Urban Growth Boundary
 - Study area boundary



VI

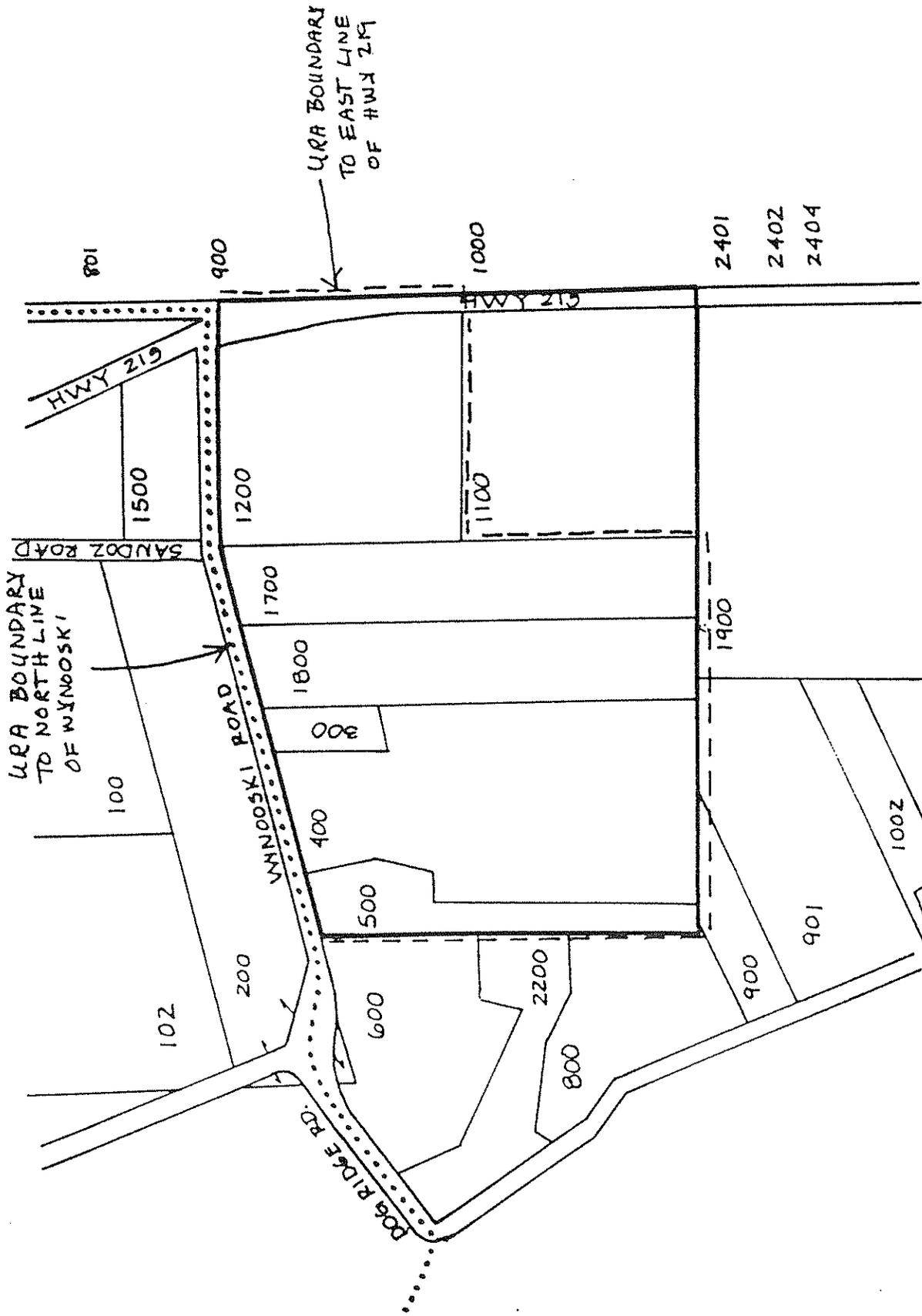
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NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "D"

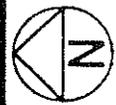


LEGEND

- Reserve area boundary
- Urban Growth Boundary
- Study area boundary



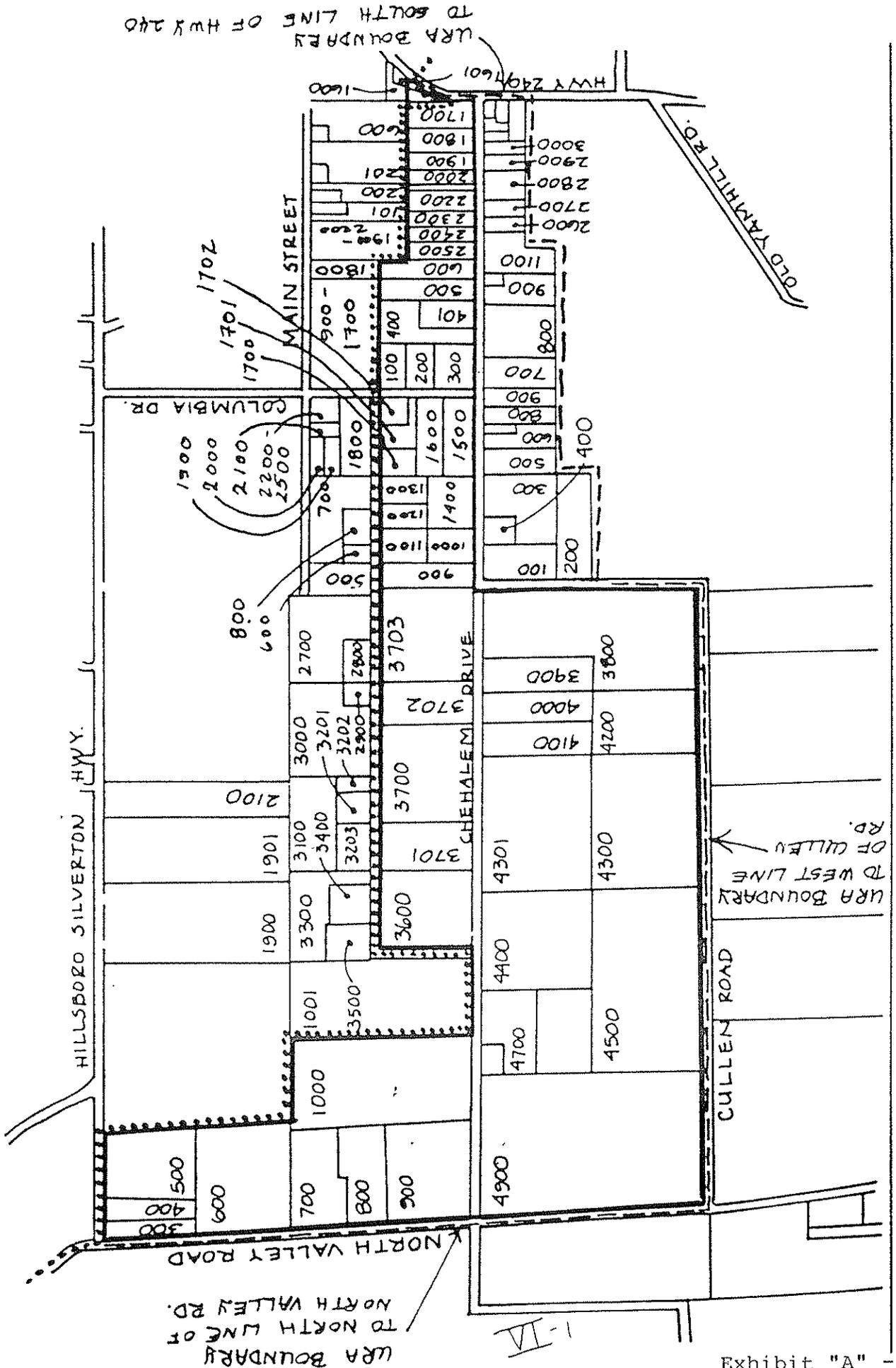
VI-1



LEGEND

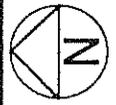
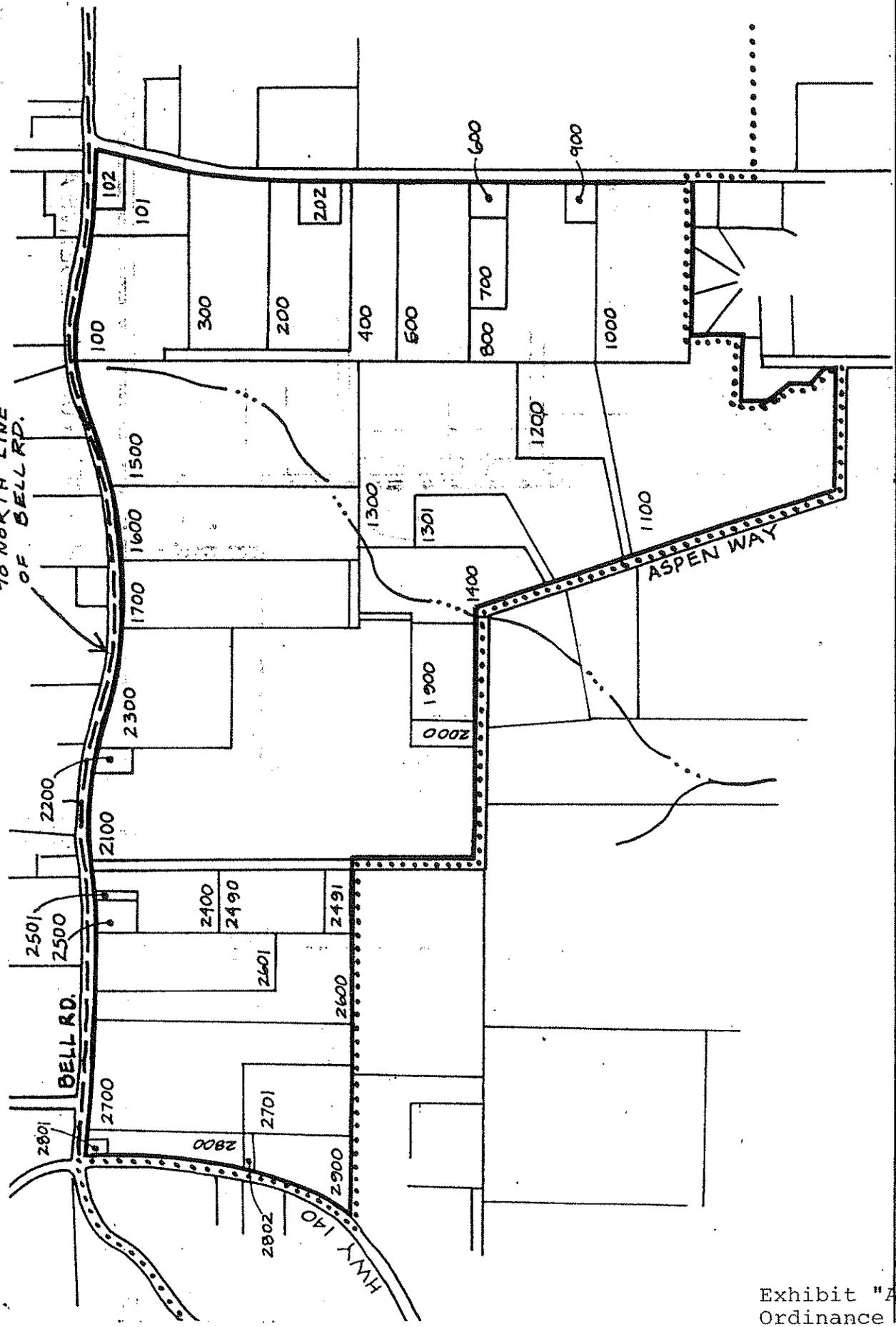
- Reserve area boundary
- Urban Growth Boundary
- _____ Study area boundary

NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "E"



NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "F"

URA BOUNDARY TO NORTH LINE OF BELL RD.

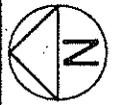
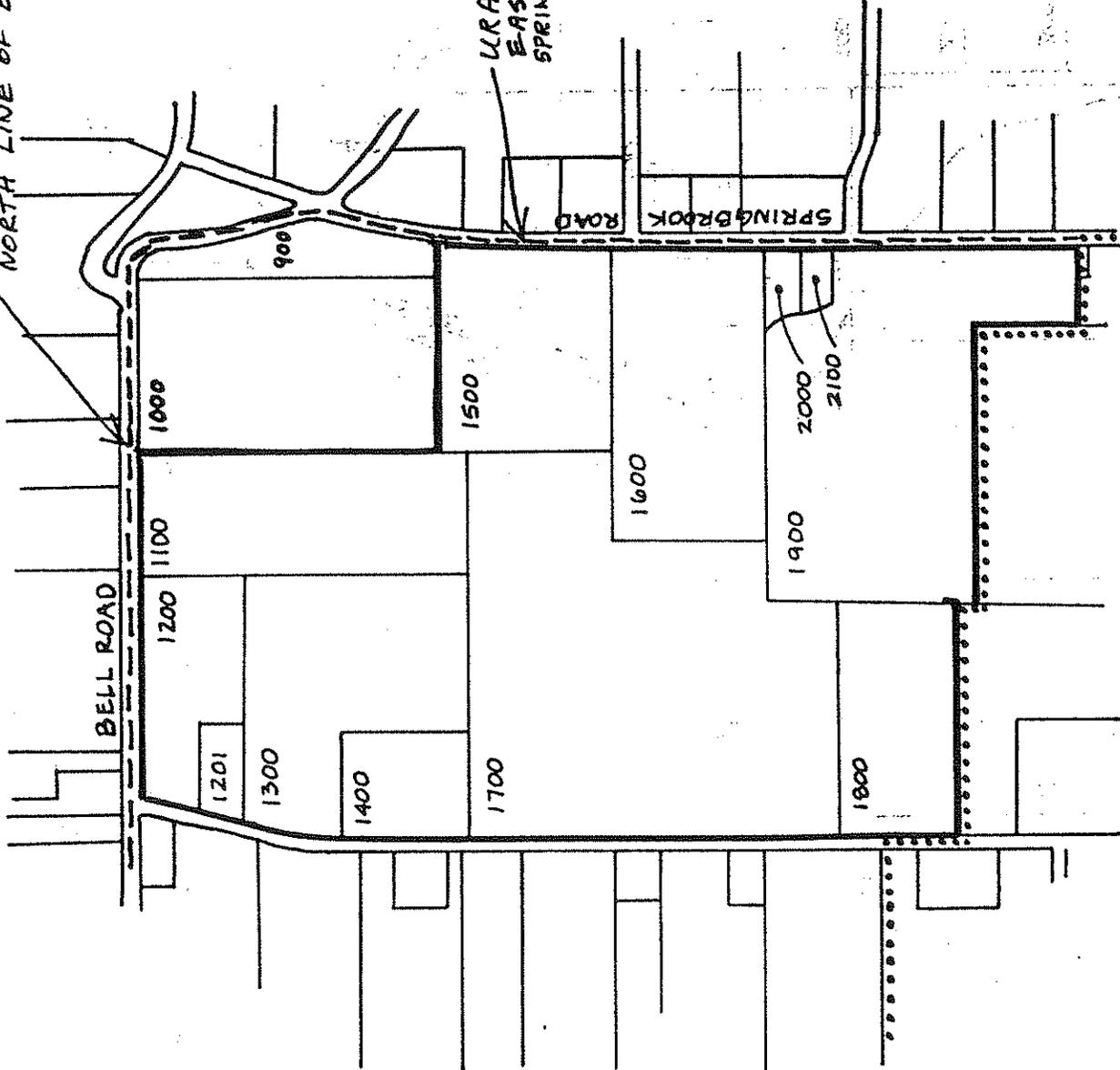


- LEGEND**
- Reserve area boundary
 - Urban Growth Boundary
 - Study area boundary

NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "A"

URA BOUNDARY TO NORTH LINE OF BELL RD.

URA BOUNDARY TO EAST LINE OF SPRINGBROOK RD.

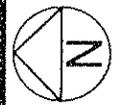
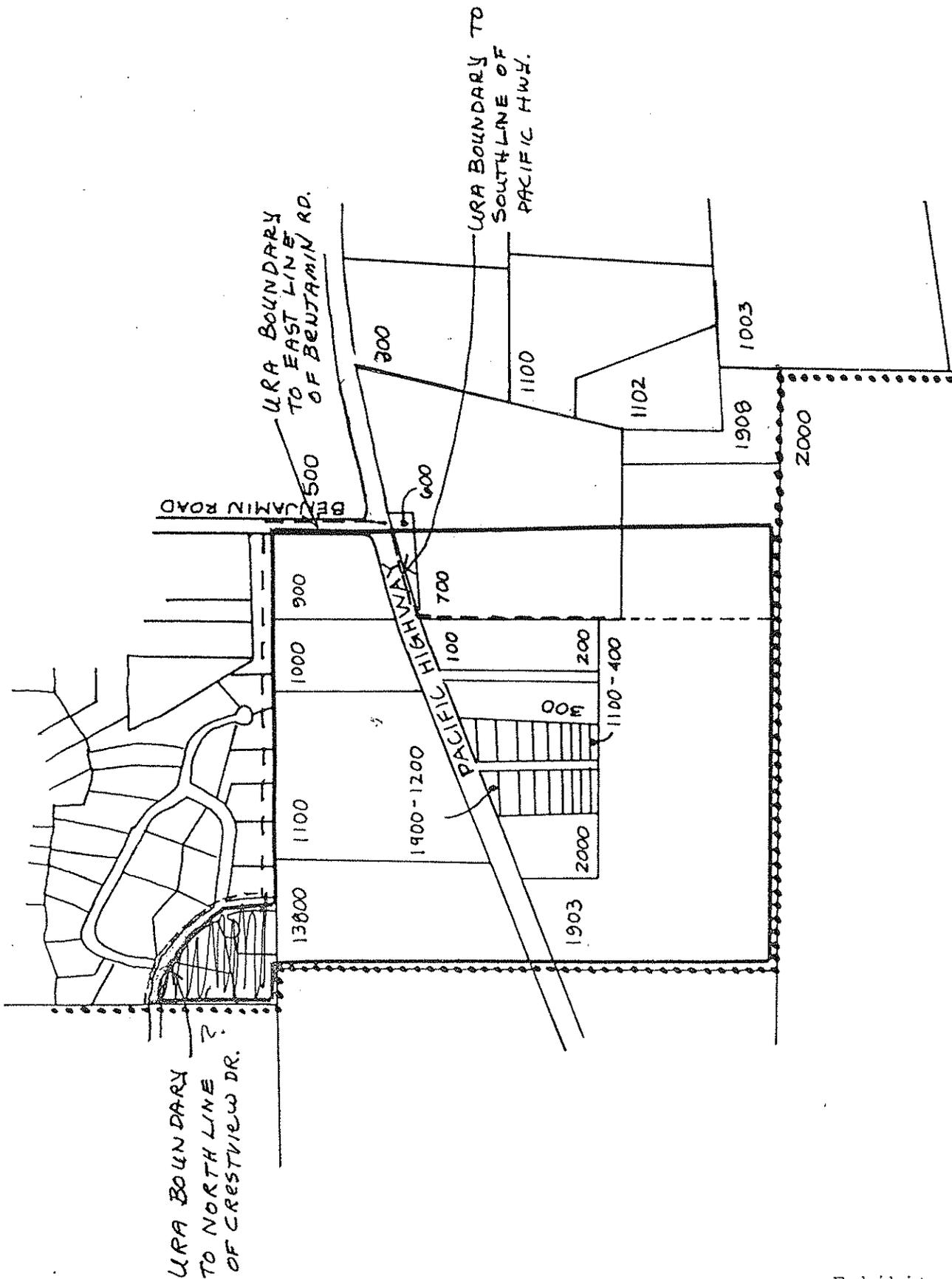


LEGEND

- Reserve area boundary
- Urban Growth Boundary
- Study area boundary

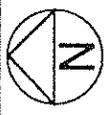
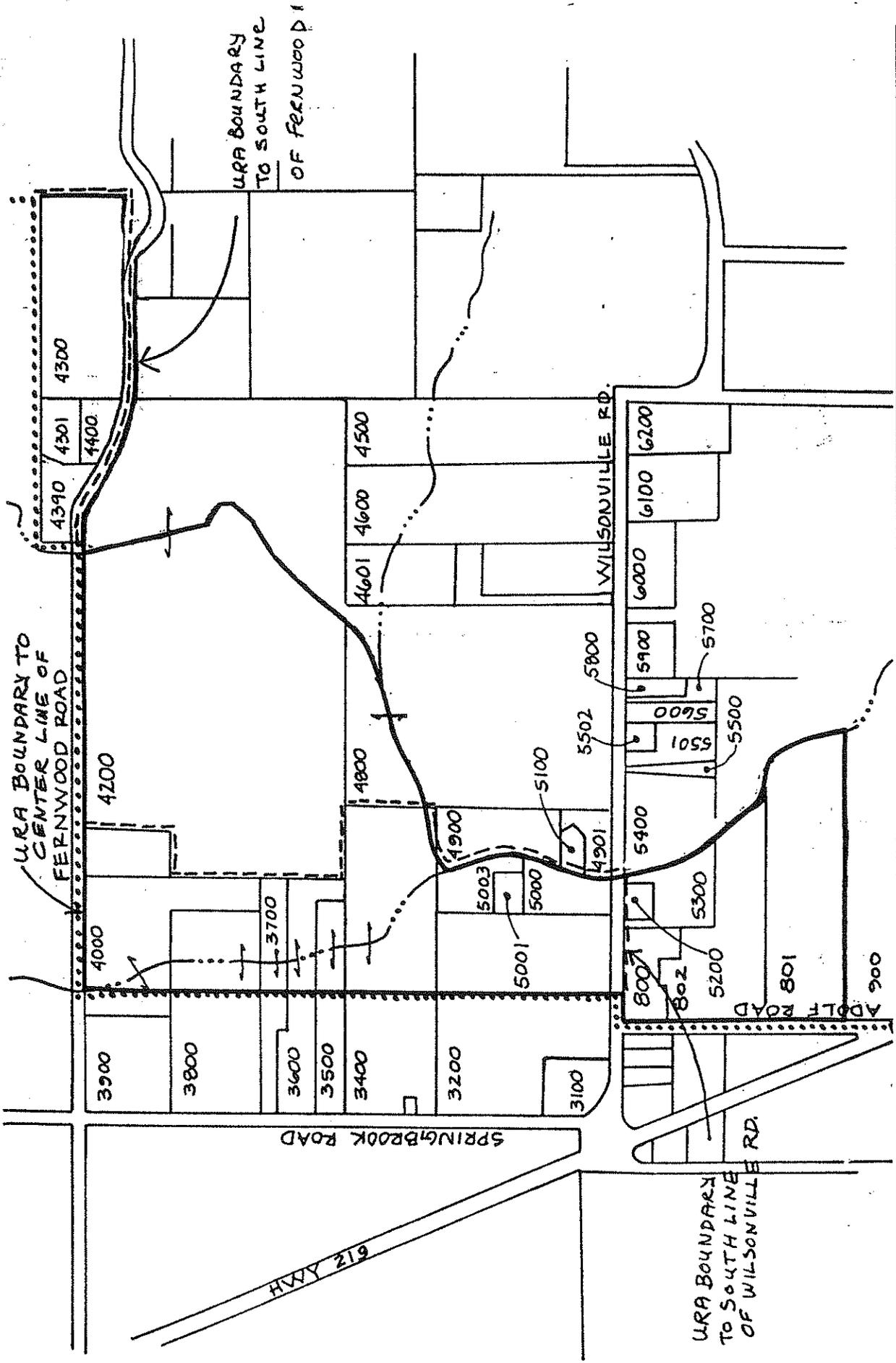
NEWBERG URBAN RESERVE AREA PROJECT

STUDY AREA "B"



- LEGEND**
- Reserve area boundary
 - - - Urban Growth Boundary
 - Study area boundary

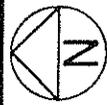
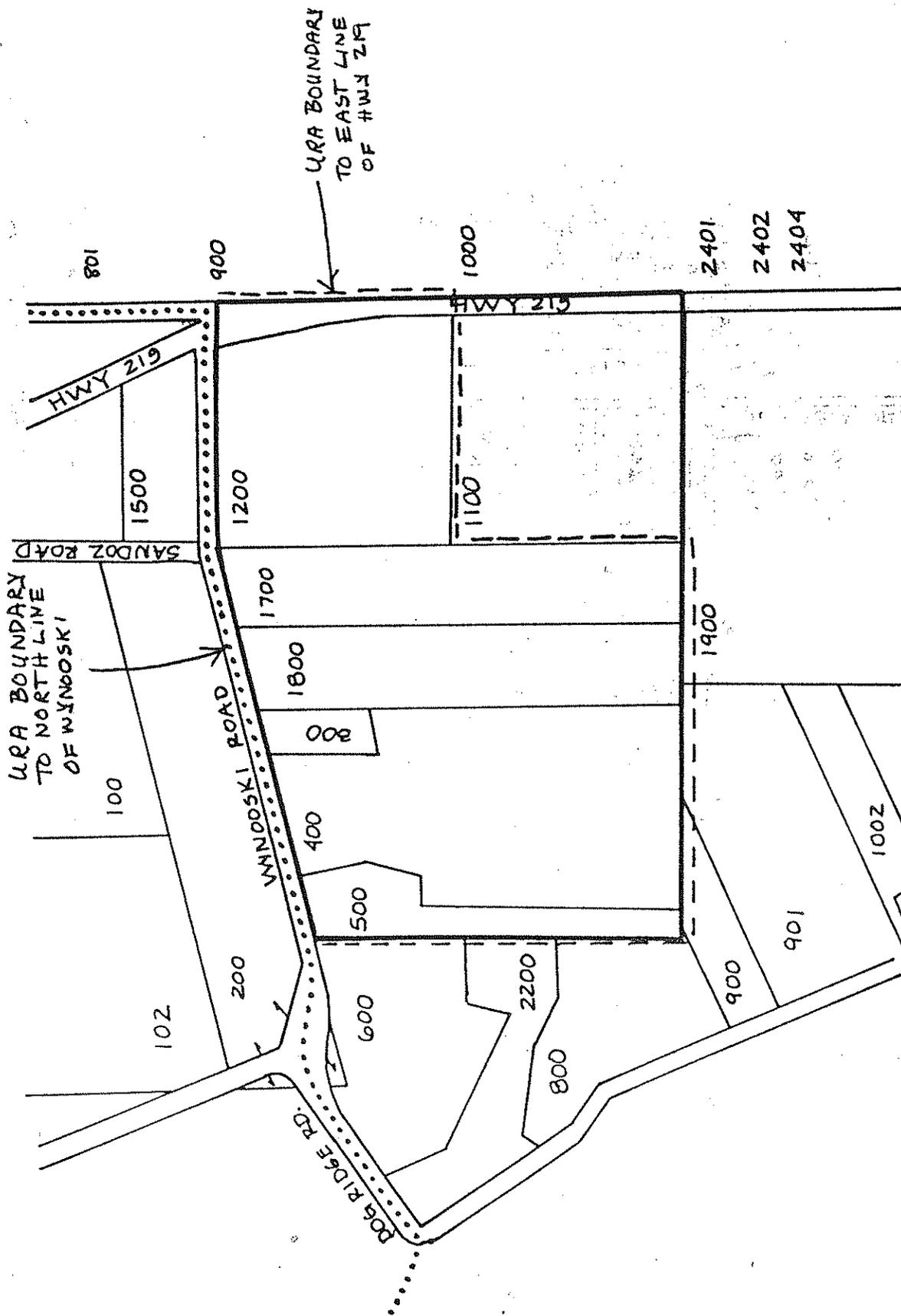
NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "C"



LEGEND

- Reserve area boundary
- Urban Growth Boundary
- Study area boundary

NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "D"



- LEGEND**
- Reserve area boundary
 - Urban Growth Boundary
 - Study area boundary

NEWBERG URBAN RESERVE AREA PROJECT
STUDY AREA "E"

AMENDMENTS TO THE YAMHILL COUNTY COMPREHENSIVE PLAN TEXT

1. Adopt a new policy under the Urban Area Development Section of the Plan (Section I A, Goal Statement 1) as follows:

Yamhill County will coordinate with the City of Newberg to adopt an Urban Reserve Area (URA). The URA identifies high priority lands to include within the Newberg UGB to meet long-term urban growth needs to the year 2030. Interim rural development within the Urban Reserve Area will be regulated with tools such as corridor plans, shadow plats, clustering and redevelopment plans to ensure that long term options for urban development are protected.

2. Adopt a new policy statement under the Urban Area Development Section of the Plan (Section I A, Goal Statement 2) as follows:

Yamhill County will coordinate with the cities to ensure that rural residential development contiguous with urban growth boundaries does not restrict long-term options for urban expansion.

3. Adopt a new policy statement under the Urban Area Development Section of the Plan (Section I B, Goal Statement 1) as follows:

Proposed rural development within acknowledged urban growth boundaries or designated urban reserve areas shall be reviewed by the affected city to ensure that long-term options for development to urban densities with full urban services are protected.

4. Adopt a new policy statement under the Urban Area Development Section of the Plan (Section I D) as follows:

An Urban Reserve Area is designated for the City of Newberg as shown on the Comprehensive Plan Map. The URA identifies high-priority land to include within the City of Newberg UGB on a phased basis to meet urban growth needs to the year 2030. Interim rural development within the designated Urban Reserve Area shall be regulated and reviewed as outlined in the City of Newberg/Yamhill County Urban Growth Management Agreement to ensure that long term opportunities for urban development are protected.

AMENDMENTS TO THE YAMHILL COUNTY LAND DIVISION ORDINANCE

1. Revise the definition of Urban Growth Boundary (UGB) and add a definition for the Urban Reserve Area on Page 8 of the Ordinance;

Urban Growth Boundary (UGB). A line jointly adopted by the city and county that identifies land needs for projected 20-year urban growth and separates rural land from urban and urbanizable land.

Urban Reserve Area (URA). A line jointly adopted by the city and county that identifies highest priority lands to include within the Urban Growth Boundary to meet long-term growth needs (20-50 years).

2. Add new reference to urban reserve area under general design standards (page 14):

The subdivision or partition of land within a designated Urban Growth Boundary or Urban Reserve Area shall be reviewed by the affected city to ensure that interim rural development does not restrict options for long-term urbanization. At the request of the affected city, additional planning requirements such as shadow platting, redevelopment planning, or lot clustering shall be imposed as conditions of interim rural development to meet this objective.

If a subdivision or partition of land within a designated Urban Growth Boundary or Urban Reserve Area will result in parcels less than ten acres, the County shall require that the applicant submit a plan that illustrates how the parcels can be further redivided to urban densities without interfering with the orderly development of streets. The plan shall be referred to the City for review and concurrence on a final decision. If requested by the city, the County Planning Director shall restrict the placement or location of structures, easements, facilities or other uses to protect future roadway corridors and future urban development options.

...KFORD-AMND.URA