

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

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SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending the Yamhill)
 County Comprehensive Plan Map to Amend the Urban)
 Growth Boundary for the City of Newberg to Add to)
 the UGB and Plan Designate as "Future Urbanizable")
 and "LDR/SP" (Low Density Residential/Specific Plan)) ORDINANCE 734
 and "LDR/SP/SC" (Low Density Residential/Specific)
 Plan/Stream Corridor) 20.58 Acres of Land Within the)
 Newberg Urban Reserve Area (NURA), Known as)
 Tax Lots 3221-4300, 4301, 4390 and 4400; Taking an)
 Exception to Statewide Goal 3; Applicant Michael)
 Gougler (MJG Development, Inc); Planning Docket)
 PAZ-04-02; and Declaring an Emergency.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on January 22, 2004, Commissioners Kathy George, Mary P. Stern and Leslie Lewis being present.

WHEREAS, Michael Gougler of M.J.G. Development, Inc. made application in Docket PAZ-04-02 to amend the City of Newberg Urban Growth Boundary (UGB) to add to the UGB approximately 20.58 acres of land (Tax Lots 3221-4300, 4301, 4390 and 4400) which is designated "AFLH" (Agriculture/Forestry Large Holding) on the Yamhill County Comprehensive Plan Map, and within the Newberg Urban Reserve Area (NURA), and to take an exception to Statewide Goal 3 therefore; and

WHEREAS, the County action will involve amending the Comprehensive Plan map to plan designate the subject property as "Future Urbanizable" with the City's "LDR/SP" (Low Density Residential/Specific Plan) and "LDR/SP/SC" (Low Density Residential/Specific Plan/Stream Corridor) designations and take an exception to Statewide Goal 3, while maintaining the current "EF-20" zoning designation on the property; and

WHEREAS, the UGB amendment must comply with the seven factors of Statewide Land Use Planning Goal 14 ("Urbanization") and the standards required by Goal 2, Part II(c) (Land Use Planning, Part II, Exceptions"); and

WHEREAS, on August 27, 2003, the Newberg Urban Area Management Commission (NUAMC) held a duly noticed public hearing regarding the application, received testimony and evidence and upon deliberation voted to recommend that the City Council and the Board of Commissioners approve the application; and

WHEREAS, on October 6, 2003, the City of Newberg City Council held a duly noticed public hearing regarding the application, received testimony and evidence and deliberated, and adopted Ordinance No. 2003-2593, approving the proposed UGB amendment, designating the subject property as "LDR/SP" (Low Density Residential/Specific Plan) and "LDR/SP/SC" (Low Density Residential/Specific Plan/Stream Corridor) on the City Comprehensive Plan, and taking an Exception to Statewide Goal 3, based on written findings, and submitted it to the County for adoption; and

WHEREAS, on December 11, 2003, based upon the facts and record presented containing the justification for the proposed UGB amendment, attached hereto and incorporated herein as Exhibit "A", the Board deliberated and voted unanimously to grant tentative approval for the proposed UGB amendment and Goal 3 Exception, and directed staff to prepare written findings for approval of the application; and

WHEREAS, the Board finds that adoption of the proposed UGB amendment will comply with the seven factors of Statewide Land Use Planning Goal 14 ("Urbanization") and the standards required by Goal 2, Part II(c) (Land Use Planning, Part II, Exceptions"), and that the ordinance is necessary to allow the change in the City of Newberg UGB; and

WHEREAS, the attached findings demonstrate that approval of this amendment to the City of Newberg UGB is in the best interests of the citizens of Yamhill county; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The Yamhill County Comprehensive Plan (1974) Map, as amended, is hereby amended to add to the City of Newberg Urban Growth Boundary (UGB) and to plan designate as "Future Urbanizable" with the City's plan designations of "LDR/SP" (Low Density Residential/Specific Plan) and "LDR/SP/SC" (Low Density Residential/Specific Plan/Stream Corridor) land within the Newberg Urban Reserve Area (NURA) known as Tax Lots 3221-4300, 4301, 4390 and 4400, as more particularly set forth in Exhibit "B" attached hereto and made a part of this ordinance by reference, with the following condition:

Jurisdiction of Fernwood Road, from the City of Newberg's pump station to the eastern boundary of the subject property, shall be transferred from Yamhill County to the City of Newberg.

Section 2. In adopting the UGB amendment specified in Section 1, the County hereby takes an exception to Statewide Planning Goal 3.

Section 3. The findings attached as Exhibit "A", and incorporated herein by reference, are hereby adopted in support of this ordinance.

Section 4. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

///

DONE this 22nd day of January, 2004, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

By: *Carol White*
Deputy Carol White

APPROVED AS TO FORM:

Rick Sanai
Rick Sanai
Assistant County Counsel

Kathy George
Chair KATHY GEORGE

Mary P. Stern
Commissioner MARY P. STERN

Not available for signature
Commissioner LESLIE LEWIS



EXHIBIT "A"

DATE OF BOARD OF COMMISSIONERS' TENTATIVE DECISION: December 11, 2003

DATE OF BOARD OF COMMISSIONERS' FINAL DECISION: January 22, 2004

DOCKET: PAZ-04-02 (Newberg File No. UGB-05-02)

REQUEST: Amend the City of Newberg Urban Growth Boundary (UGB) to add to the UGB approximately 20.58 acres of land (Tax Lots 3221-4300, 4301, 4390 and 4400) which is designated "AFLH" (Agriculture/Forestry Large Holding) on the Yamhill County Comprehensive Plan Map, and within the Newberg Urban Reserve Area (NURA), and to take an exception to Statewide Goal 3.

APPLICANT: Michael Gougler

TAX LOTS: 3221-4300, 4301, 4390 and 4400

LOCATION: 4709 E Fernwood Road, Newberg, Oregon

COMPREHENSIVE PLAN: Agriculture/Forestry Large Holding

ZONE: EF-20 Exclusive Farm Use

CRITERIA: Newberg Urban Area Management Agreement; OAR 660-04, Exceptions Process; the Yamhill County Comprehensive Plan; City of Newberg Comprehensive Plan.

FINDINGS: Newberg Urban Area Management Agreement; OAR 660-04, Exceptions Process; the Yamhill County Comprehensive Plan; City of Newberg Comprehensive Plan.

A. Background Facts

1. The applicant requested approval for an urban growth boundary amendment for four parcels currently within Newberg's Urban Reserve Area. The applicant requested a City of Newberg Comprehensive Plan designation of LDR (Low Density Residential) together with an SP (Springbrook Oaks Specific Plan) overlay. In addition, those portions of the properties lying within the Springbrook Creek stream corridor will carry an SC (Stream Corridor) designation.
2. The site is located at 4709 E. Fernwood Road and contains approximately 20.58 acres. The site is zoned EF-20 (Exclusive Farm Use- twenty acres minimum), with an AFLH (Agriculture/Forestry Large Holding) county comprehensive plan designation. The property

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- contains two single family dwellings. The balance of the property contains a stream corridor and land used primarily for hay production.
3. The property is adjacent to and will take access from Fernwood Road, an unimproved county road with a 20 ft. paved width, with gravel shoulders and no sidewalks.
 4. The properties are currently served by septic systems and private wells. Future development could be served by extension of utilities from the Fernwood pump station and from water lines being installed in the R-1 property north of the site. The City's staff report summarizes the request and provides background information.
 5. Prior history: In 1980, Newberg adopted a Comprehensive Plan. One purpose was to assure coordination and efficiency of the extension of city services and streets. In 1991, Yamhill County and the City of Newberg began a cooperative effort to identify the areas wherein the City would grow in the future. A detailed process was developed which included informal sharing of information with the City of Dundee and Yamhill County Planning Commission prior to the formal hearing process.
 6. Occurring at the same time was consideration of the Urban Reserve Area administrative rule by the Land Conservation and Development Commission ("LCDC"). The philosophy was to plan the community before the properties became subdivided into 2.5 or 1 acre parcels without consideration of available infrastructure. The Newberg City Council and Yamhill County Board of Commissioners adopted the concept of "shadow platting" to regulate the siting of new development on existing lots to ensure proper future urban development.

The subject 20.58 acres site was included in the joint planning efforts of Yamhill County and the City of Newberg, and it was also included in the lands considered as part of the LCDC Urban Reserve Area project.

Prior to consideration as possible URA land, the 20.58 acre tract was designated as "resource" or Agricultural/Forestry Large Holding ("AFLH") in the County's comprehensive plan.

The properties to be included as URA properties were to be designated as Very Low Density Residential ("VLDR") within the Yamhill County Comprehensive Plan. This designation is consistent with the then and current use of the subject 20.58 acre tract. The property had then and has now, two private residences on approximately four (4) acres. Somewhat less than two (2) acres will be "stream corridor" as per Newberg's definition, when the property is in the City. Of the remainder, several acres are cropped for hay, the rest is brush and trees.

The subject property was initially included in the property to be included in the URA properties. Near the end of the URA process, the property was included with a larger tract of land removed from URA consideration to mollify certain special interests.

In March, 1995, the City of Newberg formally selected Urban Reserve Areas. The City Council however, amended the final alternative to re-include the 20.58 acre tract (Area D1). Yamhill County concurred with this action by adopting Ordinance 596.

City Council's reasons for including the property were presented in the consultant's report, which is hereby incorporated in its entirety into these Findings by this reference. Providing road access to the 80+ acres of existing residentially zoned City land to the north was an important consideration. Without the tract, a major wetland crossing would be required, as well as routing of residential traffic through industrially zoned City property to the west.

7. The City's Ordinance No. 2003-2593, amending the comprehensive plan map to expand the UGB, designating the subject property as "LDR/SP" (Low Density Residential/Specific Plan) and "LDR/SP/SC" (Low Density Residential/Specific Plan/Stream Corridor) on the City Comprehensive Plan, and taking an Exception to Statewide Goal 3, contains City Council Findings in support of the application. The Board agrees with those findings and hereby adopts the city's findings and incorporates them herein by this reference.

B. Urban Area Growth Management Agreement Provisions

1. The Newberg Urban Area Growth Management Agreement states that amendments of the UGB shall be treated as a map amendment to both the city and county Comprehensive Plans. The county does not have any specific approval criteria for Comprehensive Plan map amendments.
2. The Newberg Urban Area Growth Management Agreement contains a list of seven factors which must be considered for a UGB amendment. The seven factors are identical to the factors which must be considered under Statewide Planning Goal 14, Urbanization, for changing a UGB. The City's Ordinance No. 2003-2593, contains findings addressing these factors, in support of the application, which are adopted by reference and incorporated herein, and the Board concurs with those findings.

C. Goal 3 Exception Requirements

1. "Reason's Exception" to Statewide Goals for Agricultural Lands

The criteria for a "reasons exception" under Goal 2, Part II, and ORS 197.732(1)(c) areas are as follows:

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.*

2. The application (which is hereby incorporated in its entirety into this Ordinance by this reference) contains findings which demonstrate that the four elements of a "reasons" exception under Goal 2, Part 11(c) have been satisfied, and the Board concurs. The application contains findings that the seven factors in Goal 14 have been satisfied. Satisfying the Goal 14 factors is also sufficient to satisfy the first and fourth requirements of the Goal 2 "reasons" exception. *See, Hummel v. LCDC*, 152 Or App 404, 414-415, 954 02d 824 (1998). The second and third elements of the "reasons" exception (the "alternatives" elements) are satisfied by the showing in the adoption in 1995 of the Newberg Urban Reserve Area (URA), which included a determination that the subject property should be included in the City's URA based on the factors required to be considered under OAR Chapter 660, Division 21, including the amount of land estimated to be needed for a 10 to 30 year supply of developable land beyond the 20-year time frame used to establish the UGB, the locational factors of Goal 14, and a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land. *See OAR 660-021-0030(2)*. Based on these factors, the city identified study areas and land found suitable for the URA were included according to the priorities set forth in *OAR 660-021 -0030(3)*, which gave first priority to land adjacent to or near the UGB and identified as exception areas or non-resource lands, and included lower priority lands if land of higher priority was found to be inadequate to accommodate the amount of land estimated to be needed for future urban services based on certain factors. The URA adoption therefore shows that the second and third elements of the "reasons" exception are satisfied. *See, Hummel V. LCDC, supra*. Additional reasons under *OAR 660-004-0022* are set forth below. All four elements of the Goal 2 "reasons" exception have been satisfied.

3. The Board also finds that the following additional reasons support an exception under Goal 2. Part 11(c), pursuant to *OAR 660-004-0022* which provides:

Reason Ib: "A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site. That analysis must demonstrate that the proposed exception site is the only one within the market area at which the resource depended upon can be reasonably obtained"

The Board is persuaded that the subject site is the only site in the State of Oregon where the property has been designated as URA land yet the underlying Comprehensive Plan designation precludes its use as an URA. The City and County intended the property to be designated as URA. To be able to use the site as intended by local governments, this site must be granted an exception under Goal 2, Part II(c). In recognition of the County and City's intended use for this site, an exception is warranted.

Newberg's Springbrook Oaks Specific Plan directs the owners to request that this URA parcel be changed to UGB, and be annexed into the City.

Reason 1c: The proposed use or activity has special features or qualities that necessitate its location at or near the proposed exception site".

The proposed use is R-1 (low density) residential. It is on a parcel which is designated as being within the URA. The City of Newberg desired that the property be annexed to the City in order to assure that its development would be consistent and complimentary with the City's 80+ acres on its north boundary. The subject property allows access to the property now within the City which is consistent with the intent of the City of Newberg when it recommended URA inclusion of the parcel in 1995.

Reason 2: A jurisdiction could justify an exception to allow residential development on resource land outside of an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic growth in the area.

Yamhill County and the City of Newberg cooperatively developed and agreed upon the Newberg Urban Reserve Area. The selection of lands to be included in the Newberg URA were selected to satisfy the anticipated market demand for housing which would be generated by planned economic growth. By including this parcel in the URA lands, both the City and County have previously agreed there are valid economic reasons which require the selection of this parcel of "resource land" as land which should be designated for future residential development.

Reason 3(c): The use would have a significant comparative advantage due to its location, which would benefit the county economy and cause only minimal loss of productive resource lands.

The UGB application describes in detail the current uses of the land, the soil types and the transportation and resource advantages in support of an affirmative decision. The economic and planning advantages to the City and County include:

- a. Current use is agricultural, with two residences, and approximately 10 acres in hay production. The hay property is taxed at approximately \$45/year. Because of the small lot size, the costs of hay production are high. The field is farmed essentially to control weeds and the spread of blackberry vines. Allowing the property to be in the UGB and subsequently in the City, would result in an estimated \$153,000 a year in new taxes.
 - b. There would be no loss of valuable, productive farm land. The 10 acres in hay production are isolated between Fernwood Road to the South and R- 1 Residential development to the north. There is no possible way to expand the farmed parcel or to change the crop on the parcel into one that will repay the required farming effort. A portion of the 10-acres is too steep to farm.
 - c. By annexing the subject property, the City of Newberg will have jurisdiction over the entire roadway proximate to City lands. Currently the only viable access to the 80+ acres of City R-1 property is across County lands. Dissimilar road standards create difficulties for both the County and the City, in establishing and enforcing development standards and utility services.
 - d. The City of Newberg, depending upon promise of the URA designation, required the Springbrook Oaks Development, within the Springbrook Oaks Specific Plan, to annex the subject parcel into the City when development of the 80+ acres to the north commenced.
4. The Board also finds that the following additional reasons support an exception under Goal 2, Part 11(c), pursuant to OAR 660-004-0028 (Exception Requirements for Land Irrevocably Committed to Other Uses).

Reason 1: A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

The current designation of URA on a parcel deemed to be "resource land" is unique. This situation does not exist anywhere else in Oregon. It is obvious that the intent of the City was to include this parcel for reasons that were valid and reasonable in 1995 and are even more valid in 2003. The parcel is "irrevocably committed to other uses. This situation is recognized by both Yamhill County and the City of Newberg and it is specifically for this type of situation that this exception provision was drafted.

The City of Newberg, depending upon the URA designation, required the Springbrook Oaks Development, within the Springbrook Oaks Specific Plan, to annex the subject parcel into the City when development of the 80+ acres to the north commenced.

D. Yamhill County Comprehensive Plan

1. Although the majority of the Yamhill County Goals and Policies are aspirational and not approval criteria, it is important that they be considered as a guide to aid decision makers. For example, where goals or policies conflict, the decision makers need to weigh the evidence and decide which goal or policy the request satisfies. Accordingly, the Yamhill County Board of Commissioners has decided the parcel is better suited for urban development than preserved as farmland.

2. The Yamhill County Comprehensive Plan, Section I.A., Goal 1, directs the County:

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

In 1995 the urban reserve area project was completed. The Urban Reserve Area (URA) land supply was intended to provide adequate land for the City of Newberg needs to 2020. As shown in Tables A, B and C of the City of Newberg staff report, hereby incorporated in its entirety into these Findings by this reference, a current shortfall of residential land has been identified. These parcels were included within the urban reserve area and conversion from agricultural to urban land uses is occurring in an orderly and efficient manner. Adjacent properties within the City limits have not yet been fully developed; therefore, it is not clear how conversion of this block of land is a natural progression of development in this area.

3. The Yamhill County Comprehensive Plan, Section II, Goal I, Policy h. states:

No proposed rural area development shall substantially impair or conflict with the use of farm or forest land, or be justified solely or even primarily on the argument that the land is unsuitable for farming or forestry or, due to ownership, is not currently part of an economic farming or forestry enterprise.

This goal requires counties to inventory agricultural lands and to “preserve and maintain” them for farm use. The properties under review are currently planned AFLH (Agriculture/Forestry Large Holding) and are zoned EF-20 (Exclusive Farm Use).

4. The Yamhill County Comprehensive Plan, Section II, Goal 2, Policy a. states:

Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.

The property under review consists primarily of WuB Woodburn silt loam soils with Wc Wapato silty clay soils in the vicinity of the drainage ditch. Woodburn soils are identified as Class II soils by the SCS; Wapato soils are identified as Class III as indicated on the USDA soils map. However, the preservation of land with agricultural soils must be balanced with its need to serve urban uses. The addition of the project site into the UGB would provide needed area for urban expansion adjacent to the City, where services are available or can be readily extended, thereby avoiding leap-frog development or other land consumptive practices.

E. Urban Growth Boundary Transportation Issues

1. The Yamhill County Transportation Plan Section 5.2.2 has Goals and Policies that deal with issue of UGB amendments and Annexations. Goals 4, 5, and 6 of this section state:
 4. *It is the policy of Yamhill County to coordinate the County Transportation System Plan with the transportation plans of the ten incorporated cities within Yamhill County. The County will emphasize continuity in the classification of roads and appropriate design standards for roadways which link urban areas with rural areas outside Urban Growth Boundaries. At the time of UGB amendment Yamhill County and the City involved shall agree on classification and design standards of all County Roads within the proposed UGB area prior to finalization of the amendment.*
 5. *County policy will encourage the expeditious transfer of jurisdiction of roadways to incorporated cities in conjunction with annexation. It is the policy of Yamhill County that developers of property who propose annexation and who have frontage on a road that does not meet city road standards shall have the primary responsibility for upgrading the road to city standards. Roads shall be upgraded at the time of annexation, or the developer shall sign an agreement with the city to upgrade the road at the time of development. Transfer of jurisdiction shall require the approval of both the County and the City in accordance with the provisions in Oregon Revised Statutes 373.270.*
 6. *It is the policy of Yamhill County to require the transfer, or an agreement to transfer with specific time lines and milestones as part of the agreement, of jurisdiction of County roadways within urban growth boundaries to their respective cities at the time of annexation.*
2. The Board finds that the application satisfies the provisions of Transportation Plan Section 5.2.2 Goals 4, 5 and 6 as follows.

The Board finds that there has been coordination of the County's TSP and the City of Newberg's TSP. The Board concurs with the City's findings that address the City's Comprehensive Plan Goal 12, Transportation, which states that:

Finding: The City's Comprehensive Plan contains several goals and policies designed to guide the planning and provision of a safe, convenient and economic transportation system in cooperation with state, county and neighboring communities in the region. The City's 1997 Urban Reserve Project report includes an analysis of transportation system impacts and possible improvements based on a comparison of two alternative land-use scenarios. The orderly and economic provision of public services and facilities, including the transportation system, was among the criteria used to evaluate the URAs.

Newberg's Transportation System Plan and the Springbrook Oaks Specific Plan include several required road improvements in the general vicinity of the site. They include:

Construction of a new road that would connect to Brutscher Street, cross the eastern fork of Springbrook Creek, turn south, and connect to Fernwood Road.

A requirement to improve and widen Fernwood Road from Brutscher Street to a new road off Fernwood which will serve the eastern part of Springbrook Oaks.

Kittleson & Associates, Inc. prepared a traffic impact for the Springbrook Oaks Specific Plan. The plan includes study methodology, findings, and recommendations to Newberg's Transportation System Plan (Attachment B-7).

Future development in the subject area will pay for its share of future transportation improvements through existing Transportation System Development Charges. Based on a Transportation System Development Charge of \$1,538.12 per single family home, the funds collected would be \$79,982.24 for 52 homes.

The Board also concurs with the City's findings which address the City's Comprehensive Plan Transportation Goal 9 (Create effective circulation and access for the local transportation system) which states:

Finding: The Traffic Impact Study prepared for the Springbrook Oaks Specific Plan included an analysis of potentially affected roadways and intersections and recommended roadway improvements to provide for adequate circulation and access for future development in the area. Improvements to adjacent public streets will be required to conform to standards in the City's Transportation System Plan (TSP) and Development Code at time of future development. They include:

Construction of a new road that would connect to Brutscher Street, cross the eastern fork of Springbrook Creek, turn south, and connect to Fernwood Road.

A requirement to improve and widen Fernwood Road from Brutscher Street to a new road off Fernwood which will serve the eastern part of Springbrook Oaks.

Additional details of the study methodology, findings, and recommendations are provided within the Traffic Study Report (Attachment B-7). As previously noted, future development in the area will pay for transportation improvements through existing Transportation System Development Charges.

Moreover, the Kittelson Traffic Study Report (p. 3-4) concluded, in part that:

- *The Corral Creek Road/Highway 99W, Brutscher Street/Highway 99W, Fernwood Road/Springbrook Road intersections are expected to continue to operate acceptably with development of the site.*

* * *

- *The potential golf course or 90 homes to be located on the east portion of the site are low trip generators and can be adequately served with primary access on Fernwood Road*

3. There are no county roads within the proposed UGB area and annexation of the proposed UGB area is not proposed at this time. Therefore the requirements in Goals 4, 5 and 6 regarding classification and design standards of roads within the UGB, and transfer of jurisdiction of roads within the UGB at the time of annexation, do not apply. However, a portion of Fernwood Road, a county road, is located adjacent to the southern boundary the proposed UGB area, and, as a condition of approval, there will be a requirement that jurisdiction of Fernwood Road (from the City of Newberg's pump station to the eastern boundary of the proposed UGB area) shall be transferred from Yamhill County to the City of Newberg.
4. There was testimony from residents who are concerned about the future traffic impact from development of the areas, currently within the City of Newberg, which are next to the proposed UGB area. Three residents expressed concern regarding the adequacy of the roads to the east and southeast of such area, including the portion of Fernwood Road to the east of the subject site, Corral Creek Rd., Renne Rd., Schaad Rd, and Wilsonville Rd. Two of those who testified made it clear that they did not oppose the matter and understood that the proposed UGB area may allow development of approximately ten acres (+- 30 homes), not a number sufficient to be a significant contribution to existing traffic volumes. They did

want to make to point that the above roads are currently inadequate and planned growth in the City and the County will exacerbate existing problems. The Board finds that the future traffic impacts of future development of the subject property on such roads will be addressed by the City of Newberg at the time of development of the subject property. The Kittelson traffic study found that Corral Creek Road/Highway 99W, Brutscher Street/Highway 99W, and Fernwood Road/Springbrook Road intersections are expected to continue to operate acceptably with development of the site, and that the potential golf course and homes to be located on the east portion of the site are low trip generators and can be adequately served with primary access on Fernwood Road. The Board finds that as annexation and development occurs within the proposed UGB area, the short and long term transportation needs, including any improvements, repairs, and maintenance of rural roads outside the UGB in the vicinity of the proposed UGB area, will continue to be addressed by the County in accordance with the County's Transportation System Plan (TSP) and the County's Comprehensive Plan Goal 4 which states that the County will emphasize continuity in the classification of roads and appropriate design standards for roadways which link urban areas with rural areas outside Urban Growth Boundaries.

CONCLUSIONS:

1. This application is to add 20.58 acres to the UGB of the city of Newberg, and to change the Comprehensive Plan map designation for the subject property as "Future Urbanizable" with the City's "LDR/SP" (Low Density Residential/Specific Plan) and "LDR/SP/SC" (Low Density Residential/Specific Plan/Stream Corridor) designations.
2. An exception to Goal 3 is justified based upon the findings which demonstrate that the four elements of a "reasons" exception under Goal 2, Part 11(c) have been satisfied.
3. The findings in City Ordinance No. 2003-2593, as supplemented by these findings, justify how the request complies with the seven factors for a UGB amendment required by the Newberg Urban Area Growth Management Agreement.

DECISION:

Based upon the findings in City of Newberg Ordinance No. 2003-2593 and these supplemental findings, the request by Michael Gougler of M.J.G. Development, Inc. in Docket PAZ-04-02 to amend the City of Newberg Urban Growth Boundary (UGB) to add Tax Lots 3221-4300, 4301, 4390 and 4400 to the UGB, including taking an exception to Statewide Goal 3, is hereby approved, subject to the following condition:

1. Jurisdiction of Fernwood Road, from the City of Newberg's pump station to the eastern boundary of the subject property, shall be transferred from Yamhill County to the City of Newberg.