

# *REQUEST FOR COUNCIL ACTION*

**DATE ACTION REQUESTED: April 4, 2016**

<b>Order</b> ___	<b>Ordinance</b> <u>XX</u>	<b>Resolution</b> ___	<b>Motion</b> ___	<b>Information</b> ___
<b>No.</b>	<b>No. 2016-2799</b>	<b>No.</b>		

**SUBJECT: An Ordinance annexing property located at 4016 N College Street, Yamhill County Tax Lot 3208-02900, into the Newberg City limits and withdrawing it from the Newberg Rural Fire Protection District, and changing the current zoning from Yamhill County VLDR-1 to City R-1**

**Contact Person (Preparer) for this Motion: Jessica Pelz, AICP  
Dept.: Community Development  
File No.: ANX-14-002**

**HEARING TYPE:**

**ORDER:**

**LEGISLATIVE**

**QUASI-JUDICIAL**

**RECOMMENDATION:** Adopt Ordinance No. 2016-2799 annexing property located at 4016 N College Street, Yamhill County Tax Lot 3208-02900, into the Newberg City limits and withdrawing it from the Newberg Rural Fire Protection District, and changing the current zoning from Yamhill County VLDR-1 to City R-1.

**EXECUTIVE SUMMARY:**

This is an annexation request for 2.29 acres of property that is within the Newberg urban growth boundary. The property has a Comprehensive Plan designation of LDR (Low Density Residential), which corresponds with the requested zoning of R-1 (Low Density Residential). According to the most recent analysis completed as part of the recent “Martell Commons” Comprehensive Plan Map and Zone Map amendment, the city has a deficit of 37 acres of LDR land to meet 2030 housing needs. Annexation of this property will provide additional residential development opportunities to meet future housing demands.

The biggest issue facing this application was determining whether adequate public utilities can serve the site within three years. City water and sewer lines were previously extended across this property to the North Valley Friends and Veritas properties in 2014 in accordance with a Development Agreement the city had executed with North Valley Friends in 2010. There are no issues with the new sewer line; however, the newly extended water line connects to the Oak Knoll booster pump station, which was constructed in 2000 to augment low system pressure for the 40-lot Summit at Oak Knoll subdivision [2004 *City of Newberg Water Distribution System Plan*]. Based on the size and purpose of the Oak Knoll booster pump station, the city was concerned about adequate water flows to the Rourke property to serve their future development, as well as development on the adjacent North Valley Friends and Veritas sites. The applicant hired AKS Engineering & Forestry (AKS) to explore the capacity of the Oak Knoll booster pump station and to identify any upgrades necessary to serve the future developments. AKS found that the Oak Knoll booster station would need to be upgraded to supply adequate water to Rourke, North Valley Friends, and Veritas. In addition, AKS identified the specific required improvements and provided a cost estimate for the upgrades. City staff concurs with the AKS assessment, and is confident the upgrades can be made by the applicant to serve the property consistent with the annexation requirements.

The Rourke property is accessed from Highway 219/College Street via a “non-exclusive easement for roadway purposes” over a small property owned by North Valley Friends. Future development of the Rourke property will likely necessitate dedication of right-of-way to extend a public street access into the property. Street improvements to the College Street/Highway 219 frontage will be required at the time of

development. The Planning Commission placed a condition that the applicant revise their legal description to include area to the centerline of the adjacent Highway 219 right-of-way to provide for continuity of the city limits, and this condition is carried forward on Ordinance No. 2016-2799.

State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg's (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria as outlined in Exhibit "C" to Ordinance No. 2016-2799 and will not be sent to a public vote. The City Council will make the final local decision on this application for annexation.

**FISCAL IMPACT:** No direct fiscal impact to the city other than the addition of the 2.29 acres to the property tax base.

**STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):** Approval of the proposed annexation helps further the following Council goals: #4 – "Foster and encourage economic development in the community" because the property will provide additional residential building land; and #5 – "Maintain and modernize the city's transportation and utilities infrastructure" because development of this property will require street improvements and upgrades to the Oak Knoll pump station.

**ATTACHMENTS:**

1. Planning Commission Resolution 2016-316 (with Exhibits "A", "B", and "C" by reference only and attached to Ordinance No. 2016-2799)
2. Aerial Photo
3. Concept Development Plan
4. Current Comprehensive Plan/Zoning Map
5. Application

Ordinance No. 2016-2799 with:

- Exhibit "A": Property Map
- Exhibit "B": Legal Description
- Exhibit "C": Findings