

MEMORANDUM

To: City of Newberg
Department of Planning and Building

From: Richard D. Boyle, PE
Civil Project Manager

Date: June 30, 2009

Project: **South Industrial Area Master Plan**
WRG#: **CON 8829 SD3**
Re: **Utilities**

Site Description:

The South Industrial Area Master Plan site is a prominent plateau of approximately 375 acres bounded by the Hess Creek Drainage on the west and the Springbrook Creek drainage on the east. Elevations of this plateau range from slightly above 170-feet of elevation to 110-feet of elevation along the incised drainages at the boundaries of the master plan area. Natural existing soils of the Chehalem Valley consist predominately of clays with incidence of perched water tables and have very low infiltration potential.

Wastewater:

Wastewater service to the master plan area can be provided by sighting a pump station on property south of Wynooski Road across from the existing waste water treatment plant. This pump station should be deep enough, 20 to 22 feet, to allow the extension of a large diameter trunk line to serve the South Industrial Area Master Plan with ad force main back to the existing waste water treatment plant headworks. At this depth the wastewater trunk line can be extended east along Wynooski Road to HWY 219 and south along HWY 219 at minimum slope. This wastewater trunk line along with the pump station will provide the backbone for wastewater service to the area and provide a basis for systematic extension of facilities and services from HWY 219 to the boundaries of the plan area.

Installation of interceptor and service mains from this backbone infrastructure can be extended along the alignments of Street "A", Street "B", Street "C", the proposed realignment of Wynooski Road and along optional or local service roads to proved wastewater service to the master plan area. The 10 acre area east of HWY 219 at the southern end of the planning area will required a small local lift station to address the 50-foot drop in elevation.

Recycled water should be extended to the master plan area to extend the benefits that this service provides. Recycled water can be extended from the waste water treatment plant or a connection could be made to the main the services the Chehalem Glenn Golf Course in the area of Springbrook Road and/or Wilsonville Road. Location of the connection to the existing system and transmission main sizes should be determined from further investigation into availability of reclaim water and demand estimates for the plan area. Currently recycled water is only available on demand and is a non-pressurized distribution system at this time. Potential customers would need to work closely with the City of Newberg to address Department of Environmental Quality standards and requirements.



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Storm Water:

The City of Newberg currently does not require storm water quality treatment for storm water runoff. In addition current City development requirements require detention when minimizing the rate and volume of runoff to receiving systems and streams is necessary to ensure that new development does not increase downstream flooding or erosion.

In July of 2008 the City published the "Willamette TMDL Implementation Plan" that has established the basis for storm water quality treatment in the City of Newberg in anticipation of future requirements of the Oregon Department of Environmental Quality's (DEQ) Municipal Separate Storm Sewer System (MS4) NPDES Phase II Permit. This document states the City's goal to obtain public input regarding the establishment of an ordinance for storm water quality-related standards for new development in the year 2010. To support this goal of storm water quality treatment for new development within the plan area the City may implement and refer to the water quality treatment standards and requirements of Clean Water Services, City of Portland Bureau of Environmental Services or Water Environmental Services of Clackamas County. These jurisdictions are all current MS4 NPDES Phase II Permit holders.

New regulations regarding storm water detention are being implemented by The Oregon Department of Environmental Quality based on the direction and authority of the Federal Environmental Protection Agency. The Oregon Department of Environmental Quality in cooperation with the Oregon Department of Transportation is requiring detention for all developments that affect a state highway facility or require 404 or 401 water quality permit. The implementation of the Newberg South Industrial Area Master Plan will affect HWY 219, a state facility, and storm water from the area will discharge to Springbrook Creek and Hess Creek which contain wetlands that may require 404 and/or 401 permits from DEQ. Therefore, it is reasonable to ascertain that storm water detention can be an anticipated requirement for development of the plan area.

Water quality treatment can be achieved by implementation of multiple best management practices (BMPs) throughout the plan area. Consideration should be given to low impact design water quality treatment facilities. These facilities treat storm water impurities at the source, impervious surfaces, prior to conveyance and discharge to receiving water bodies. Examples of these facilities are a storm water filter basin in landscape islands that provide treatment to the adjacent asphalt parking area. A few other examples are vegetated filter strips, sand filters, planter boxes and vegetated or grassy swales. These facilities tend to be smaller in size due to the contributing area draining to the facility and may require multiple facilities to serve an area of significant size.

Individual lot by lot, development by development, water quality facilities can also be implemented throughout the plan area. This approach would require the individual industrial development to provide water quality treatment to the impervious surfaces required by its facilities.

Localized regional water quality treatment areas can be implemented within the plan area. These treatment areas can be swales and or ponds in open spaces, parks and along the drainage ways of Hess Creek and Springbrook Creek. These facilities will tend to be large in size due to the large areas of impervious surfaces contributing to the facility.

In summary, water quality treatment can be provided through implementation of BMPs throughout the plan area. Further investigation and development of the minimum requirements and frame work for implementation is necessary to achieve water quality treatment for the plan area. These facilities can be public or private or a combination of public and private with indentified considerations of long term maintenance responsibilities.

Detention can be achieved throughout the plan area effectively by utilizing the preferred water quality treatment systems and expanding them for detention. The plan area is of significant size in which the storm drainage treatment and conveyance system can be used to delay the post development peak discharge to achieve significant detention.

Water System:

The City of Newberg Water System Master Plan states that a 24" main should be extended to the site from the water treatment plant to the plan area and allow for further extension up Springbrook Road. City staff has stated that quantity and pressure are sufficient to serve the area. It can be assumed that pressures would be significantly high enough that a pressure reduction measures would be necessary. Extension of water mains along with the alignments of the proposed streets within the plan area will provide adequate water service and redundancy. Further demand analysis should be implemented with each development to ensure adequate volume and pressure is available for the needs of the user.

Franchised Utilities:

Natural Gas:

Natural gas services would be extended from the existing 12-inch high pressure main in Wynooski Road to the plan area. The plan should contain a high pressure reduction facility consisting of a 20-foot by 40-foot area to reduce the pressure for normal commercial use.

Power:

Electrical power services would be extended to the plan area from the existing substation along Springbrook Drive. Existing overhead lines along the Right-of-Way of HWY 219 are anticipated to be relocated underground with the extension of services to the plan area. Common utility easement widths are 10-feet along all public Right-of-Way with the additional 20-foot by 30-foot easement around power switch vaults where required.

Phone & Broadband Communications:

Telephone and broadband communications will need to be extended to the plan area from Springbrook Drive. Redundancy in the system which may be required by individual end users may be achieved by a secondary connection from Wilsonville Road.

Infrastructure Financing Options

- **System Development Charges** – Can be used to fund projects on the City’s Capital Improvement List. May also be used for projects that oversize public infrastructure (i.e. SDC credits to the developer that oversizes the infrastructure for future capacity).
- **Local Improvement District** – City finances the improvements to be paid back by adjacent property owners or other identified property owners that benefit from the improvements.
- **Developer Dedications** – Improvements funded and built by the developer of the property (i.e. extend water, sewer, storm; full street improvements). Required improvements must meet the impact of the proposed development (i.e. be roughly proportional). If developer is oversizing public infrastructure, they may be eligible for SDC credits.
- **Advanced Financing Agreements** – Individual property owner finances improvements and is then reimbursed by other property owners that tap into or use the improvements in the future.
- **Urban Renewal & Tax Increment Financing** - The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped. These areas can have old deteriorated buildings and bad streets and utilities or the areas can lack streets and utilities altogether. Urban renewal provides three types of authority that are not otherwise available to local governments: first, it allows for the use of tax increment financing to finance improvement projects; second, it allows for special powers to buy and assemble sites for development or redevelopment, if that is desired; and third, it allows for special flexibility in working with private parties to complete development projects. For a city to use urban renewal it must establish an urban renewal agency and it must adopt an urban renewal plan. Urban renewal agencies can do certain projects or activities under an adopted urban renewal plan. These activities include:
 1. Construction or improvement of streets, utilities and other public uses. The most common type of urban renewal project is infrastructure development, including streets and utilities. Urban renewal also commonly funds parks, plazas and pedestrian facilities.
 2. Rehabilitation or conservation of existing buildings. An urban renewal agency can assist in rehab projects of any type (residential, commercial, industrial) typically through loans and grants to private property owners.
 3. Acquisition and improvement of property. An urban renewal agency can acquire property, typically for re-sale for private or a combination of public/private development. The agency has the power of eminent domain (condemnation) for redevelopment purposes, which is not a clear power of cities or counties themselves. The agency must identify properties to be acquired in the urban renewal plan. Properties must be acquired at fair market value. Once acquired, urban renewal agencies can clear and improve the properties prior to resale or lease. Any persons or businesses displaced by agency acquisition are entitled to relocation assistance.
 4. Re-sale or lease of property. An urban renewal agency can sell or lease property it owns for redevelopment. Unlike cities and counties, the agency can legally sell for less than fair market value. Property can be sold for its “fair re-use value” which is the value for a specified use required in the urban renewal plan.

Urban renewal is unique in that it can be financed by urban renewal taxes or tax increment financing. Urban renewal taxes are the taxes generated by the *increase* in total assessed values in the urban renewal area from

the time the urban renewal area is first established. The assessed value of an urban renewal area at the time the plan is adopted is called the “frozen base”. Growth above the base is called the “increment.”

- **Oregon Statewide Transportation Improvement Program (STIP)** - The Statewide Transportation Improvement Program, known as the STIP, is Oregon’s four-year transportation capital improvement program. It is the document that identifies the funding for, and scheduling of, transportation projects and programs. It includes projects on the federal, state, city, and county transportation systems, multimodal projects (highway, passenger rail, freight, public transit, bicycle and pedestrian), and projects in the National Parks, National Forests, and Indian tribal lands. Federal regulations require that all federally funded transportation projects and all “regionally significant” transportation projects be identified in the STIP. Regionally significant refers to projects with air quality impacts, such as adding more lanes, building a bypass, or installing a new signal. Regionally significant also refers to projects that are of significant interest to the local community. Regionally significant local government projects in the STIP are identified and prioritized utilizing system management data and public involvement at the local government level. ODOT is included in the process as directed by federal law.
- **Oregon Immediate Opportunity Fund Program** - Provides grant funding needed for street or road improvements to influence the location, relocation or retention of a firm in Oregon, revitalize business or industrial centers, and prepare Oregon Certified Project Ready Industrial Sites. Three types of projects can be funded at the following maximum grants per project: Type A: Specific economic development projects that affirm job retention and job creation opportunities. Maximum grant: \$1,000,000; Type B: Revitalization of business or industrial centers to support economic development. Maximum grant: \$250,000; Type C: Preparation of Oregon Certified Project Ready Industrial Sites. Maximum grant: \$500,000.
- **Oregon Industrial Development Revenue Bond Program** – The Oregon Economic and Community Development Commission is authorized by statute to issue industrial development bonds for qualified projects throughout Oregon. Bonds can be issued on a tax-exempt basis if federal requirements are met, or on a taxable basis for projects that do not meet these requirements. Industrial development bonds are not direct obligations of the state of Oregon. The entity on whose behalf they are issued is legally obligated to repay them. Eligible activities include manufacturing, processing, warehousing, research and development, natural resource utilization and certain tourism-related facilities. Projects must be cost effective and must produce goods or services that are sold in markets for which national or international competition exists.
- **Oregon Transportation Infrastructure Bank (OTIB)** – A statewide revolving loan fund designed to promote innovative financing solutions for transportation needs. Eligible projects include: highway projects such as roads, signals, intersection improvements, and bridges; transit capital projects such as buses, equipment, and maintenance or passenger facilities; and bikeway or pedestrian access projects on highway right-of-way.
- **OECD Special Public Works Fund** – Primarily a loan program with some grant provisions. Eligible entities include cities, counties, county service districts, tribes, ports & districts, airport districts. Eligible projects/activities (projects must be public-owned): can be used to finance construction of airport facilities; buildings and associated equipment; port facilities, wharves and docks; telecommunications infrastructure; roadways, bridges, etc.; solid waste disposal sites; wastewater system improvements; renewable energy projects. Provides for activities such as: conduct of feasibility and other preliminary studies and engineering necessary as part of the development of a construction project; mitigation of environmental conditions on industrial lands; purchase of land, rights of way and easement necessary for public infrastructure.

MEETING NOTES

Project: Newberg South Industrial Area Master Plan
Date: February 25, 2009
Location: City of Newberg Wasterwater Treatment Plant
WRG#: 2098829.00

Prepared By: Michael Cerbone

City Staff

in attendance: Barton Brierley, AICP – City of Newberg Planning and Building Director
Elaine Taylor, AICP – City of Newberg Associate Planner
David Beam, AICP – City of Newberg Economic Development Coordinator / Planner
Jessica Nunley – City of Newberg Assistant Planner

WRG: Michael Cerbone – WRG Project Manager
Ryan Givens, AICP – WRG Senior Community Planner

Distribution: City Staff and WRG

Meeting Summary:

An attendee list is attached to this meeting summary listing the names and contact information for the owners in attendance at the meeting. There were a total of eleven (11) people in attendance that represented the existing property owners. The meeting began with an overview of the planning projects that have led up to the development of the South Industrial Area Master Plan.

Three groups were formed from the attendees at the owners meeting. These groups were asked to brainstorm responses to four (4) questions. The answers to these questions were captured on large sheets of paper which were then hung on the wall. Participants were given dots to stick next to the items they thought were most important out of all of the group's answers to each question. The findings of this exercise are shown below, listing each of the responses given to each question with the number of dots each response received indicated after the response.

What type of industry or major employers should Newberg pursue in the future?

Flexibility in use and growth (8)
Large and small businesses mixed in (8)
High tech (5)
Clean industry that employs a lot of people (3)
Non-polluters – Noise, lighting, odors (2)
Nice looking – Aesthetics (2)
Large use for big chunk (2)
Family wage jobs (1)
Office park type complex (1)
Research centers (1)
Support wine industry (1)
Cold storage (1)
Food processing (1)
Renewable energy
Not heavy industry – smokestacks
Incentives – Business tax
Users that will not irritate the neighbors



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Build on what already works
 Preference on smaller businesses
 Support to other such as dental
 Global business

Do you see any constraints to developing the properties located in the South Study Area?

Opposition from some community members (8)
 Natural features – topography, streams (6)
 Funding of infrastructure (6)
 Uncertainty about the bypass (4)
 Less than attractive existing businesses (3)
 Individuals are not personally ready to leave (3)
 Lack of marketing plan (2)
 Ensuring infrastructure occurs concurrent with development (1)
 People currently live/occupy the property
 Drainage issues due to flat topography
 Sewer functions due to topographic features – Pump stations, cost
 The required transportation corridor
 Drainage

What would you like the South Study Area to look like in 20 years?

Include opportunities for a mix of uses (9)
 Uniform design standards – look for successful models (9)
 Small commercial to support business (9)
 Compatible with local manufacturing (3)
 Clean (2)
 Provide cohesive campus design yet project individual choice (1)
 3 stories or higher – not intrusive (1)
 Biking and walking trails (1)
 Long-term transportation planning (1)
 Highway should project an enhanced / buffered appearance
 Transportation should be interconnected with parks
 Attractive
 Class A type office complex
 Not cookie cutter
 Landscaping
 Sidewalks
 Utilize green areas
 Well-lit

What are the core values Newberg should promote as we look to future development in the South Study Area?

Commercial, industrial, roads, stores. Live here, work here, shop here (12)
 Attract businesses that want to be part of and participate in the community (11)
 Diversity in the type and ownership of businesses (7)
 Environmentally friendly (2)
 #1 most attractive city in the State (1)
 Preservation of individual's values (1)
 Want to be able to see the hills (1)
 Promote our attractiveness
 Provide enough commercial so people can show here
 Provide enough infrastructure and essential services for a complete community – Residential,
 Businesses that add to the City's livability
 Sustainable transportation system



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MEETING NOTES

Project: Newberg South Industrial Area Master Plan
Date: March 11, 2009
Location: City of Newberg Public Safety Building
WRG#: 2098829.00

Prepared By: Michael Cerbone

Project Team

in attendance: Barton Brierley, AICP – City of Newberg Planning and Building Director
Jessica Nunley – City of Newberg Assistant Planner
David Beam, AICP – City of Newberg Economic Development Coordinator
Elaine Taylor, AICP – City of Newberg Associate Planner

WRG: Mimi Doukas – WRG Principal
Michael Cerbone – WRG Project Manager
Ryan Givens, AICP – WRG Senior Community Planner

Distribution: City Staff and WRG

Meeting Summary:

An attendee list is attached to this meeting summary listing the names and contact information for the community members in attendance at the meeting. The meeting was open to the public and there were a total of 29 people in attendance from a broad cross-section of the Newberg community. The meeting began with an overview of the planning projects that have led up to the development of the South Industrial Area Master Plan.

Five groups were formed from the attendees at the community visioning meeting. These groups were asked to brainstorm responses to five questions. The answers to these questions were captured on large sheets of paper which were then hung on the wall. Participants were given dots to stick next to the items they thought were most important out of all of the group's answers to each question. The findings of this exercise are shown below, listing each of the responses given to each question with the number of dots each response received indicated after the response.

What type of job opportunities do you think the City should be planning for in the future?

Retain and grow existing businesses (6)
Clean / green (4)
Respectful of existing Ag/users (3)
Those that support local agriculture (3)
Skilled manufacturing (not heavy) (2)
Support companies for local industries (2)
Jobs for existing residents (2)
Low water use (2)
Complements environment (2)
Value added sectors (1)
Complementary industries (2)
Manufacturing in general (1) – needs good I-5 access
Mix of opportunities (2)
 Skilled
 White collar



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Manufacturing

- Reflective of Newberg character (1)
- Growth potential
- Storage – large and small
- Candy factory
- Jam production
- Distribution center
- Furniture manufacturing
- Dairy related
- Clean industry
- Cannery
- Research/design
- Industrial suites
- Truck-served industries – no land locked, unsignalized intersections, steady flow
- Not enough land
- Phase development concurrent with transportation and interim improvements
- Cooling, pooling, shipping for wine industry
- Warehousing for specific industries
 - Will be an attraction for industry – infrastructure
 - Short distance to I-5
- Smaller, incubator industries
- Flexibility in size
- Alternate energy
- Clean industry, high wages
- Training facilities
- Heavy industry
- Focus on small businesses
- Sustainable energy industry
- High density of employment
- Living wage jobs
- Higher education required / educated workforce

What amenities should be provided in the overall design of the area to make it attractive to prospective businesses and an enjoyable place to work?

- Dark sky friendly (4)
- Transportation system to bus around town (3)
- Bike/walking paths (2)
- Natural areas preservation – enhanced natural areas (2)
- Gas stations, hotels (2)
- Build the development you want to live next door to (2)
- Easy infrastructure access (1)
- Continued activity past working hours (1)
- Integrated and maintained green space areas throughout the plan area (1)
- Neighborhood commercial to support area – does not draw from larger area (1)
- Mitigate hydrologic impacts/ Low Impact Design Techniques (1)
- Green space
- Walking and biking trails
- Bus stop
- Bike lanes
- Safe bikeways to rest of town
- Small cafes/restaurant/coffee shop
- Child care
- Security/public safety
- Surface stormwater treatments
- Transportation



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Support retail: sandwich, copy store, gas
Trail system/buffering
Campus needs landscape treatment, manufacturing needs less burdens – less landscaping, less expensive, no street trees
Develop green space guidelines that allow flexibility in location
Minimal support commercial service (minimize travel out of park during work day)
Open space (riparian corridors)
No commercial
Public transportation
District focus/hub = mini city center with mix of uses
Trails
Connectivity of alternative modes
Connection to existing parks
Security provisions
High quality design standards
Signage design standards
Branded character
Feeling of arrival

Provide input on the Guiding Principles

Industry that is friendly to surrounding uses (4)
Ensure existing Ag users can continue (4)
Flexibility – size of property, shape of buildings / ability to re-use buildings (2)
Provide a variety of parcel sizes to accommodate a variety of businesses (2)
Energy efficient – LEED – building materials (2)
No housing (1)
Support growth of existing businesses (1)
Discourage solicitation of heavy industrial and large employers (1)
Sustainable is OK, if cost is controlled and does not discourage business (1)
Consistent, moderate design standards to help protect property values (1)
Should not convert area from Ag users – “don’t cut our #1 industry” (1)
Identify industry clusters and what are their needs
Affordable infrastructure
Provide land opportunities for expansion of local businesses
Streamline development process
Focus on industry that supports Ag
Adopt draft principles

What steps/actions are important to stimulate job growth and development in this area? What issues need to be addressed and what opportunities are available?

Issues

Prime agricultural land (3)
Structure stability of soils (3)
Noise and lighting (2)
Water quality (2)
Protect aquifers for existing rural users (2)
Public perception of need/location (1)
Job growth should not happen here (1)
Cumulative impacts community-wide (TSP) (1)
Need industrial land now
Employer education (PCC)
Streamline development process
Retain/enhance “quality of life” – schools, recreational opportunities
Shovel-ready up-front cost initial investment
Define shovel-ready

Define initial public investment
 City lacks funds for capital improvements
 Identify future industrial growth after build out
 Define transportation/character of hwy219
 Infrastructure (transportation/water use/storm)

Opportunities

Good transportation network (2)
 Best prospect to bring business
 Buffered from rest of city
 Identified as state "shovel-ready" site
 Identify future industrial growth after build out
 LEED/Earth Advantage

Actions

Balance community benefits with incentives (3)
 Streamline permitting process through clear guideline while protecting public input possibilities (1)
 Wilsonville Road – coordinate Clackamas County/City of Newberg/Yamhill County (1)
 Identify prospective layouts/infrastructure locations early
 Funding mechanism
 Marketing outreach
 Establish master/overlay area
 City decisions should be consistent

1. Transportation
 - Truck friendly
 - Access to I-5
 - Congestion
 - Access for all properties
2. Stream Corridors
 - Not developable – net out
 - Natural buffer
 - Boundary should follow stream line
 - Trails not feasible in creek, but upland OK
3. Parcelization
 - Need group effort
4. Workforce Training
 - Build partnership with PCC and George Fox
 - On-site lab facilities
5. Provide plenty of inventory of available land
6. Industry supported retail – sandwiches, copy center
7. Showrooms/tasting rooms
8. No Metro

What should the area and subsequent development look like (Design Guidelines)?

Setbacks from stream corridor (2)
 Regulate light pollution (2)
 Prefer campus style (2)
 Greenery/Limit pavement (2)
 Parking in rear (1)
 Green design buildings: (1)

- Energy efficiency
- Insulated
- LEED standards? Principles



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Site design
Stormwater management
Protect Creeks
Height limitations (1)
Bicycle storage
Designed streetscapes and public areas
Campus layout
Landscape burms instead of fences/walls
Pro-metal siding (adaptive)
Frontage facing nicer designs
Mix of campus and site-specific sites
Avoid steel / prefabricated structures
Greenways/extension of City parkland
Visibility and openness to parks and path



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Meeting Notes
City of Newberg South Industrial Area Master Plan
Collaborative Design Workshop # 1 – Introduction / Kickoff

Meeting Date: Wednesday March 25, 2009

Meeting Time: 11:00 to 3:30pm

Meeting Location: 401 E Third Street (Public Safety Building)

Group Activity: Opportunities & Constraints

The group identified the following opportunities and constraints:

Opportunities:

- City has ample water rights
- City has reuse water available (purple pipe)
- City is planning for a water treatment plant expansion and is planning to add new wells
- Connect with existing and planned trails
- Willamette River for transfer/barging of goods
- Consider Utility Corridor
- Site is serviceable with gas and power
- Proximity to the airport
- Owner/community support
- Rail access
- Large parcels (existing)
- 10 minutes to interstate 5

Constraints:

- Access to Hwy 219, approximately 1,600 feet from proposed Bypass on-ramps
- Wetlands/riparian areas on-site
- Opposition from 1,000 Friends of Oregon and others
- Existing transportation capacity of hwy 99W and Hwy 219
- Existing capacity of the wastewater treatment plant
- Transitioning the area from agriculture to industrial
- Interchange at I-5 needs improvements
- Infrastructure financing

Small Group Activity: Plan Components / Schematic Concept Plan

Each team is identified below along with a summary of what occurred.

Team #1: Utilities. This group examined the design of the general sewer, water, storm drainage, and dry utilities for the area.

- Rich Boyle (WRG)
- Howard Hamilton (CoN)
- Ryan Van Gordon (Northwest Natural)
- Dallas Melcher (PGE)

Utilities – The group discussed the concept of a “corridor” or “common trench” for utilities. The team identified a 12” high pressure natural gas line within Wyooski that can be extended to service the area. It was noted that a “high pressure reduction facility” may need to be

developed to serve the area, the building would need to be approximately 20' x 40' and provide for parking.

The group identified the Springbrook Substation which can provide for the power needs of the site. Overhead transmission lines currently exist along Springbrook and Wynooski, PGE noted that "High Need" users can be accommodated. The service area may need multiple "Power switches" which can be accommodated within a 30' x 20' easement.

Water – The group discussed potable water delivery to the site, there was concern regarding high pressure which may need to be reduced. Water lines are currently within Wynooski and Springbrook and will need to be extended to serve the site.

Sanitary Sewer – Sanitary sewer service is feasible to the area but will require the development of a pressurized system to connect in with the existing service line within Wynooski. It may be possible to extend the gravity line along Wynooski to Highway 219 where a force-main can connect in.

Stormwater – The group discussed how stormwater will be dealt with within the area. They discussed a regional approach that will utilize three (3) basins; the first basin will be west of Hwy 219, the second basin will be the northern portion of the east side of Hwy 213, and the third basin will be the southern portion of the east side of Hwy 213. The group discussed the concept of putting detention/treatment facilities adjacent to or within the riparian corridors.

Team #2: Transportation: This group examined various layouts for the major streets, access and internal circulation patterns, rail access, and regional transportation issues.

- Mimi Doukas (WRG)
- Barton Brierley (CoN)
- Tim Potter (ODOT)
- Susan Mundy (YC Roads)

Access – The group noted that Hwy 219 has ¼ mile spacing standards from the proposed interchange of 219 and the Bypass. With the current bypass design, two signalized access points are possible within the study area.

Options – The group prepared several design concepts for the transportation system (see attached drawings). A frontage road system along Hwy 219 was ruled out due to the inefficient use of land and poor aesthetics. The internal secondary roadway systems could run through the center of the east and west pods, to create a 'double frontage' design, or the roads could follow the natural resource boundary, in conjunction with the trail system.

The team also looked at a variety of options for Wilsonville Road. One option kept Wilsonville Road in the existing location, a second moved it slightly to the south, and third option shifted the roadway south to bisect the eastern pod of the plan area, providing 'double frontage' lots.

The team discussed the cross section design for Highway 219. A detached bike lane was discussed, but the team believed that the resource trail system was the priority for bike users. A planted median was discussed and was considered too much maintenance. Rail service directly

to the district appears too difficult from a design standpoint, however the close proximity to SP newsprint campus may provide opportunities for future users.

Team #3: Amenities, streetscape, and design standards: This group examined trails, building design standards, streetscape and landscaping designs.

- Ryan Givens (WRG)
- Jessica Nunley (CoN)
- Mike Gougler (local developer)
- Don Clements (CPRD)
- Dennis Gaibler (at large property owner)

Design Fundamentals - The group noted that the amenities for the South Industrial Area Master Plan should serve, complement, and involve the intended end users. The ultimate amenities should be appropriate for an industrial park and not impose standards, designs, or even users that are not conducive to the intended business use. Amenities should consider security concerns and safety conditions between users and the anticipated heavy truck traffic. There was also an overarching concern to limit development costs and concerns about hindering basic industrial business operation.

Streetscape Standards – The group also discussed the possibility to provide two specific roadway types; one intended to serve building fronts and automobile traffic, the second intended to serve loading areas and heavy truck traffic. The group noted that street cross sections should be designed to accommodate heavy truck traffic while still projecting an attractive streetscape. Specifically, rolled-curbs and curb-tight sidewalks should be the preferred design to allow for maximum flexibility in truck maneuvering. Street trees and landscaping should be placed to the outside of the sidewalks. The group recommended that Hwy 219 retain a similar cross section design as it is today while adding landscaping enhancement along its edges; however, appropriate setbacks should be administered to allow for future widening. Finally, it was recommended that sidewalks within the district be constructed with extra width to accommodate bicycle traffic to separate cyclists from truck traffic.

Building and Site Design - The probable users will be manufacturing in nature although they may produce *green* products. There was also a strong desire to limit the design requirements for buildings and site design to lessen the financial burden on future investors. The team recommend several simple design elements that should be incorporated on each site and include: create an attractive building façade and street frontage, site loading and storage to the rear of buildings, screen loading and storage areas with vegetation, allow executive and guest parking to the front of building while placing the majority of worker parking to the side of rear of buildings. The group also advised against restrictions pertaining to outdoor storage and assembly.

Land Uses - Commercial Node – The team noted that a commercial node is an essential *amenity* that will achieve a more sustainable site design. Specifically, the commercial node will capture vehicular trips and create a district focus. The commercial node should be sited with high visibility to ensure businesses are not entirely dependent on the emerging industrial uses. The node is recommended to be located at the cross roads of Hwy 219 and the future Wynoski Road crossroads. Specific uses could include a bank, gas station, day care, urgent care, and

restaurants. There was discussion to explore an alternative to allow truck traffic to enter the industrial district without entering the commercial node (i.e placing the district entrance just north of the actual commercial areas).

Land Uses – Industrial - The team acknowledged the need for sites for small emerging buildings, large-scale manufacturing activities, and class “A” offices. The team suggested that small, light industrial businesses be planned along Hwy 219 to capitalize on the existing infrastructure. Larger-scale manufacturing could be placed to the interior of the district where adequate room was available for buildable sites and truck facilities. Offices could be placed to the far southeast adjacent to Springbrook to capitalize on the resource views.

Parks and Trails – The group engaged in a limited discussion that a linear trail network should be constructed within the stream corridors. Some limited pedestrian connections should be provided to link development sites to the overall trail network. Concerns were voiced regarding the security of individual development sites.

Conceptual Plans - Three conceptual plans were created to convey some of the ideas that were discussed in the group.

Concept A suggests a new commercial node at the future Hwy 219 / Wynooski cross roads approximately 1,200 south of future Bypass interchange. The concept recommended multiple local roadway connections to Hwy 219 while limited full traffic movements. Light industrial is proposed along Hwy 219 with more intense industrial uses to the district’s interior. A Research and Development/Office is proposed along the district’s southeastern portions adjacent to the Springbrook corridor. A loop road is recommended to radiate from the commercial node and align along the stream corridors. A service road intended for truck traffic is proposed to the rear of the development sites.

Concept B is similar to A whereas the plan assumes a simple roadway crossing/connection to Hwy 219. Specifically, the commercial node is situated further south along Hwy 219 and the future Wynooski connection is stretched southward. The land uses and general internal road layout remains similar.

Concept C is intended to be sensitive to truck maneuvering from Hwy 219 into the industrial district. Specifically, Hwy 219 expands as a couplet round the next commercial node. This arrangement allows for better left turning movements. The concept also includes multiple roadway connections into the district from the couplet portions of Hwy 219.

Team #4: Zoning, land Use: This group discussed what uses should be allowed/not allowed, small lot vs. large lot areas, phasing of the transition from URA to UGB, infrastructure finance and the zoning/tax transition from the County to the City.

- Michael Cerbone (WRG)
- David Beam (CoN)
- Steve Oulman (DLCD)
- Marguerite Nabeta (Governor’s Office)

Phasing – The group discussed phasing and noted that a north to south approach would work well. The group noted that it will be important to ensure that a diversity of sites are available as

property is brought into the UGB. The group discussed the phasing of the area to include portions within the City's UGB. The consensus of the group was to pursue a UGB expansion as a separate track from the current URA work being reviewed by DLCD. The group noted that there was an immediate need for additional employment lands within the UGB and that separating the two processes could lead to the inclusion of portions of the area in a timelier manner. It was noted that the group should look at improvement to land values to assist in making decisions regarding phasing.

Uses – It was noted that the group should take a look at the Economic Opportunity Analysis that is currently being prepared for Yamhill County. The group noted that the area should be designed to accommodate uses that are keeping with the community's strengths and those that are consistent with the City's adopted EOA. The group discussed the concept of including commercial uses within the area; two options were discussed, the first was a the provision of an area specifically zoned for commercial support services and the second option was to provide the flexibility in where the uses locate while controlling the size and scale of the uses through zoning standards. It was noted that the City may want to consider a "trip cap" on commercial uses to ensure there is adequate capacity within the transportation system to allow for full build out of the area. It was suggested that the City look at the City of Salem's Mill Creek industrial area for an example. Concern was expressed regarding the City's agreement to allow residential uses along the eastern edge of the area, the inclusion of residential can complicate the ability to expeditiously include the area within the UGB, there was also concern identified in regards to compatibility.

Farm Deferral – The group discussed how properties can be included within the UGB and City Limits while limiting impacts to existing agriculture uses and associated farm deferral. The concept of an interim "holding zone" was discussed. The City will need to follow-up with the Yamhill County Assessor to determine how property will be assessed as it transitions into the UGB and City. It was suggested that the City contact Jim Johnson from the Oregon Department of Agriculture to discuss the process in more detail and understand how other communities have dealt with this issue.

Funding Mechanisms – The group discussed how improvements would be funded. Several options were discussed including Urban Renewal (Tax Increment Financing), Local Improvement Districts (LID), System Development Charges (SDC's) and Reimbursement Districts.

MEETING NOTES

Project: Newberg South Industrial Area Master Plan
Meeting: Collaborative Design Workshop #2
Date: April 21, 2009
Location: City of Newberg Library Annex
WRG#: 2098829.00

Prepared By: Michael Cerbone

Project Team

in attendance: Barton Brierley, AICP – City of Newberg Planning and Building Director
Jessica Nunley – City of Newberg Assistant Planner
David Beam, AICP – City of Newberg Economic Development Coordinator

WRG: Michael Cerbone – WRG Project Manager
Ryan Givens, AICP – WRG Senior Community Planner

Distribution: City Staff and WRG

Meeting Summary:

An attendee list is attached to this meeting summary listing the names and contact information for the community members in attendance at the meeting. There were a total of 15 people in attendance. The meeting began with an overview of the three design alternatives for the South Industrial Area Master Plan as refined from the first design workshop.

Three groups were formed from the attendees at the design workshop. These groups were asked to provide their feedback on the three design alternatives. The responses were captured on large sheets of paper which were then reported back to the overall group. The comments from this exercise are shown below, listing each of the responses given to each of the design alternatives (A, B, and C).

Small Group Activity

Alternative A

- Verify access point spacing – where can first access point be?
- Plan should try to follow property lines to some extent
- Phasing strategy – what needs to happen for building to begin? Roads, etc.
- Don't like alignment of Wilsonville Road
- Provide a better bike connection from Wynooski to Wilsonville Road

- This alternative has no defined commercial area
- Initial major investment for Wilsonville/Wynooski
- Wilsonville extension could align to intersect with existing Wynooski intersection
- Southernmost intersection may be a design challenge given grades

- Large sites are good
- West side (single loaded street) increase infrastructure cost
- Like connection to the south
- Look at pushing connection to south further from hwy 219 (250 – 500 feet)



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- Wilsonville Road (connect to 219 via Springbrook) – concern about east-bound truck traffic
- Might look at shared travel lane for some facilities (bike/vehicle)

Alternative B

- Align Wilsonville Road along property lines
- Don't encourage truck traffic to Wilsonville Road – too much \$ burden to do the bridge crossing on this project. Why bother with that section now when the rest of the road is bad.
- Keep the Wilsonville Road current alignment into town for local access (under Bypass to Springbrook).
- Commercial is too far off the main road to benefit from pass-by trips.
- Concern over the environmental issues for new bridge (\$\$)
- Concern over the high costs of the new bridge for Wilsonville realignment
- New road "feels" more integrated with east side
- Neighborhood center "nice" location but may not be economically viable
- Not enough trips to keep Neighborhood Center uses alive
- Neighborhood Center may be too large
- Limit commercial uses
- S-curve along Wynooski is inefficient (Alternative A is better)
- Neighbor Center is "reasonable" off of highway corridor
- Concern regarding scale/type of use/trips
- Wilsonville alignment is good, less out-of-direction travel
- Bridge concern: funding/permitting
- Local access to Hwy 219 – may have difficulty with southernmost access
- Look at using awkward/remainder parcels for smaller parcels (Light Industrial)

Alternative C

- Large lot layout provides most flexibility
- Intuitive place for gas station/service commercial
- Needs an easy access interchange
- Need better bike/pedestrian connectivity from Wilsonville Rd to Wynooski over 219
- Like not having a loop road in SW corner
- This plan gives flexibility in lot sizes
- Neighborhood Center at good location
- Add west side southern connection
- Add temporary roadway connection for Wilsonville at Wynooski
- Include phasing strategy for transportation
- Possible through alignment for Wynooski
- Possible southern entrance on south side
- Concern about concentrating trips at a single intersection
- Concern about spacing distance between Wilsonville and hwy 219 – may need dual lefts
- Need two (2) connections to hwy 219
- Look at "interim" pre-bypass connection near interchange
- Provides flexibility for large lots
- Pull LI into remnant parcels / preserve large areas for 20+ acre site



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- Least desirable location for Commercial
- Park may be a good use for active uses as opposed to passive
- Show looped connection to trail system – use intersections for crossing hwy 219

Questions/Global Comments

- Connection between jobs and parcel size?
- Is Wilsonville Road a designated truck route?
- Can we plan for Wyooski/Wilsonville connection without bypass? Add an interim solution?

Group Discussion: Implementation

The entire group discussed potential funding options, phasing options and next steps. Below is a summary of each of these discussions.

Funding Options:

Several funding options were identified and described to the group. Discussion ensued regarding some of the potential financing mechanisms, it was suggested that the City coordinate directly with Marguerite Nabeta from the Governor's Office.

Phasing Approaches:

The group collectively discussed the phasing option for the project, the following comments were noted:

- Maximize the initial public investment by developing areas adjacent to infrastructure such as the Northeast area of the plan area
- Look at a north-south approach to inclusion in the UGB
- Look at estimates for water, sewer, storm and transportation improvements
- Wyooski realignment does not need to occur until the Bypass is constructed
- Need to address the regional analysis of the transportation system; coordinate with counties and other affected cities.
- Consider using natural areas as boundaries for phasing

Next Steps:

The group collectively discussed the steps necessary to implement to the plan, the following comments were noted:

- Consider a City-initiated annexation approach once land is within the UGB
- TPR analysis can be deferred until the actual zoning changes (annexation)
- Determine financing package for improvements prior to UGB expansion
- Include an education component to the process
- Include step for "shovel-ready" designation after annexation (state certified industrial sites program)
- Include step for natural resource inventory (ESEE)
- Look at options to reuse existing buildings for future employment uses
- Look at different options for inclusion of sustainability principles such as LEED or earth Advantage designations



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MEETING NOTES

Project: Newberg South Industrial Area Master Plan
Meeting: Collaborative Design Workshop #3
Date: May 18, 2009
Location: 401 E Third Street (Public Safety Building)
WRG#: 2098829.00

Prepared By: Michael Cerbone

Project Team
in attendance: Barton Brierley, AICP – City of Newberg Planning and Building Director
Jessica Nunley – City of Newberg Assistant Planner
David Beam, AICP – City of Newberg Economic Development Coordinator

WRG: Michael Cerbone – WRG Project Manager
Ryan Givens, AICP – WRG Senior Community Planner

Distribution: City Staff and WRG

Meeting Summary:

The objective of this workshop was to review the preferred alternative that resulted from the refinement of the three concepts and to review the draft zoning code for the City's new M-4 District.

Preferred Alternative:

The meeting began with an overview the preferred alternative for the South Industrial Area Master Plan as refined from the first two design workshops and community outreach. The group reviewed the alternative and discussed the different aspects of the plan. A suggestion was made to provide for an interim connection to Highway 219 across from where Wynooski currently connects in. The group discussed the Sprinbrook Road/Wilsonville Road intersection and the possibility of have a connection post-bypass. It was noted that the geometry of the proposposed Bypass would likely not allow for this connection.

Draft M-4 Zoning Code:

An overview of the draft M-4 Zoning code was presented to the group. The group discussed the allowed uses and made recommendations to the "permitted" and "conditional use" sections of the code. The group discussed the concept of allowing certain "non-permanent" uses to occupy areas identified for the future Bypass interchange. The consensus was to allow uses that do not include the development of permanent structures such as storage areas and staging areas.

The group reviewed the proposed development standards that would apply to the area. The group discussed the concept of allowing a truck stop within the district noting the proximity of the proposed Bypass. Discussion ensued and the group deciede to look include opportunities for a fueling station such as those operated by Pacific Pride with cardlock facilities. The group discussed "heavy manufacturing" and noted that we may want to allow those uses that enclose their manufacturing process and do not result in adverse impacts to adjacent users. A suggestion was made to allow for the development of wineries, breweries and distilleries as these types of uses will support local agriculture.



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MEETING NOTES

Project: Newberg South Industrial Area Master Plan
Date: May 5, 2009
Location: City of Newberg Public Safety Building
WRG#: 2098829.00

Prepared By: Michael Cerbone

Project Team

in attendance: Barton Brierley, AICP – City of Newberg Planning and Building Director
Jessica Nunley – City of Newberg Assistant Planner
David Beam, AICP – City of Newberg Economic Development Coordinator

WRG: Michael Cerbone – WRG Project Manager
Ryan Givens, AICP – WRG Senior Community Planner

Distribution: City Staff and WRG

Meeting Summary:

The open house #2 was intended to reveal the three conceptual master plan alternatives to the general public and obtain opinions and recommendations relating to each plan. Three people from the general public were in attendance, as well as, the project team including the Consultant, City Staff, and appointed officials. An attendee list is attached to this meeting summary listing the names and contact information for the community members in attendance at the meeting.

The open house was organized to provide a self-guided review of the project concepts and planning components at individual work stations. Specifically, the stations included Project Timeline, Design Elements, Concept Plan Alternative A, Concept Plan Alternative B, Concept Plan Alternative C, and Project Implementation (with emphasis on urban growth boundary phasing). There was also a final station for written public comments. Participants visited each station, and in some cases, provided written comments and attached to the project exhibits. No formal comments were provided on the project comment forms. The Roadway Cross Section – Local Alternative exhibit included two comments that read:

“This would be my choice [Alt B1]” and

“Like Alt B1, ample area for traffic, bike, and pedestrians. Also ample bio-swale least intrusive on environment”.

The following lists the written comments for each exhibit.

- Alternative A included a written comment that read “I like the commercial area spread throughout the area and the light industrial along [the] roadway”.
- Alternative B included two written comments that read “Don’t like extension of Wilsonville Road – chews up farmland” and “Like straighter Wilsonville Road”.
- Alternative C included two comments that read “Like this alternative best, smallest asphalt coverage, good use of green areas” and “Light industrial area on Wynooski, Love green space trail head idea”.



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Michael Cerbone, of WRG Design, provided a formal presentation to attendees. Specifically, he reported the work to date, presented each of the three design alternatives, discussed anticipated design standards, revealed possible local street cross section designs, discussed funding options, and explained the future steps to the project's implementation. There was no discussion or questions from the attendees.



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February 1, 2010

Mayor Bob Andrews
Newberg City Council
414 E. First Street
Newberg OR 97132

Dear Mayor Andrews and Council members:

Thank you for the opportunity to comment on the draft *Revised Economic Opportunities Analysis (EOA)* and related text amendments to the comprehensive plan. 1000 Friends of Oregon is a nonprofit, charitable organization dedicated to working with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas.

1000 Friends of Oregon and Friends of Yamhill County support efforts to plan for Newberg's future and we maintain a keen interest in the outcome of these efforts.

It is evident that considerable work has gone into the analysis. Nonetheless, we have several concerns regarding the document's underlying assumptions and the resulting conclusions, as well as concerns regarding the technical analysis.

On December 10th, 2009 the Planning Commission took testimony on the draft *Revised Economic Opportunities Analysis (EOA)*, dated November 2009. The Planning Commission considered the matter further at its next meeting scheduled on January 14, 2010 and voted to make significant revisions to the draft presented at the first hearing, including increasing the amount of projected employment growth and increasing the amount of land to accommodate that growth. The draft before you reflects those revisions.

We believe the draft *EOA* overestimates the amount of employment land Newberg will need over the planning period and underestimates the capacity of available lands within the existing UGB to meet those needs. This will result in overexpansion of the urban area.

35

Celebrating Thirty-five Years of Innovation

1. TARGETED INDUSTRIAL CLUSTER

Under Goal 9's implementing rules, the estimate of the types and amounts of industrial and other employment uses in the EOA must be based on "what is *likely* to occur in the planning area." (OAR 660-009-015(4); emphasis added).

A key "target "industry cluster that Newberg has identified as part of its economic strategy is manufacturing.¹ Based on the available data, this is an economic development strategy based more on wishful thinking than on what is likely to occur and, as such, seems doomed to failure.

In the last two years, the local economy has shed thousands of jobs in the worst recession in decades. Manufacturing and other sectors that use industrial land have been particularly hard hit.

The most recent Oregon Employment Division (OED) long-range projections for Regions 2, 3, and 15 project that manufacturing jobs will decline between 2008 and 2018.² They have made no projections of growth in that sector beyond that date.

The draft *EOA* projects that in 2018, Newberg will have less manufacturing jobs than in 2008 and at most, a handful of more jobs overall that utilize industrial space.³

Nonetheless, much of Newberg's economic development strategy relies upon urbanizing a very large block of prime agricultural land to attract new industrial employment. According to the draft *EOA*, the largest component of this new employment on this converted land will be in the manufacturing sector.

The city has announced its intention to pursue an Urban Growth Boundary amendment to bring much of this block of farmland into the UGB, even though there is no demonstrable short-term need for this land, and any long-term demand is, at best, speculative.⁴

This prime farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Yamhill County- agriculture. The agricultural industry is a primary driver of Newberg's economy.

Newberg is located in Yamhill County within 2 or 3 miles of Marion County, Washington County, and Clackamas County. These four counties rank first, fourth, fifth and eight among all Oregon counties in gross farm and ranch sales with over \$1.5 *billion* in direct 2008 receipts.¹ Area farmers provide thousands of jobs, many to Newberg residents, and indirectly support tens of thousands more.

¹ See proposed Comprehensive Plan amendments, Section D.

² Region 2 is Multnomah and Washington Counties, Region 3 is Marion, Yamhill, and Polk Counties, and Region 15 is Clackamas County.

³ Draft EOA, Tables 12-14 and Table 12-18

⁴ The city has been referring to this farmland as the South Industrial Area

The city's proposal would harm the local economy by undercutting the land base that supports this leading industry. If the draft *EOA* is adopted, no one would tile a field, plant an orchard crop, or make any other long-term investments in agricultural production.

2. "REQUIRED" INDUSTRIAL SITE CHARACTERISTICS

Table 12-22 of the draft *EOA* identifies the site suitability characteristics that are supposedly required by the targeted industries identified in Tables 12-19 and 12-20. While *some* of these characteristics may be desirable to *some* of the identified industries, they are by no means requirements. In many respects they appear to be reverse engineered so that the only suitable site is the large block of prime farmland that the city wants to develop as the South Industrial Area. The following "Required Industrial Site Suitability Characteristics" have not been justified:

- Site Size

The draft *EOA* identifies a minimum parcel size of 5 vacant acres for the targeted industries identified in Tables 12-19 and 12-20 unless the site is adjacent to an industrial use or a group of 20 suitable acres, in which case the parcel could be smaller. (Table 12-22)

However, many of the targeted industries can and do locate on much smaller sites, including sites that are not adjacent to another industrial use. Table 12-19 gives many such examples of existing Newberg firms. These include Professional Services, Creative Services, Wineries, and several others. The draft *EOA* does not explain its conclusion that these targeted industries require large sites, except for a footnote stating that:

"Much of this site size need [the 2030 need for approximately 24 acres of very small (under 2 acre) sites and 75 acres of small (2- to 10-acre) sites] can be most efficiently accommodated by master planned business parks."

The *EOA* is thus flawed in two respects. First, it inflates the parcels size allegedly needed by assuming that these targeted industries will only locate together, thereby requiring large parcel(s). Second, it assumes that none of these targeted industries will go into vacant spaces in existing office parks or onto "stand-alone" existing small parcels. Not only is there no evidence to support this, but it is contrary to common sense and observation of how industrial and office parks evolve.

- Proximity to Transportation and Services

The draft *EOA* contends that the targeted industries identified in Tables 12-19 and 12-20 require sites that are either "adjacent to existing industrial areas," or on "an agglomeration of at least 100 new acres to facilitate agglomeration economies and minimize adverse impacts." (Table 12-22)

None of the targeted industries requires a site larger than 50 acres. The draft *EOA* does not explain why any of the targeted industries must be part of an agglomeration of at least 100 acres. To the best of our knowledge, none of the existing industries in Newberg that fall within the targeted industry clusters, including wineries, professional and business services, and Newberg's largest manufacturers, are located within an industrial area totaling at least 100 acres. The *EOA* does not provide evidence that any of the targeted industries requires agglomeration of any size or kind.

The draft *EOA* also contends that the targeted industries identified in Tables 12-19 and 12-20 require sites within 1/8 mile (660 feet) of a major arterial or state highway without travel through non-industrial properties. (Table 12-22). The only roadway classified as a major arterial in Newberg's Transportation Systems Plan (TSP) is Highway 99W, which is also a state highway.

While some of the targeted industries may find such a location desirable, it is *not* required. Most of Newberg's largest existing industrial users, all of whom are in the targeted industry clusters, are not located within 660 feet of a state highway or major arterial. These include, at a minimum, A-dec, SP Newsprint/White Birch, and Ushio. Traffic from many of them, including A-dec and Ushio, passes through non-industrial areas.

The draft *EOA* states that the targeted industries identified in Tables 12-19 and 12-20 require sites that have a connection to I-5 via Highway 219. (Table 12-22).

Any site in Newberg can connect to I-5 via Highway 219. If the city contends that only sites with direct access to Highway 219 meet site requirements this is unjustified. No rationale is provided as to why the targeted industries would require this. As noted above, Newberg's largest manufacturers do not have direct access to Highway 219. For other industrial users, such as wineries, professional services, etc, such a locational requirement seems even more tenuous.

- Topography

The draft *EOA* categorically excludes as unsuitable all sites with slopes greater than 10% and all sites that do not have a developable area that is generally rectangular in shape. (Table 12-22).

The draft *EOA* does not explain why *all* targeted industries require a flat, rectangular site nor why any specific targeted industry requires a flat, rectangular site. While such sites may be generally cheaper to develop and service, many users use sites that do not have these characteristics. The categorical exclusion is not justified

- Compatibility (residential, downtown and resource land)

The draft *EOA* categorically excludes as unsuitable all sites that abut residential neighborhoods on more than 25% of the site perimeter unless buffers are present or planned. (Table 12-22).

The draft *EOA* does not explain why *all* targeted industries require sites that are buffered from residential land. While such buffering may be desirable for certain industries, such as food processing or heavy manufacturing, it is not required or even necessarily desirable for certain other users.

In fact, some of Newberg's largest existing industrial employers within the targeted industry clusters do abut residential neighborhoods, including A-dec, SP Newsprint/White Birch, and Ushio, as do many existing users in the targeted professional and business services sector.

The draft *EOA* also categorically excludes as unsuitable all sites that abut large tracts of agricultural land unless effective buffers are present or planned. (Table 12-22). The draft *EOA* does not explain why all or any targeted industries require sites that are buffered from agricultural land. Of the various urban uses, industrial use is considered to be more compatible with agricultural uses and other urban uses, such as residential, are less compatible with agricultural uses.

The draft *EOA* also categorically excludes as unsuitable any site that will result in truck traffic through downtown. There are several problems with this exclusion.

First, there is no definition here. Is one truck trip a day unacceptable, or does it take 50 trucks a day?

Second, Highway 99W through downtown is classified in the Newberg TSP as a major arterial, intended to "serve truck movements."⁵ The Oregon Highway Plan (OHP) classifies Ore 99W as a freight route through the City of Newberg.⁶ The categorical exclusion of any site that will result in truck traffic through downtown is inconsistent with these adopted and acknowledged plans.

Third, a logical place for industrial development that is higher priority under ORS 197.298 is the area of flat, relatively large parcels in the SW exception area. This area is served by rail. In addition, the Newberg-Dundee bypass is identified in the Newberg TSP as a future improvement. Once the first phase is completed, the bypass will provide an alternate route that avoids downtown for truck traffic originating in this higher priority area.

For all the preceding reasons, the "Required Industrial Site Suitability Characteristics" have not been justified.

3. INDUSTRIAL USES: INTENSIFICATION, REDEVELOPMENT, AND INFILL.

Our testimony to the Planning Commission pointed out the significant amount of employment growth that is typically absorbed through intensification of existing employment uses. This job growth is accommodated on existing developed sites without new development and without redevelopment.

⁵ Newberg TSP, p. 30

⁶ Newberg TSP, p. 41

During the staff response to testimony, Economic Planner David Beam discounted the potential for job growth to be accommodated without physical development or redevelopment occurring, based on his observation that there are very few vacant industrial properties in Newberg. Those comments overlook the reality of how and where significant job creation occurs and how it is accommodated.

In the real world many new jobs are created without land being developed or redeveloped: a processing plant or manufacturer adds staff or even a second shift; laid-off workers are recalled; a restaurant adds additional staff in the dining room and kitchen. None of these involves development or redevelopment of new or existing sites.

The text of Newberg's draft *EOA* recognizes this dynamic and states:

“The data ... includes assumptions that most (55%) of Newberg's future industrial employment will be located on sites 10 acres or less, and that one-third of those future new industrial firms under 10 acres in size, and one-half of firms under 2 acres in size, will find a site through infill redevelopment or intensification of existing employment land uses. (*EOA*, p. 43)”⁷

These stated assumptions are not carried over into the land need calculations.

Newberg projects an additional 1,642 new jobs will use industrial space through 2030.⁸

Table 12-21 allocates projected new industrial employees through 2030 by number of employees, by employees per firm, by site size, and by number of needed sites. The explanatory text states:

“The total land needs equate to approximately 10 employees per developed acre, which reflects the reality that many firms look for sites that allow for future expansion, and is consistent with the site size per employee ratio of many of Newberg's largest industrial employers.”⁹

In response to our previous testimony, city staff amended Table 12-21 to add the lines labeled “infill & redevelopment.” The amended table is reproduced below:

⁷ Draft *EOA*, p, 45

⁸ Draft *EOA*, p, 41, Table 12-18

⁹ Draft *EOA*, p, 45

Table 12- 21: Site Size Distribution by Firm Employment (2010-2030)

Employees per Firm	Percent of Employment	Number of Employees	Number of Firms	Sites Needed	Size Range (Acres)	Average Site Size (Acres)	Average ROW Need (Acres)	Gross Buildable Acres Needed
0-9	15%	246	41	21	<2	1	0.15	24
				20	Infill & redevelopment		0	
10 to 74	40%	657	19	13	2 - 10	5	0.75	75
				6	Infill & redevelopment		0	
75 to 150	15%	246	2	2	10 - 30	20	1.00	42
150+	30%	493	1	1	30 - 50	40	2.00	42
Total	100%	1,642	63	63				183

Source: Winterbrook Planning 2009, Newberg Planning Division

While the table now assigns a number of *sites* to infill and redevelopment, it either does not assign any actual *employment* growth to these sites, or the actual planned employment density is far less than the 10 employees per developed acre claimed in the text, and far less than what Newberg has historically experienced.

The draft *EOA* concludes that 183 gross buildable acres are needed.

If half the 246 employees projected on sites smaller than 2 acres and 1/3 of the employees projected on sites 2-10 acres in size will be accommodated through infill redevelopment or intensification of existing employment land uses, as stated in the draft *EOA*, only 1081 new employees will need new buildable land, not 1642. On 183 acres, this is an employment density of only 5.9 employees per gross buildable acre or 6.5 employees per developed acre.

If *all* 1642 projected new employees are allocated to the new land, then, and only then, will the employment density approximate the 10 employees per developed acre claimed in the text.

Newberg should resolve these inconsistencies in the draft *EOA* and plan for future industrial users to use land *more* efficiently than they have in the past, not *less* efficiently

In addition, it is not clear why the stated assumptions limit refill potential to sites smaller than 10 acres. At least some job growth will also be absorbed through intensification of existing employment uses on larger sites. The draft *EOA* should account for this certainty.

4. DUPLICATIVE ALLOCATION OF JOB GROWTH TO INDUSTRIAL AND OFFICE

For several sectors of projected job growth the draft *EOA* apparently allocates some jobs twice - to both industrial space and to office space. These errors lead to erroneous conclusions regarding land need.

For example, the draft *EOA* projects a total of 76 jobs in the Information sector in 2030. The draft *EOA* allocates 88% of these jobs to Industrial Space (67 jobs) and 90% of these jobs to office space (69 jobs), for a total of 136 jobs, nearly double what is projected.¹⁰

In the Transportation, Warehousing & Utilities sector the draft *EOA* allocates 93% of projected jobs to Industrial Space and 30% to office space.

Projected jobs in the Professional & Business sector and the Other Services sector also appear to be allocated more than once- to both Industrial Space and Office Space.

These errors must be resolved.

5. "REQUIRED" COMMERCIAL SITE CHARACTERISTICS

The draft *EOA* categorically excludes as unsuitable all sites with slopes greater than 10% and all sites that do not have a developable area that is generally rectangular in shape. (Table 12-29).

The draft *EOA* does not explain why new office and retail development requires a flat, rectangular site. While such sites may be generally cheaper to develop and service, many users use sites that do not have these characteristics. The categorical exclusion is not justified.

6. EMPLOYMENT AND POPULATION PROJECTIONS

The employment projections in the draft *EOA* are based upon an assumption that employment in certain sectors will grow by the same rate as Newberg's population and that after 2018, all employment in all sectors will grow by the same rate as Newberg's population.

The draft *EOA* states this was done in accordance with the "safe harbor" provisions of OAR-660-024-0040(9) and also states that the population projections in Newberg's adopted plan have been coordinated with Yamhill County as required by ORS 195.036.

We disagree. To the best of our knowledge, adequate coordination has not occurred.

It is our understanding that the "coordination" with the County to which the city refers is a letter from the County Planning Director that accepts the population projection proposed by the city. In addition, the Board of Commissioners adopted *findings* in support of Newberg's 2006 UGB amendment and its remanded URA proposal that also contained the population projection.

This is not adequate coordination. ORS 195.036 and 195.025 require adoption of a county-wide forecast by the governing body, in this case the Board of Commissioners, not the

¹⁰ Draft *EOA*, Tables 12-14, 12-18, and 12-25

Planning Director. The Board of Commissioners cannot delegate to the Planning Director the authority to coordinate population forecasts on an ad-hoc basis.

OAR 660-024-0030 provides, in part:

“In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.”

To the best of our knowledge, the County has not adopted the forecast into its comprehensive plan or in a document referenced by the plan, as required by OAR 660-024-0030, nor did the County follow the procedures and requirements in ORS 197.610 to 197.650.

In addition, coordination with all other local jurisdictions in the county is also required.¹¹ When it adopted findings in support of Newberg’s 2007 UGB amendment and its remanded URA proposal the County did not provide notice that it was considering adoption of a population forecast nor, to the best of our knowledge, did they provide notice to all other local governments in the county. Finally, to the best of our knowledge, when the city adopted the population forecast into its plan, it also failed to notify the other local governments in the County that it was adopting a population forecast.

For these reasons, we conclude that the city’s population forecast has not been adequately coordinated with the county and other local governments and cannot form the basis for “safe harbor” employment projections.

7. Related Comprehensive Plan Amendments

In addition to the draft *EOA*, the city is also proposing to amend the “Land Need and Supply” section of the comprehensive plan.

These proposed comprehensive plan amendments have not been justified. The proposed amendments that relate to industrial and commercial land have not been justified for the preceding reasons.

The city also proposes to amend the buildable land inventories of Residential, Park, and Institutional land in Table IV-1. The public notice for this hearing makes no mention of amendments to residential, park, and institutional land inventories. No justification or explanation of how they were derived is presented in the staff report or elsewhere in the Council Packet. No findings are proposed in support of their adoption.

¹¹ **195.036 Area population forecast; coordination.** The coordinating body under ORS 195.025 (1) shall establish and maintain a population forecast for the entire area within its boundary for use in maintaining and updating comprehensive plans, and shall coordinate the forecast with the local governments within its boundary. [1995 c.547 §7 (enacted in lieu of 195.035)]

For these reasons, the proposed amendments to the buildable land inventories of Residential, Park, and Institutional land in Table IV-1 have not been justified.

8. Conclusion

We recognize the considerable work that Newberg has undertaken in producing the Draft *Economic Opportunities Analysis*. Additional work remains and it is our hope that the final product is one we can support.

We hope these comments are helpful in achieving that outcome. Please include them in the official record of these proceedings and notify us of any decisions and/or future hearings in this matter.

Sincerely,

Sid Friedman
1000 Friends of Oregon

Ilsa Perse
Friends of Yamhill County

Cc (electronic): DLCD
Yamhill County Planning Department
Oregon Department of Agriculture

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

FRIENDS OF YAMHILL COUNTY,
LEE DOES, AMY DOES, GRACE
SCHAAD, RANEE SOLOMONSSON,
CHERYL MCCAFFREY

Petitioners,

LUBA No.: 2010-_____

v.

CITY OF NEWBERG

Respondent

NOTICE OF INTENT TO APPEAL

I.

1
2 Notice is hereby given that the petitioners intend to appeal the land use decision of the
3 respondent entitled "Ordinance No. 2010-2723 - An Ordinance Adopting the Revised Economic
4 Opportunities Analysis for the City of Newberg and Adopting Associated Comprehensive Plan
5 Amendments." A copy of the decision is attached. The decision was made on February 1, 2010.

6 II.

7 The petitioners are represented by James S. Coon, Swanson Thomas & Coon, 820 SW
8 2nd Ave Ste 200, Portland, OR 97204; phone no. 503-228-5222.

9 III.

10 The respondent's mailing address is 414 E 1st Street, Newberg, OR 97132; phone
11 number 503-538-9421. Its legal counsel is Terrence D. Mahr, 414 E 1st Street, Newberg, OR
12 97132; phone number 503-538-9421.

13 IV.

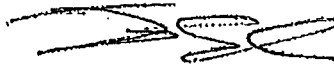
14 Other persons mailed written notice of the land use decision by the City of Newberg, as
15 indicated by its records, consist of the persons listed in the attachment to this Notice.

1 NOTICE:

2 Anyone designated in the attachment to this Notice who desires to participate as a party
3 in this case before the Land Use Board of Appeals must file with the Board a Motion to
4 Intervene in this proceeding as required by OAR 661-10-0050.

5
6 DATED: February 22, 2010

7 Respectfully submitted,
8 SWANSON THOMAS & COON

9
10
11 
12 _____
13 James S. Coon, OSB No. 771450
14 Attorney for Petitioners



ORDINANCE No. 2010-2723

AN ORDINANCE ADOPTING THE REVISED ECONOMIC OPPORTUNITIES ANALYSIS FOR THE CITY OF NEWBERG AND ADOPTING ASSOCIATED COMPREHENSIVE PLAN AMENDMENTS

RECITALS:

1. The original Economic Opportunities Analysis (EOA) was adopted by City Council in January 2006 by Ordinance 2006-2635. The EOA is considered part of the Comprehensive Plan and implements the goals and policies in Section H. The Economy. Much of the information found in the EOA is statistical and dynamic in nature, including demographic and economic statistics, population and employment projections, and buildable land inventories. Therefore, the EOA is not a static document and is meant to be updated with current information from time to time. Having an updated EOA also ensures the City's compliance with Statewide Planning Goal 9: Economic Development.
2. The updates to the EOA include the following: population, demographic, economic and employment statistics; an economic trends analysis section that looks at national, state and regional trends, regional economic development industry clusters and target industries, Yamhill County agri-business, and regional industrial land availability; a new section that covers an assessment of our community economic development potential; a more robust discussion of Newberg's economic development strategy; and updated buildable land inventories and the addition of maps that illustrate the available industrial and commercial buildable land by area.
3. The Comprehensive Plan document has a small section with population and land supply and need information. Those numbers have changed with the updated EOA and need to also be updated in the Comprehensive Plan document. The Comprehensive Plan amendments also add five new policies to Section H.
4. The Newberg Planning Commission held hearings on December 10, 2009 and January 14, 2010 to consider the request. The Planning Commission passed Resolution 2009-275, recommending that the City Council adopt the revised Economic Opportunities Analysis and the accompanying Comprehensive Plan amendments.
5. After proper notice, the City Council held a hearing on February 1, 2010 to consider the request. The Council finds that the proposal meets the applicable criteria.

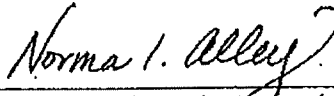
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The revised Economic Opportunities Analysis, as shown in Exhibit "A", is hereby adopted and by this reference incorporated.
2. The Comprehensive Plan amendments, as shown in Exhibit "B", are hereby adopted and by this reference incorporated.

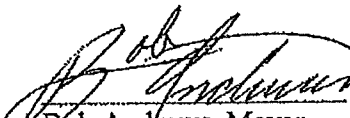
3. The findings in support of this proposal, as shown in Exhibit "C", are hereby adopted and by this reference incorporated.

➤ EFFECTIVE DATE of this ordinance is 30 days after the adoption date, which is: March 2, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of February, 2010, by the following votes: AYE: 7 NAY: 0 ABSENT: 0 ABSTAIN: 0


Norma I. Alley, City Recorder

ATTEST by the Mayor this 4th day of February, 2010.


Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through the Newberg Planning Commission at their 01/14/2010 meeting.

Public Testimony for EOA - written and oral					
Name	Street Address	City	State	Zip	Meeting Date
Roger Currier	504 Pinehurst Dr	Newberg	OR	97132	12/10/2009
Grace Schaad	31525 NE Schaad Rd	Newberg	OR	97132	12/10/2009 & 2/1/10
Vicki Shepherd	30230 NE Benjamin Rd	Newberg	OR	97132	12/10/09 & 2/1/10
Robert & Dorothy Roholt	31150 NE Schaad Rd	Newberg	OR	97132	12/10/09 & 2/1/10
Sid Friedman / 1000 Friends of Oregon	189 Liberty St NE	Salem	OR	97301	12/10/09, 1/14/10, 2/1/10
Ken Wegter	3872 Camishaun Ct NE	Salem	OR	97305	12/10/09 & 2/1/10
Lee & Dr. Amy Does	10730 NE Renne Rd	Newberg	OR	97132	12/10/09 & 2/1/10
MaryAnn Tack	1400 Villa Rd	Newberg	OR	97132	12/10/2009
Marvin Schneider	1159 N Main St	Newberg	OR	97132	01/14/2010
Craig Markham	22245 NE Ilafem Ln	Dundee	OR	97115	12/10/2009
Julie Fugate	14500 NE Richard Ln	Newberg	OR	97132	02/01/2010
Sydney Wermlinger	20895 Arbor Grove Rd NE	St Paul	OR	97137	1/14/10 & 2/1/10
Lewis Schaad	31655 NE Schaad Rd	Newberg	OR	97132	02/01/2010
Saj Jivanjee	32230 NE Old Parrett Mt Rd	Newberg	OR	97132	12/10/09 & 2/1/10

Attachment A

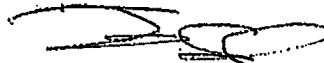
CERTIFICATE OF FILING AND SERVICE

I hereby certify that on February 22, 2010, I filed the original of this **Notice of Intent to Appeal** together with two (2) copies, with the Land Use Board of Appeals, 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552, by certified mail.

I also certify that on February 22, 2010, I served a true and correct copy of this **Notice of Intent to Appeal** on the City of Newberg at 414 E 1st Street, Newberg, OR 97132, on Terrence D. Mahr at 414 E 1st Street, Newberg, OR 97132, and on all persons listed in paragraph IV of this Notice (including those persons listed in Attachment A), pursuant to OAR 661-10-0015(2), by first class mail.

DATED: February 22, 2010.

SWANSON THOMAS & COON



James S. Coon, OSB No. 771450
Attorney for Petitioners

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

FRIENDS OF YAMHILL COUNTY,
LEE DOES, AMY DOES, GRACE
SCHAAD, RANEE SOLOMONSSON,
CHERYL MCCAFFREY

Petitioners,

v.

CITY OF NEWBERG

Respondent



LUBA No.: 2010-____

CERTIFICATE OF FILING

I hereby certify that on February 22, 2010, I filed the original Notice of Intent to Appeal,
together with two copies, with the Land Use Board of Appeals at the following address:

Land Use Board of Appeals
Public Utilities Building
550 Capitol Street, NE, Suite 235
Salem, OR 97301-2552

By United States Postal Service, certified mail/return receipt requested. The proof from the post
office (i.e., receipt of certified mail, with the certified mail number, with the date of mailing
stamped by the United States Postal Service on the receipt) is attached.

DATED: February 22, 2010.

SWANSON THOMAS & COON

James S. Coon, OSB No. 771450
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2010, I served a true copy of this Notice of Intent to Appeal by first-class mail on:

City of Newberg
414 E 1st Street
Newberg, OR 97132

AND

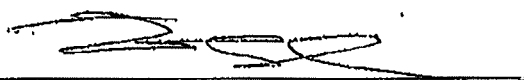
Terrence D. Mahr
414 E 1st Street
Newberg, OR 97132

AND

Each of the parties listed on the notice list attached to the Notice of Intent to Appeal.

DATED: February 22, 2010.

SWANSON THOMAS & COON

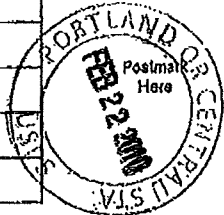

James S. Coon, OSB No. 771450
Attorney for Petitioners

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 City, State, ZIP+4 **Salem OR 97301-2552**
 US Form 3800, August 2006 See reverse for instructions

1000 FRIENDS OF OREGON

6866

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
	Court Costs				350.00

CHECK DATE	CHECK NO.	PAYEE	DISCOUNTS TAKEN	CHECK AMOUNT
2/22/10	6866	Land Use Board of Appeals		\$350

1000 FRIENDS OF OREGON
 634 SW THIRD AVENUE
 SUITE 300
 PORTLAND, OR 97204-2597
 PH. 503-497-1000

US BANK
 24-22/1230

6866

Check Number: 6866

DATE
 Feb 22, 2010
 AMOUNT

Memo: filing fee

\$ 350.00

PAY TO THE ORDER OF: Three Hundred Fifty and 00/100 Dollars

Land Use Board of Appeals
 550 Capital St, NE, Suite 235
 SALEM, OR 97301-2652

Mandy L. McArdy
 AUTHORIZED SIGNATURE

⑈006866⑈ ⑆ 23000220⑆ ⑆ 53600064247⑈

Friends of
French Prairie

Friends of French Prairie
is a 501(c)(3) non-profit organization

PO Box 403 | Donald, Oregon 97020 | www.friendsoffrenchprairie.org



May 20, 2010

Newberg Urban Area Management Commission
Written Comments
File #UGB-09-001
Attn: Jessica Nunley
PO Box 970
Newberg, OR 97132

Yamhill County Planning Dept.
525 NE 5th Street
McMinnville, OR 97128-4601

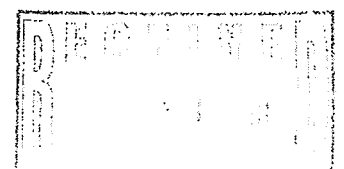
Greetings;

Friends of French Prairie is a land use organization representing the French Prairie portion of Marion county. French Prairie is the historic and agricultural heartland of Oregon, and includes the area north of Keizer to the Willamette River, and from the Willamette on the west to the Pudding River on the east.

This is the portion of the Willamette Valley with the highest quality soils, making it among the highest quality farm land in North America. Thus, while agriculture is the largest economic sector in Marion County, a large portion of that agriculture is concentrated in French Prairie.

I am writing on behalf of Friends of French Prairie in opposition to the Newberg Urban Growth Boundary amendment to include 260 acres south of the City into the Newberg UGB.

The justification for inclusion of this land in the City of Newberg UGB is to target manufacturing and other industries and to locate them on the south side of the city, where it is claimed that there is access within 10 minutes to I-5 via Hwy. 219 and McKay/Yergen/Ehlen Road to the Donald/Aurora interchange.



The reason for our opposition is twofold. First, the Donald/Aurora interchange is already recognized by ODOT as one of the most unsafe in the state, carrying traffic levels well beyond the capacity that it was designed for. To base urban development in Newberg on the premise that its traffic can be unloaded on an already over-burdened and unsafe freeway interchange in another county is unconscionable!

Second, the result of increased traffic on Hwy. 219 and McKay/Yergen/Ehlen Road will negatively impact agriculture and prime farmland in French Prairie. Both roads are carrying far more traffic today than they were designed for. McKay/Yergen/Ehlen Road is already unsafe due to the volume of traffic and the absence of traffic signals, compounded by very few left turn lanes. Entering, exiting and crossing this road during peak traffic periods literally involves taking your life in your hands. This is especially true for slow moving farm equipment.

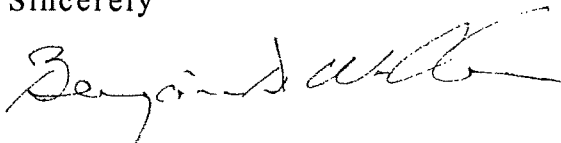
Increasing traffic in the magnitude that industrial development in this UGB expansion will produce will result in further pressure for a limited access highway across French Prairie, all of which is high quality prime farm land.

Please note that as recently as April, 2010, the Marion County Commissioners are on record as not supporting a limited access highway across French Prairie.

This proposal, as a fundamental part of its design, ignores normal traffic mitigation. By doing so the benefit accrues to Newberg and Yamhill County, while all traffic related impact is passed on to French Prairie and Marion County.

This is precisely the kind of development that should not be considered in the absence of thorough and comprehensive inter-governmental communication between all parties, and without inter-county agreement on traffic mitigation requirements.

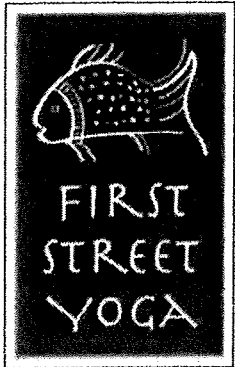
Sincerely



Benjamin D Williams

President, Friends of French Prairie

cc: Marion County Commissioners
City of St Paul
1000 Friends of Oregon
Marion County Farm Bureau
DLCD



STRENGTH
BALANCE
EQUANIMITY



May 25, 2010

Written Comments
File #UGB-09-001

Newberg City Hall

As a 20 year resident of Newberg and a downtown commercial property and business owner, I have a strong interest in both the livability and the economic viability of Newberg. I am afraid that the proposed UGB amendment to repurpose productive farmland to industrial land will harm both those goals.

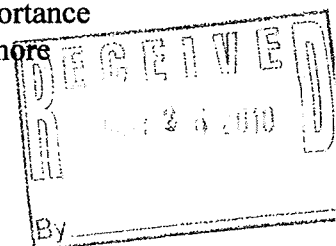
Economic Liabilities

Sprawl: During this economic recession, we see that sprawling communities are suffering vacancies and loss of value much more than more densely developed areas. Newberg's current UGB is full of gapped and incomplete development. This results in inefficient use of infrastructure and costly and unattractive vacancies.

Currently, we have small scale industrial land with high vacancy in existing buildings and vacant land mixed in with the developed space. Newberg shares this problem with neighboring communities, indicating there is an oversupply of this type of development. The Suntron industrial property is still vacant after their recent move. It would be more efficient to fill existing vacancies and repurpose this inappropriately developed industrial land rather than repurpose productive farmland. While there would be expenses in removing and reworking existing structures, we would not have the expenses of extending infrastructure.

Professional Space: As a commercial property owner, I am painfully aware of the high vacancy rate for professional offices. Neighboring communities share this problem, indicating it may be a long time before we use up existing supply. If the need does arise, it can easily be met with infill, creating a vibrant central core that would nurture stores and restaurants. I see no advantage to moving professional offices away from the city core to an area with no existing businesses and poor pedestrian accessibility. I don't think it would be good for citizens and visitors, but as a downtown business owner, I *know* it would be bad for me.

Loss of prime farmland: As energy costs increase and the importance of fresh, local, high quality produce is recognized, we become more



aware of how precious prime farm land is, especially near urban centers. This valuable land should be used for other purposes only as a last resort. While Newberg hopes to attract larger industries with this land, no one is actually signed up, are they? That is, this repurposing is speculative while our need for good farmland is assured. This seems like a large economic gamble. We expose ourselves to significant expense and loss with no guarantee of benefit.

Changing housing needs: Current trends show the size of households beginning to increase to more normal levels after a brief period of historic lows. If this trend continues as expected, the current oversupply of housing will grow, even though population continues to expand. In light of these new trends, we might consider shifting land set aside for housing to industrial use.

Livability Problems

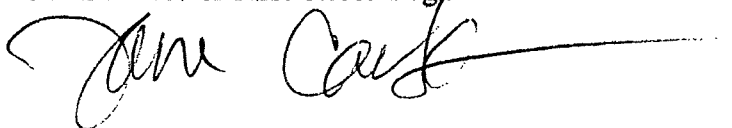
Impacts to adjacent agriculture land: Newberg says we need this good agricultural land because of its proximity to McKay Road in Marion County. The other obvious access from I5, the Wilsonville Road, is absolutely unsuitable (and very dangerous) for truck traffic so Newberg must rely on Marion County's access roads. However, industrial traffic is not a good fit for this local agricultural road and conflicts seem inevitable. Furthermore, this land is very near the river. Increased development will increase run-off into the river due to the increase of impermeable surfaces. Land along the river in French Prairie floods regularly. In a natural system, this is a benefit which replenishes top soils. Will the increased run-off from new industrial land just upstream threaten this important agricultural asset?

Natural Resources: As beauty and native habitat become rarer in our ever developing world, their value increases. Newberg needs viable industry as well as tourism and native beauty. But just as I wouldn't site my manure pile on the most attractive part of my farm, I hesitate to put utilitarian development on land that has real value for its beauty and habitat. We should celebrate our rich river bottom land. It grows fabulous food and serves as important habitat for native species. As we seek to shore up our weaknesses, we shouldn't overlook and spoil our natural strengths.

I fear that this proposed change does a poor job of answering the needs of our community while risking much that is currently working. The environmentally insensitive, sprawling development typical of the 20th century does a poor job of answering 21st century needs. Let's rethink this.

Thank you for your attention.

Sincerely,
Jane Carlsen
Owner/Director First Street Yoga



Testimony of Cheryl McCaffrey; 7425 Earlwood Rd.; Newberg, OR 97132; tel: 503 625-5486; email: camcons@onlinenw.com

RECEIVED

Prepared May 25, 2010 for June 1 2010 hearing.

MAY 25 2010

Re: City of Newberg Industrial Urban Growth Boundary (UGB) Expansion and Comprehensive Plan Map Amendment: Report and Findings. (Referred to as "this document.")

Agricultural land no longer created. I am concerned that this document proposes to convert valuable and productive agricultural land to uses that do not require this natural richness. Once the land is disturbed and built upon, it is forever gone from agricultural productivity. New agricultural land is not being made, but human populations continue to grow and need more food. We seem to consider the purpose of natural resources as being for exploitation for whatever we want, rather than as an asset to be wisely managed for their best use considering all wild and human uses. Forcing agriculture to more marginal land is a less sustainable use than leaving prime land in agricultural production.

Quality of Life. The document considers the quaint, small town atmosphere and the vineyards of the Newberg area as assets. The pastoral areas around Newberg are a tremendous part of the quality of life here. This quality of life attracts people to Oregon. The proposed industrial area is counter to these values. Driving through industry from rural beauty does not welcome one to Newberg, the heart of wine country.

Reduce agricultural acreage. This document evaluates many places within and outside the City of Newberg for industrial expansion. It identifies as requirements, criteria that may not really be essential for all types of targeted uses (e.g. agglomeration of at least 100 acres, within or contiguous to existing UGB). These criteria are then used to eliminate parcels other than the selected Area 8.

It seems that planners did not consider as a requirement, avoiding high-value farm land for industrial use. Other considerations, like "25 % of the site is bounded by residential areas", were stated as requirements. I think that further evaluation is warranted to place a high value on retaining agricultural land and to reconsider placing some of the identified uses into other areas that were eliminated from consideration.

Why contiguity? The document has predetermined that the amount of area "needed" for the identified uses must be contiguous and horizontal. Identified uses may be independent of each other and may not need to be contiguous. Some uses, may be better located near similar existing uses (e.g. airport-related industrial use may need facilities of Sportsman Airport; sports & recreation may be suitable near George Fox athletic fields), but these may not be contiguous. There is not a good reason why the proposed industrial uses need to be in one industrial area, especially where existing infrastructure can be merely expanded in other locations, not started from scratch as in Area 8. The clusters and uses identified are not all related. In fact, some of them, like "professional services", don't seem to fit in an industrial area. Some of these uses can be accommodated within the existing UGB, including adding a story to existing buildings. Some uses have little truck traffic so are less impactive to city or residential areas. These considerations have not been adequately evaluated.

Build Upward. It seems to be assumed that the 127 ac. of buildable land occupies horizontal area. Many of the identified uses are not ones that have to be at ground level or need to be on large blocks of land. Office uses could be located above functions using large equipment. If the uses were in 2-4 story

buildings, considerably fewer acres of land would be needed. Parking occupies vast acreage for commercial and industrial uses. Certainly parking can be done in vertical parking garages, thus reducing significantly the acreage needed.

By locating many of these facilities in areas other than along the St. Paul Highway, and by building vertically, land of lower agricultural or resource value can be occupied and less high value farm land destroyed.

Transportation. I am also concerned about transportation. It seems that this proposal depends on access to I-5 through Marion County. It could affect agricultural land there as well as in Yamhill County.

Although Newberg may want employees to live in Newberg, there's a good chance that they will locate elsewhere because of other family logistics and considerations. There will be an increase in use of Wilsonville Road (already referred to as "the Newberg Highway"), a very dangerous road, and Highway 99, already a transportation problem. The document inadequately considers other transportation options such as air, rail or river for goods and public transportation for workers. It seems that Newberg needs to resolve its transportation problems before expanding its boundaries.

Storm water. Another aspect not considered adequately is storm water. A storm event of 1 inch of rain falling on impermeable roofs & pavement on 127 acres would be over 10 acre feet of runoff (on 260 ac. over 21 acre feet). This could cause rapid acceleration of flood levels or could tax the capability of a water treatment facility. In 1996 when Portland was braced for the Willamette R to flood the city, unexpectedly, Tualatin got flooded. It made sense that this would happen given all the new development – industrial & residential – that was done upstream from the city. Without the sponge provided by farmland (holding rain water and releasing it slowly to the rivers.) landowners downstream from storm water discharge could be adversely impacted by the flooding caused by this land conversion. This merits further consideration. Reducing the amount of open land surface by multilevel structures would reduce this potential problem.

Future UGB expansion. I am also concerned about cumulative impacts from this expansion into the future. It seems that in 2008 an Urban Reserve Amendment was approved for residential development between Wilsonville Road and Highway 99 to meet projected housing needs. Now, the City is proposing additional employment opportunities and wants these employees to live and shop in Newberg. It seems that this is encouraging increased demand for housing. Will this stimulate another land grab from the county for yet another UGB expansion onto high value farmland?

It seems to me that it would be just fine for Newberg to say, "No, we like our quality of life, and don't want to be an industrial center. We'll increase employment opportunity for our projected residents, but we don't need to try to attract even more."



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May 25, 2010

Newberg Urban Area Management Council

City of Newberg Planning Department
414 E. First Street
Newberg OR 97132

Yamhill County Planning Department
525 NE 4th Street
McMinnville OR 97128

Re: Docket PA-01-10 (Newberg Urban Growth Boundary Amendment)

Dear Commissioners and Staff:

Thank you for the opportunity to comment on the proposed amendment to add approximately 260 acres to Newberg's Urban Growth Boundary. Most of the land is prime agricultural land (Class I and II soils) that is actively farmed. The land is located southeast of the city along Highway 219 towards the Willamette River bridge to St. Paul. The land is proposed to be included for industrial uses.

1000 Friends of Oregon is a nonprofit, charitable organization working with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas. Friends of Yamhill County works to protect natural resources through the implementation of land use planning goals, policies, and laws that will maintain and improve the present and future quality of life in Yamhill County for both urban and rural residents. 1000 Friends of Oregon and Friends of Yamhill County support efforts to plan for Newberg's future and we maintain a keen interest in the outcome of these efforts.

I. Summary and Introduction

It is evident that considerable work has gone into the proposal before you. Nonetheless, we have serious concerns regarding the proposed expansion.

Much of Newberg's economic development strategy relies upon urbanizing a large block of prime agricultural land to attract new industrial employment. According to the application, the largest component of the new employment on this converted land will be in the manufacturing sector, which continues to shrink, not grow. The city wants to bring this block of farmland into the UGB, even though there is no demonstrable need for this land until at least 2018, and any longer-term demand beyond that date is, at best, speculative.

This prime farmland is not undeveloped land waiting for urbanization. It is productive land that supports the leading industry in Yamhill County- agriculture. The agricultural industry is a primary driver of Newberg's economy.

35

Celebrating Thirty-five Years of Innovation

Newberg is located in Yamhill County within 2 or 3 miles of Marion County, Washington County, and Clackamas County. These four counties rank first, fourth, fifth, and eighth among all Oregon counties in gross farm and ranch sales with over \$1.5 billion in direct 2008 receipts. Area farmers provide thousands of jobs, many to Newberg residents, and indirectly support tens of thousands more.

The proposed expansion will harm the local economy by undercutting the land base that supports this leading industry. Once land is brought into a UGB, no one would tile a field, plant an orchard crop, or make any other long-term investments in agricultural production.

For these reasons, prime agricultural land is the last resort when expanding a UGB and there is a high burden to demonstrate that there is no alternative. This burden has not been met.

In summary, the UGB amendment application overestimates the amount of industrial land Newberg will need over the planning period and underestimates the capacity within the existing UGB to meet those needs.

A more compact UGB will reduce pressure on farmland and other rural lands outside the current UGB, reduce the cost of extending infrastructure beyond the edge of existing development, and reduce transportation costs for Newberg residents who work and shop in Newberg.

Moreover, the analysis within the application wrongly discounts alternative areas for expansion, like existing urban reserves and other areas with poorer soils. These alternative areas *can* accommodate much or even all of the city's need for additional employment land and therefore, by law, they must be included ahead of the prime agricultural land targeted by the city.

Many of these underlying defects in the assumptions, conclusions, and technical analysis have already been identified during the recent related City of Newberg proceedings that led to Newberg's adoption of the Revised Economic Opportunities Analysis (EOA). That flawed EOA forms the underlying justification for this UGB expansion. Because of its defects it is under appeal to the Land Use Board of Appeals (LUBA) and petitioners' brief is due June 11.

II. The Application Overestimates The Amount Of Industrial Land Needed Over The Planning Period.

The analysis in the "Industrial UGB Amendment Justification and Findings" (*Findings*) and in the *EOA* overestimates both the amount of employment growth that will require industrial land and the overall amount of industrial land needed over the planning period. Newberg estimates that it will need 183 gross buildable acres of industrial land from 2010 to 2030. Two points provide useful background in evaluating this proposal.

First, the city has a prior history of overestimating land needs that dates back to the city's original UGB, when the city overestimated overall land needs by approximately 50%. The city's original UGB was established in 1981. Newberg estimated that it contained enough land

to meet needs through 2000. Newberg later realized that the UGB actually contained sufficient land to meet needs through 2010.¹

Second, Newberg states that the estimated need for 183 gross buildable acres of industrial land from 2010 to 2030 represents a *reduction* from prior estimates.²

The city cites the Johnson-Gardner report *City of Newberg – Demand for Commercial and Industrial Land* as supporting this assertion.³ In fact, those prior estimates were for much *less* land for a much *longer* time period. That report states that for the 30 year period from 2004 to 2040 the demand for new industrial land would range from 49 acres under a “low growth scenario,” up to a maximum of 161 acres under a “high growth scenario, with a most likely total industrial land need of about 64 acres. The relevant table is reproduced below and attached to this testimony.

**NET NEW DEMAND FOR COMMERCIAL AND INDUSTRIAL LAND
NEWBERG, OREGON
2004-2025 & 2004-2040
MEDIUM, HIGH AND LOW GROWTH SCENARIOS**

Use	Net New Demand for Land (acres) By Scenario From 2004 Through					
	Medium Growth		High Growth		Low Growth	
	2025	2040	2025	2040	2025	2040
Office	14.8	27.1	20.5	37.8	13.7	24.8
Industrial	34.7	63.8	85.6	161.4	27.0	49.3
Retail	96.2	178.3	167.4	310.7	76.8	135.2
Total	145.7	269.2	273.5	509.9	117.5	209.3

SOURCE: Johnson Gardner LLC

While these prior, much lower estimates of land need do not bind Newberg’s current efforts to justify much higher projections, they do provide useful perspective on both those new higher estimates of land need and on the city’s claim that 183 acres gross buildable acres represents a reduction from prior estimates.

A. The City is unrealistically projecting disproportionate job growth in declining industries.

Under Goal 9’s implementing rules, the estimate of the types and amounts of industrial and other employment uses must be based on “what is *likely* to occur in the planning area.” (OAR 660-009-015(4); emphasis added).

A key “target industry cluster” that Newberg, “expect[s] to expand” is manufacturing.⁴ “Expected” growth in manufacturing jobs account for over 2/3 of the city’s projected job growth in industrial zones and over 2/3 of the proposed UGB expansion.⁵ This is an aspirational

¹ Findings, p. 3

² Newberg bases this statement on various mathematical formulas and interpolations. Findings, pp. 6-7

³ Findings, p. 6

⁴ Findings, p. 1, and elsewhere. Also see EOA.

⁵ Findings, p. 18, Table 4

economic development strategy based on wishful thinking rather than on what is likely to occur based on national, regional, county, or local trends.

In the last two years, the local economy has shed thousands of jobs in the worst recession in decades. Manufacturing and other sectors that use industrial land have been particularly hard hit.

The most recent Oregon Employment Division (OED) long-range forecasts predict declines in manufacturing jobs as far out into the future as their predictions extend (2018) both statewide and for Regions 2, 3, and 15.⁶ OED long-range statewide and regional forecasts are available at: <http://www.qualityinfo.org/olmisj/PubReader?itemid=00003217>

- OED predicts that statewide, “Manufacturing will likely rebound but is not expected to return to its employment level prior to the recent recession.”⁷ Regionally it predicts a 1.7 % decline through 2018.⁸

In contrast, Newberg expects manufacturing jobs to grow by 22% between 2009 and 2020, from 2,201 jobs to 2,685 jobs.⁹ We see no evidence that this is likely to occur.

- OED predicts that regionally construction jobs will grow by only 2%.¹⁰

In contrast, Newberg projects construction jobs will grow by 79% between 2009 and 2020.¹¹ This is not likely to occur, either.

- Overall, OED predicts regional job growth of 6% from 2008 to 2018.¹²

In contrast, Newberg projects overall job growth to grow by 22% between 2009 and 2020.¹³ Newberg does not explain why it expects that local job growth will be nearly triple the regional job growth rate over a nearly identical time period.

B. The number of new jobs that are allocated land in several employment sectors exceeds the total number of projected new jobs in those sectors.

Many employment sectors utilize more than one type of land. For example, some jobs in the Information Sector will locate on industrial land while others will use office space in commercial zones. For these sectors, Newberg allocates some of the projected employment growth to industrial land and some to office space on commercial land.

There is not a problem with this approach so long as the number of jobs allocated to commercial and industrial land in these various sectors does not add up to more than 100% of the total job

⁶ Region 2 is Multnomah and Washington Counties, Region 3 is Marion, Yamhill, and Polk Counties, and Region 15 is Clackamas County.

⁷ See <http://www.olmis.org/olmisj/ArticleReader?itemid=00006783>

⁸ EOA, Table 12-13, p. 25

⁹ Findings, p. 18, Table 3

¹⁰ EOA, Table 12-13, p. 25

¹¹ Findings, p. 18, Table 3

¹² EOA, Table, 12-13, p. 25

¹³ Findings, p. 18, Table 3

projection for the sector. In this application, however, for several employment sectors the number of new jobs that are allocated land far exceeds the total number of projected new jobs.

In the "Other Services" sector, for example, instead of allocating 100% of the projected new jobs, the city allocates 133% of total projected new jobs. Table 12-14 of the *EOA* projects a total of 590 new jobs in the "Other Services" sector through 2030,¹⁴ but the city allocates a total of 785 new jobs in this sector to industrial and commercial space.

Table 12- 14: Projected Newberg Employment through 2040

Industry	2008	2009	2018	2020	2025	2030	2035	2040
Construction	642	390	656	700	798	892	1,005	1,125
Manufacturing	2,557	2,201	2,514	2,685	3,057	3,417	3,851	4,312
Wholesale Trade	97	73	106	113	129	144	162	181
Retail Trade	930	841	1,124	1,201	1,367	1,529	1,723	1,929
Transportation, Warehousing & Utilities	181	181	191	204	232	259	292	327
Information	54	45	56	60	68	76	86	96
Financial Activities	270	241	283	303	345	385	434	486
Professional & Business Services	437	321	474	507	577	645	727	814
Education & Health Services	2,766	3,285	3,147	3,361	3,827	4,278	4,821	5,398
Leisure & Hospitality	1,002	1,018	1,361	1,454	1,655	1,850	2,085	2,335
Other Services	413	409	434	463	528	590	665	744
Government	183	175	192	205	233	261	284	329
Total	9,533	9,180	10,536	11,255	12,815	14,325	16,145	18,077
Cumulative from 2009		-	1,367	2,075	3,636	5,145	6,965	8,897

Table 12-18 of the *EOA* allocates 549 new jobs in the "Other Services" sector to industrial space requiring industrial land.¹⁵

¹⁴ Table 12-14 is identical to Table 3 on page 18 of the *Findings*.

¹⁵ Table 12-18 is identical to Table 4 on page 18 of the *Findings*.

Table 12- 18: Industrial Space Utilizing Employment Projection through 2040

Industry	% Industrial Space Utilizing	2009	2018	2020	2025	2030	2035	2040
Construction	30%	117	197	210	239	267	301	337
Manufacturing	91%	2,003	2,287	2,443	2,782	3,110	3,505	3,924
Wholesale Trade	82%	60	87	93	105	118	133	149
Retail Trade	0%	-	-	-	-	-	-	-
Transportation, Warehousing & Utilities	93%	169	177	189	216	241	272	304
Information	88%	39	49	53	60	67	76	85
Financial Activities	0%	-	-	-	-	-	-	-
Professional & Business Services	18%	58	85	91	104	116	131	146
Education & Health Services	0%	-	-	-	-	-	-	-
Leisure & Hospitality	0%	-	-	-	-	-	-	-
Other Services	93%	380	403	431	491	549	618	692
Government	0% ¹	-	-	-	-	-	-	-
Total		2,825	3,286	3,510	3,997	4,468	5,035	5,638
Cumulative from 2009		-	461	685	1,172	1,642	2,210	2,812

Table 12-25 of the *EOA* allocates 236 new jobs in the "Other Services" sector to office space requiring commercial land.

Table 12- 25: Office Space Utilizing Employment through 2040

Industry	% Office Space Utilizing	2009	2018	2020	2025	2030	2035	2040
Construction	2%	8	13	14	16	18	20	22
Manufacturing	5%	112	126	134	153	171	193	216
Wholesale Trade	5%	4	5	6	6	7	8	9
Retail Trade	5%	42	56	60	68	76	86	96
Transportation, Warehousing & Utilities	30%	54	57	61	70	78	88	98
Information	90%	40	50	54	61	69	77	87
Financial Activities	90%	217	255	273	310	347	391	438
Professional & Business Services	90%	289	427	456	519	580	654	732
Education & Health Services	40%	1,314	1,259	1,344	1,531	1,711	1,929	2,159
Leisure & Hospitality	40%	407	554	582	662	740	834	934
Other Services	40%	164	174	185	211	236	266	298
Government	35%	61	67	72	82	91	103	115
Total	28%	2,710	3,033	3,240	3,689	4,124	4,648	5,204
Cumulative from 2009		-	323	530	979	1,414	1,938	2,494

For the "Information" sector the city allocates 178% of total projected jobs. For the "Transportation, Warehousing & Utilities" sector the city allocates 123% of total projected jobs. For the "Professional & Business" sector the city allocates 108% of total projected jobs.

In these four sectors alone, "Other Services", "Information, "Transportation, Warehousing & Utilities, and "Professional & Business", the city double-counts some 366 jobs. These double-counted jobs equal 22% of the projected 1,642 new jobs needing industrial space through 2030.

III. Artificial Screens Mislabeled As "Required Site Suitability Characteristics" Incorrectly Reduce Capacity Within The UGB And Remove Land In Higher-Priority Areas Outside The UGB From Consideration.

Newberg estimates that it will need 183 gross buildable acres of industrial land from 2010 to 2030. Over half of this need, for 34 sites totaling 99 acres, is for sites averaging 5 acres and 1 acre in size, with 21 sites in the < 2-acre category and 13 sites in the 2-10 acre category.¹⁶ 63 acres, or half the purported industrial land deficit of 127 acres addressed by this UGB expansion, is for 22 sites in these small site categories.¹⁷

Some of the targeted users in these smaller site categories include wineries; professional services such as architecture, engineering, legal and financial services, etc; and creative services (advertising, public relations, film and video, web/internet content and design).¹⁸

The existing UGB has considerably more capacity to accommodate the need for industrial land, especially for these smaller sites than the application identifies. Much of this additional capacity is discounted because of artificial screens that are mislabeled as "required site suitability characteristics." (*Findings* p. 26, Table 10 & *EOA* p. 46, Table 12-22).

These so-called "requirements" artificially reduce capacity within the UGB and also remove land that could accommodate the need for large sites in higher-priority areas outside the UGB from consideration. In many respects they appear to be reverse engineered so that the only suitable site is the large block of prime farmland that the city wants to develop as the South Industrial Area:

- "Required" grouping of 20 vacant acres with parcels 5 acres or larger

Even though over half the city's industrial land need is for sites averaging 5 acres or less in size, in evaluating potential sites within the existing UGB, the city only, "inventoried buildable land with five or more acres in the UGB... where groups of parcels totaling at least 20 vacant acres could be found together."¹⁹

¹⁶ *Findings*, p. 22, Table 7

¹⁷ *Findings*, p. 29, Table 11

¹⁸ *Findings*, p. 12, Table 2

¹⁹ *Findings*, p. 27

Without this artificial screen, the 22 small sites that account for at least half the expansion could potentially be accommodated within the existing UGB on land that the city never even considered.

- “Required” agglomeration of at least 100 new acres

The *Findings* and *EOA* contend that each and every one of the targeted industries for which the city is expanding the UGB, including wineries, professional business services, creative services, etc, require sites that are either “adjacent to existing industrial areas,” or on “an agglomeration of at least 100 new acres to facilitate agglomeration economies and minimize adverse impacts.”²⁰

According to the city’s own application, *none* of its targeted industries requires a site larger than 50 acres.²¹ To the best of our knowledge, *none* of the existing industries in Newberg that fall within the targeted industry clusters, including wineries, professional and business services, or Newberg’s largest manufacturers like A-dec, are located within an industrial area totaling at least 100 acres. Neither the *Findings* nor the *EOA* provide evidence that any of the targeted industries requires agglomeration of any size or kind.

- “Required” location within 1/8 mile of a major arterial or state highway

The *Findings* and *EOA* also contend that each and every one of the targeted industries for which the city is expanding the UGB require sites within 1/8 mile (660 feet) of a major arterial or state highway without travel through non-industrial properties. The only roadway classified as a major arterial in Newberg’s Transportation Systems Plan (TSP) is Highway 99W, which is also a state highway.

While some of the targeted industries may find it desirable to locate along Highway 99W, Highway 219 or Highway 240, many may not, and such proximity is clearly not required for these firms to be viable. Most of Newberg’s largest existing industrial users, all of whom are in the targeted industry clusters, are not located within 660 feet of a state highway or major arterial. These include, at a minimum, A-dec, SP Newsprint/White Birch, and Ushio. Traffic from many of them, including A-dec and Ushio, passes through non-industrial areas.

- Exclusion of sites adjacent to residential land

The application categorically excludes as unsuitable all sites that abut residential neighborhoods on more than 25% of the site perimeter unless buffers are present or planned. Neither the *EOA* nor the *Findings* explain why *all* the targeted industries require sites that are buffered from residential land. While such buffering may be desirable for certain industries, such as food processing or heavy manufacturing, it is not required or even necessarily desirable for many of the targeted industries, especially those in the “service” category.

In fact, some of Newberg’s largest existing industrial employers within the targeted industry clusters do abut residential neighborhoods, including A-dec, SP Newsprint/White Birch, and Ushio, as do many existing users in the targeted professional and creative services sectors.

²⁰ *Findings*, p. 26, Table 10 & *EOA*, Table 12-22, p. 46

²¹ *Findings*, pp. 19-20, Table 5

- “Required” connection to I-5 via Highway 219

The *Findings* and *EOA* also contend that each and every one of the targeted industries for which the city is expanding the UGB require sites that have a connection to I-5 via Highway 219.

Any site in Newberg can connect to I-5 via Highway 219. If the city contends that only sites with direct access to Highway 219 meet site requirements, this is unjustified. No rationale is provided as to why the targeted industries would require this. As noted above, Newberg’s largest manufacturers do not have direct access to Highway 219. For other targeted industries, such as wineries, professional services, etc, such a locational requirement seems even more tenuous.

- Topographical exclusions

The application categorically excludes as unsuitable all sites with slopes greater than 10% and all sites that do not have a developable area that is generally rectangular in shape.

Neither the *Findings* nor the *EOA* explain why *all* targeted industries require a flat, rectangular site nor why any specific targeted industry requires a flat, rectangular site. While such sites may be generally cheaper to develop and service, many of the targeted industries regularly use sites that do not have these characteristics. For example, many area wineries locate on sites with slopes greater than 10%, including Chehalem, A to Z, and August Cellars. The developable area of the SP/White Birch site and the Allen Systems/FMC Foodtec site are not “generally” rectangular in shape. The categorical exclusion is not justified.

- “Required” separation from agricultural land

The *Findings* and *EOA* contend that each and every one of the targeted industries for which the city is expanding the UGB, require sites that do not abut large tracts of agricultural land unless effective buffers are present or planned. The application does not explain why all or even any of targeted industries require sites that are buffered from agricultural land.

This “requirement” is particularly unsupportable for two reasons: First, it appears to circumvent the laws that protect agricultural land from urbanization by using compatibility with farm operations as an excuse to skip over higher-priority areas to expand the UGB onto prime farmland. Second, many of the targeted industries are by definition, compatible with land in agricultural zones, including wineries, nurseries, agricultural products, and food processing.

Nothing in agricultural operations inherently renders adjacent sites unsuitable or unviable for industrial uses. In fact, of the various urban uses, industrial use is considered to be more compatible with agricultural uses and other urban uses, such as residential, are less compatible with agricultural uses.

- Exclusion of sites that could result in truck traffic through downtown

The application also categorically excludes as unsuitable any site that will result in truck traffic through downtown. While avoiding truck traffic through downtown is an understandable desire for Newberg, there are several problems with the use of this screen.

First, there is no definition here. Is one truck trip a day unacceptable, or does it take 50 trucks a day?

Second, by the city's own analysis, industrial employment won't rebound to pre-recession levels until 2018. There will be little need for additional industrial land until that time. By then, other truck freight options may well be in place, potentially including the Newberg-Dundee bypass. On the one hand, the city excludes land buildable under the code from the buildable lands inventory and skips over higher-priority land outside the UGB, based on possible inclusion in the bypass right-of-way. On the other hand, the city doesn't consider it as a transportation alternative that could route traffic around or away from downtown.

Third, avoidance of traffic through downtown is a preference of the city's not a requirement for the targeted industries. It is an understandable desire, but it is many of the targeted industries operate successfully in locations (including downtown locations), that generate very little truck traffic. Examples include professional services such as architecture, engineering, legal and financial services, etc, and creative services (advertising, public relations, film and video, web/internet content and design). Others, including two of the largest wineries in Oregon, Dobbies and Argyle, operate successfully in locations that generate traffic through Newberg.

Fourth, Highway 99W through downtown is classified in the Newberg TSP as a major arterial, intended to "serve truck movements."²² The Oregon Highway Plan (OHP) classifies Ore 99W as a freight route through the City of Newberg.²³ The categorical exclusion of any site that will result in truck traffic through downtown is inconsistent with these adopted and acknowledged plans.

Finally, this criterion has been misapplied in evaluation of specific sites. For example, for sites outside the UGB along North Valley Road, (Sites 1, 2, and 3) the findings summarily conclude "Truck traffic forced downtown to reach I-5/99W."²⁴ Instead, traffic from these sites would undoubtedly use the same general route as traffic from Ushio and A-dec: Aspen Way to Mountainview, to Springbrook.

For all these preceding reasons, the "Required Industrial Site Suitability Characteristics" have not been justified. The findings cite a letter dated December 1, 2009 from Tom Fox from OBDD, as support for these "requirements." In so doing they greatly exaggerate what Mr. Fox wrote. While the city did not include his letter in your packet, we have attached it to this testimony for your review.

First, what Mr. Fox reviewed and commented on was the site descriptions and sizes by targeted industry cluster in Tables 16-19 of the draft EOA. He did not review or comment on the list of "Required Industrial Site Suitability Characteristics." It is one thing to correlate a need for sites

²² Newberg TSP, p. 30

²³ Newberg TSP, p. 41

²⁴ Findings, pp.41, Table 12

in targeted industries to various size ranges, like < 2-acre, 2-10 acres, 10-30 acres, and 30-50 acres. It is quite another to find that all these various sites must be within an agglomeration of at least 100 new acres, with access to I-5 via Highway 219, on locations that do not abut residential or unbuffered agricultural land.

Second, what the letter from Mr. Fox at OBDD actually said was that the various site sizes were "viable." That is a far cry from saying they are requirements. Presumably other site sizes could also be viable.

As a result of these various screens, the only two boundary alternatives analyzed in the application, Area 8 and Area 10, are both comprised primarily of prime farmland, the lowest priority for inclusion in a UGB.

As the findings concede, the locational factors of Goal 14 "are used only to determine which suitable land of a particular priority should be included in the UGB. Thus, lower priority land cannot be included even though it may better meet the factors."²⁵

The four Goal 14 location factors are:

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

These are precisely the type of factors that were impermissibly used to screen out higher priority land:

"Agglomeration of at least 100 new acres to facilitate agglomeration economies...

"Compatibility (residential downtown and resource land)."

"Highway access without travel through non-industrial properties."²⁶

Higher priority land was screened out with these factors, including not only higher priority land in potential expansion areas, but also within the UGB itself. For example, even though over half the land need is for small sites, the findings summarily dismiss Site 1 within the UGB:

Application of Industrial Site Suitability Characteristics to Sites in the UGB
Below is a detailed discussion of the application of the site suitability criteria to non-industrial sites in the UGB.

Site I is at the intersection of North Valley Road and Chehalem Drive. This area includes 20 buildable acres. However, it is not adjacent to any existing industrial

²⁵ Findings, p. 46

²⁶ Findings, p. 26, Table 10

areas, and lacks the 100 acre agglomeration of parcels needed to create a new industrial area. The closest access would be to North College Street. This would require truck traffic to travel through commercial and residential areas to reach the I-5 corridor. It abuts residential areas on more than 25 percent of its perimeter. Thus, Site I is not suitable for redesignation as industrial.²⁷

Many other areas are summarily dismissed for similar reasons.

IV. CONCLUSION

The application overestimates the amount of industrial land Newberg will need over the planning period and underestimates the capacity within the existing UGB to meet those needs.

Moreover, the analysis within the application wrongly discounts alternative areas for expansion, like existing urban reserves and other areas with poorer soils. These alternative areas *can* accommodate much or possibly even all of the city's need for additional employment land, and therefore, by law, they must be included ahead of the prime agricultural land targeted by the city.

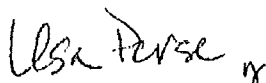
Because of its defects, the flawed *EOA* that forms the underlying justification for this UGB expansion is under appeal to LUBA. We recognize the considerable work that Newberg has undertaken to date. However, it makes more sense to await a ruling from LUBA prior to moving forward with additional work based on a plan that may well be remanded or reversed.

We hope these comments are helpful in achieving that outcome. Please include them in the official record of these proceedings and notify us of any decisions and/or future hearings in this matter.

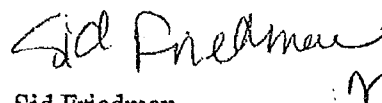
Sincerely,



Mia Nelson
1000 Friends of Oregon
220 East 11th, Suite 5
Eugene, OR 97401
541.520.3763



Ilsa Perse
Friends of Yamhill County



Sid Friedman
1000 Friends of Oregon

Attachments:

1. City of Newberg – Demand for Commercial and Industrial Land, p. 4 (Johnson-Gardner)
2. Letter from Tom Fox, OBDD

Cc: DLCD
Oregon Department of Agriculture

²⁷ Findings, p. 27

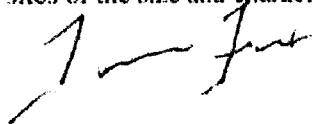
David Beam, AICP
City of Newberg
Economic Development Planner
414 E. First Street
Newberg, OR 97132

December 1, 2009

David:

I have reviewed the site descriptions by targeted industry cluster (Tables 16 -19 of Newberg's draft Economic Opportunity Analysis). I concur that site sizes and characteristics would be viable for firms seeking sites in Oregon and for Newberg's targeted industries.

Given Newberg's location and current economic base, the City should be able to find success in expanding and attracting businesses of the identified targeted industry clusters, if development sites of the size and character identified in the EOA are made available.



Tom Fox
Business Development Officer
Business Oregon
Oregon Business Development Department



Again, the “High Growth Scenario” is best summarized as greater strength in Newberg’s manufacturing core, thus much greater overall demand for industrial and office space as a result. The baseline “Medium Growth Scenario” exhibits likely industrial and commercial land need in the neighborhood of 269 acres through 2040.

**NET NEW DEMAND FOR COMMERCIAL AND INDUSTRIAL LAND
NEWBERG, OREGON
2004-2025 & 2004-2040
MEDIUM, HIGH AND LOW GROWTH SCENARIOS**

Use	Net New Demand for Land (acres) By Scenario From 2004 Through:					
	Medium Growth		High Growth		Low Growth	
	2025	2040	2025	2040	2025	2040
Office	14.8	27.1	20.5	37.8	13.7	24.8
Industrial	34.7	63.8	85.6	161.4	27.0	49.3
Retail	<u>96.2</u>	<u>178.3</u>	<u>167.4</u>	<u>310.7</u>	<u>76.8</u>	<u>135.2</u>
Total	145.7	269.2	273.5	509.9	117.5	209.3

SOURCE: Johnson Gardner LLC

Need for retail drives the vast majority of commercial land demand under all three scenarios. Under the “Medium Growth Scenario,” retail drives the largest share (66%) followed closely under the “Low Growth Scenario” at 65% of need. Retail, though still the majority of demand, accounts for 61% of commercial and industrial land in the future, with the “High Growth” assumption due to the significantly greater expected growth of manufacturing jobs under that scenario.

It is important to note that the above forecasts for industrial and commercial land need are net acreage required only for building and impervious surface space requirements. Roads, right-of-ways, parks and public facilities, among other things, necessary to serve projected land development has not been included. A gross-up factor of 25% is commonly utilized by jurisdictions for planning purposes to estimate gross land need, though that would be at the discretion of The City of Newberg given its specific planning requirements.

**YAMHILL COUNTY STAFF REPORT
NEWBERG URBAN AREA MANAGEMENT COMMISSION**

HEARING DATE: June 1, 2010

DOCKET NO.: PA-01-10

REQUEST: The City of Newberg has requested approval of an Urban Growth Boundary amendment to include an additional 260 acres in Newberg's Urban Growth Boundary. Approval of the request would allow the property to be taken into Newberg's city limits in the future. The City's request includes comprehensive plan designations of Industrial and Public/Quasi Public.

APPLICANT: City of Newberg

TAX LOT NUMBERS: Various (see notice list)

LOCATION: Southeast portion of the City of Newberg, off of Wynooski Road, Adolf Road, Wilsonville Road and St. Paul Highway

COMPREHENSIVE PLAN: Agriculture/Forestry Large Holding, Agriculture/Forestry Small Holding, Public and Industrial

ZONE: EF-40 Exclusive Farm Use, AF-10 Agriculture/Forestry, PWS Public Works Safety and HI Heavy Industrial

CRITERIA: Newberg Urban Area Management Agreement, Statewide Planning Goals, Yamhill County Comprehensive Plan Goals and Policies and the Oregon Administrative Rules.

COMMENTS RECEIVED: *1000 Friends of Oregon/Friends of Yamhill County:* See letter dated February 1, 2010 with "Notice of Intent to Appeal" related to Newberg's 2010 Economic Opportunities Analysis.
Friends of French Prairie: See letter dated May 20, 2010

FINDINGS:

While the City's report reviews several areas for expansion, the background facts will only focus on the area proposed for expansion of the UGB that are referenced as Site 8 in the City of Newberg Industrial Lands Analysis - 2010 UGB Expansion (2010-UGB).

A. Background Facts

1. *Size:* Approximately 260 acres.

2. *Access:* The 260 acres has frontage on Highway 219, Wilsonville Road, Wynooski Road, Adolf Road and Dog Ridge Road.
3. *On-site Land Use:* In general, industrial uses exist along Wynooski Road. With the exception of the Newberg Garbage Service transfer station at the corner of Wynooski Road and Highway, 219, the properties bordering Highway 219, Adolf, and Wilsonville Road are generally in agricultural uses with some rural residences located on them.
4. *Current Zoning:* See attached zoning map. On September 30, 2004 the property was designated as part of the Interchange Overlay District. The Interchange Overlay District is subject to Section 908 of the Yamhill County Zoning Ordinance and the amended provisions of the Yamhill County Comprehensive Plan. In 1995, Yamhill County and the City of Newberg adopted the Urban Reserve Area. Yamhill County adopted Ordinance 596 on July 19, 1995 which identified subsites 8.2 and 8.3 as part of Newberg Urban Reserve Area E.
5. *Flood Hazard:* See attached map.
6. *Surrounding Zoning:* See Map 3 of the City's 2010-UGB report.
7. *Water:* City water would be available if the parcel is annexed.
8. *Sewage Disposal:* City sewer would be available if the parcel is annexed.
9. *Fire Protection:* Newberg Rural Fire District
10. *Soils:* See Map 9 in the City's 2010-UGB report.
11. *Coordinated Population Projection:* Under ORS 195.036 cities are required to coordinate their population projections with the counties. The last coordinated population projection for Newberg is 33,683 for the year 2020 and 54,097 for the year 2040.
12. *Exception:* On May 3, 1979 Yamhill County adopted Exceptions Statement I which included the properties in Code Area 1.10, North Newberg exception area. (These are the areas that are in the Urban Reserve Area and identified as subsite 8.2 and 8.3). This area was challenged and Exceptions Statement II was adopted by the Board of Commissioners April 23, 1980. At that time an exception to Goals 3 (Agriculture) and 4 (Forestry) were taken.
13. *Fish and Wildlife:* The property is not identified as being on any county adopted fish and wildlife habitat plan.

14. *2007 Urban Reserve Area:* Site 8 was identified by Yamhill County and the City of Newberg as part of the 2007 Urban Reserve Area. This was adopted by Yamhill County on July 16, 2008, Ordinance 828.

B. Interchange Overlay District

1. On June 17, 2009 the Board of Commissioners adopted Ordinance No. 838 which modified the regulations that applied to the Interchange Overlay District as detailed in Section 908 of the Yamhill County Zoning Ordinance. Subsection 908.06(B and C) lists processes for expansion of the Urban Growth Boundary (UGB). It states:
 - B. *Proposed amendments to the UGBs are governed by the criteria in Statewide Planning Goal 14 (Urbanization) and acknowledged UGB management agreements between Yamhill County and the respective cities. A decision to expand the UGB must be approved by the Yamhill County Board of Commissioners and the respective City Council.*
 - C. *The 1999 OHP (Action 1B.3) directs ODOT to avoid expansions of UGBs along Interstate and State Highways and around interchanges unless ODOT and the appropriate local governments agree to an interchange area management plan to protect interchange operation.*

As stated above, Section 908 of the Yamhill County Zoning Ordinance allows UGB expansion within the Interchange Overlay District.

C. Urban Growth Boundary Amendment Criteria

1. Criteria to be addressed in UGB amendment requests include the *Newberg Urban Area Growth Management Agreement*, the statewide planning goals, and the City and County Comprehensive Plans. The review standards from the first three of these are detailed in the city's staff report. The application did consider the Yamhill County Comprehensive Plan and much of the justification of Newberg's Comprehensive Plan criteria follows similar reasoning for justification of the Yamhill County Comprehensive Plan Criteria.

Even though the majority of the Yamhill County Goals and Policies are aspirational and not to be mistaken for, or treated as, approval criteria it is required that they be considered. It is a fact that some of the goals and policies conflict with one another. They are simply to be used 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. Therefore, the NUAMC

would need to decide whether the parcel is more appropriate to be preserved for its present use, primarily agricultural use, or it is better suited for eventual urban industrial development.

It is obvious from the report submitted by the City that a considerable amount of time and thought has gone into the process to select the appropriate area for future industrial land. One of the keys to selecting the correct site for UGB expansion is to identify the correct site characteristics for sifting through the options. The desired site characteristics are listed on Table 10, Page 26 of the City's 2010-UGB report and the same table is identified as Table 12-22 of Newberg's Economic Opportunity Analysis. While some of those characteristics are self evident, such as the need to identify land, "Within or adjacent to the existing UGB. . .", some of the other desired characteristics should be supported by findings. For example, some of the targeted industries appear to need areas of 1-5 acres, yet the site characteristics target areas of 20 acres or more. Findings explaining the rationale for eliminating smaller areas, especially smaller areas of exception land, should be provided.

Another example of the required site characteristics is to exclude sites that result in truck traffic through downtown. While alleviating any additional congestion through the downtown is commendable, this does not appear to be in line with the classification of Highway 99W as a freight route.

In addition, the required site characteristics excludes sites that abut large contiguous tracts of agricultural land. Again, it does not appear that there are findings to explain why it is necessary to have "effective topographic or road buffers" between industrial and agricultural uses. No doubt there are reasons to provide these buffers but it does not appear to have been explained. Perhaps these reasons will be further explained in the City's staff report (which is being prepared at the same time as the County's staff report). Again, findings to explain this would be a benefit to the City (and County) and may head off potential appeal of this proposed amendment.

To look at one specific example, one of the industrial facilities that is targeted by the City is for wineries and tasting rooms. Map 2 shows sites within the present UGB that were studied for change to industrial. Site I is in the northwest corner of the City, adjacent to North Valley Road. This site was rejected for reclassification to industrial use because it is not adjacent to any agricultural areas, it lacks the 100 acre agglomeration of parcels and it would require truck traffic to go through residential and commercial areas to reach I-5. While this area is not suited for the larger industrial uses the City has envisioned, it is one which might provide land for some of the

smaller industrial uses like a winery.¹ Generally speaking, a winery can be sited on one to five acres. Because of the location of established vineyards west of Newberg, wineries located at the south end of the city would more likely be receiving grapes from areas west of Newberg than from areas to the south, causing traffic through the downtown area. In addition, wineries at this location could have a synergy with The Allison Inn, located only a short drive to the east. A winery adjacent to agricultural lands can give the tasting room associated with the winery a certain ambiance. For these reasons, the City should provide further explanation to support the selected site characteristics or consider other exception areas for some of the smaller industrial uses.

2. The Yamhill County Comprehensive Plan, Section I.A., Goal 1, and Policy a. directs 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.

a. Yamhill County will, in cooperation with the cities and special districts of the county, encourage urban growth to take the form of a series of compact, balanced communities, each with its own business and community center and each related to industrial areas and other centers of employment.

In 1995, the urban reserve area project was completed. The Newberg Urban Reserve Area (NURA) land supply was intended to provide adequate land for the City of Newberg needs to 2020. A portion of the land along Wyooski Street is part of this Urban Reserve Area and its inclusion in the Urban Growth Boundary (UGB) would satisfy the above Goal and Policy. The next priority for inclusion of land in the UGB is for exception land. The two tax lots near the intersection of Wyooski Street and Dog Ridge Road are exception land, zoned HI Heavy Industrial. Based on the evidence and findings presented by the City of Newberg, bringing in these properties into the UGB, would also be consistent with the above Goal and Policy.

Taking in the larger blocks of agricultural land is more difficult to justify. Certainly there are only a few areas around the city that would be appropriate for large scale industrial development, and the City has presented many compelling reasons for inclusion of the agricultural lands south of the City. However, as noted above, some of the reasons for the required site characteristics should be explained in greater detail to support their use in selecting this area and/or rejecting other sites.

¹Table 9 shows that if the City were to redesignate this area to industrial use, it would result in a further deficit in the buildable land need for some other category.

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

To encourage the containment of urban services and facilities and other public capital improvements within existing urbanizing areas in order to achieve an orderly pattern of urban growth.

A portion of the proposed expansion area is for property that was designated in 1995 as being part of the Newberg Urban Reserve Area. Once the area is annexed into the city, the city will make the improvements to the urban facilities and services that will help to support development of this property. Based on the available urban improvements to the property, it appears that approval would result in an orderly pattern of urban growth.

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

2. To conserve Yamhill County's soil resources in a manner reflecting their suitability for forestry, agriculture and urban development and their sustained use for the purposes designated on the county plan map.

a. 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 along Wynooski Street has had an exception to Goals 3 and 4, so for that portion of land the above policy would not apply. The remainder of Site 8 that is outside the UGB and URA is made up of land that is predominantly agricultural Class I-IV soils. In order to comply with the above Policy, it is necessary to demonstrate that all other reasonable alternatives were considered and that this location was the most efficient for the intended urban use. As noted above, some of the reasons given for the required site characteristics should be explained further to support the taking in of large areas of agricultural lands for industrial use.

D. 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.*

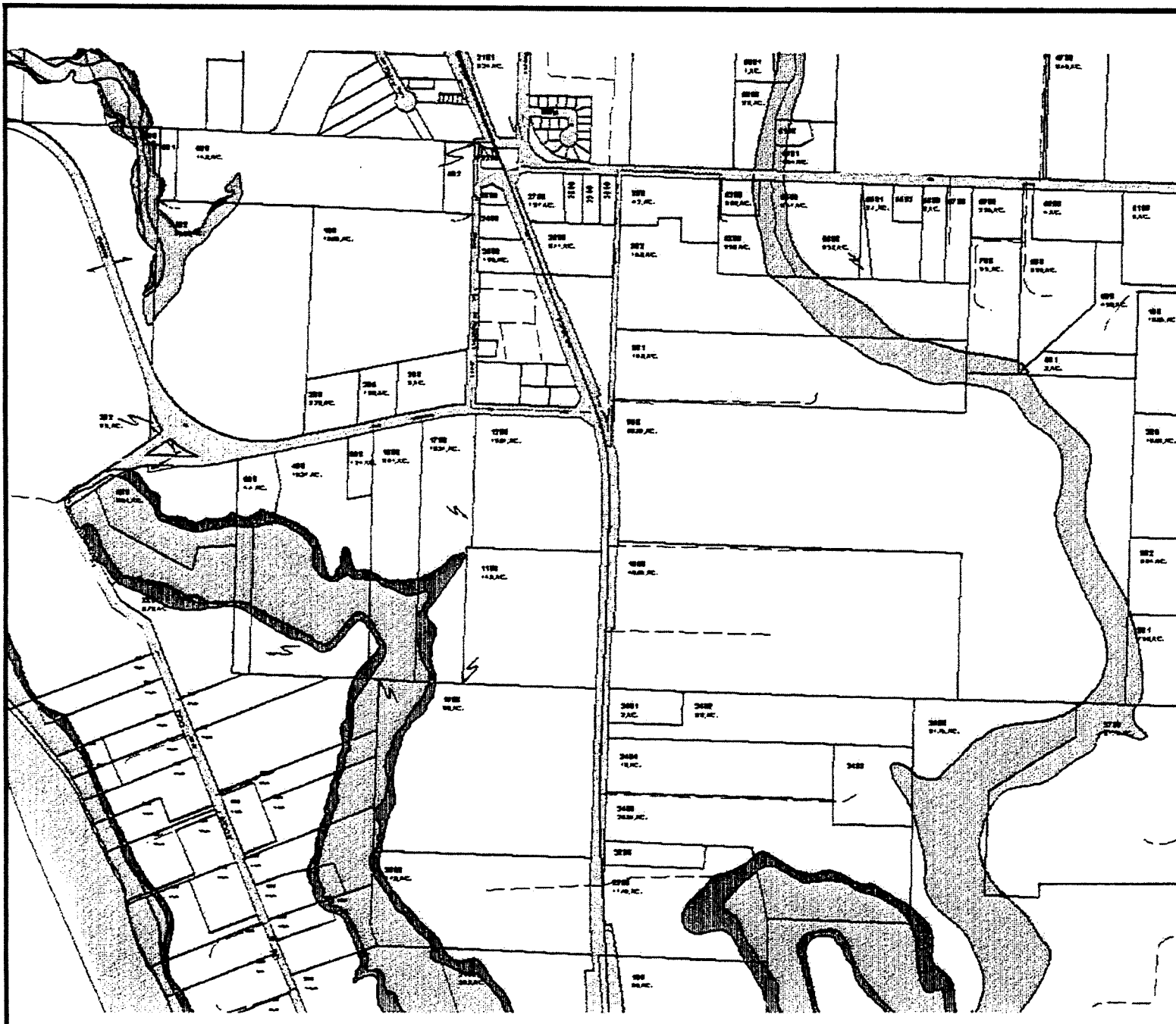
Adolf Road and portions of Wynooski Street are designated as County Roads. As noted above the Yamhill County Transportation System Plan requires “. . . the expeditious transfer of jurisdiction of roadways to incorporated cities in conjunction with annexation.” The findings related to approval of the subject request will need to clarify that the roadways will be transferred when the properties bordering the subject roads are annexed into the city limits. This should be noted in any ordinance required to finalize this Urban Growth Boundary amendment.

STAFF RECOMMENDATION:

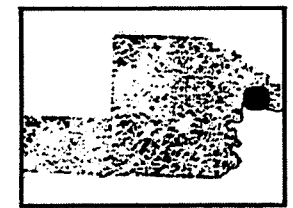
A staff recommendation will be given after the receipt of testimony.

MB:kf

Flood Hazard Map



- County Parks
- County Roads
- County Roads
- State Highways
- Private Roads
- Public Roads
- FEMA Flood Plain
- A
- X500
- Streams
- Taxlots
- Cartographic Arrows
- right of ways
- taxlot lines
- taxlot polygons



This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

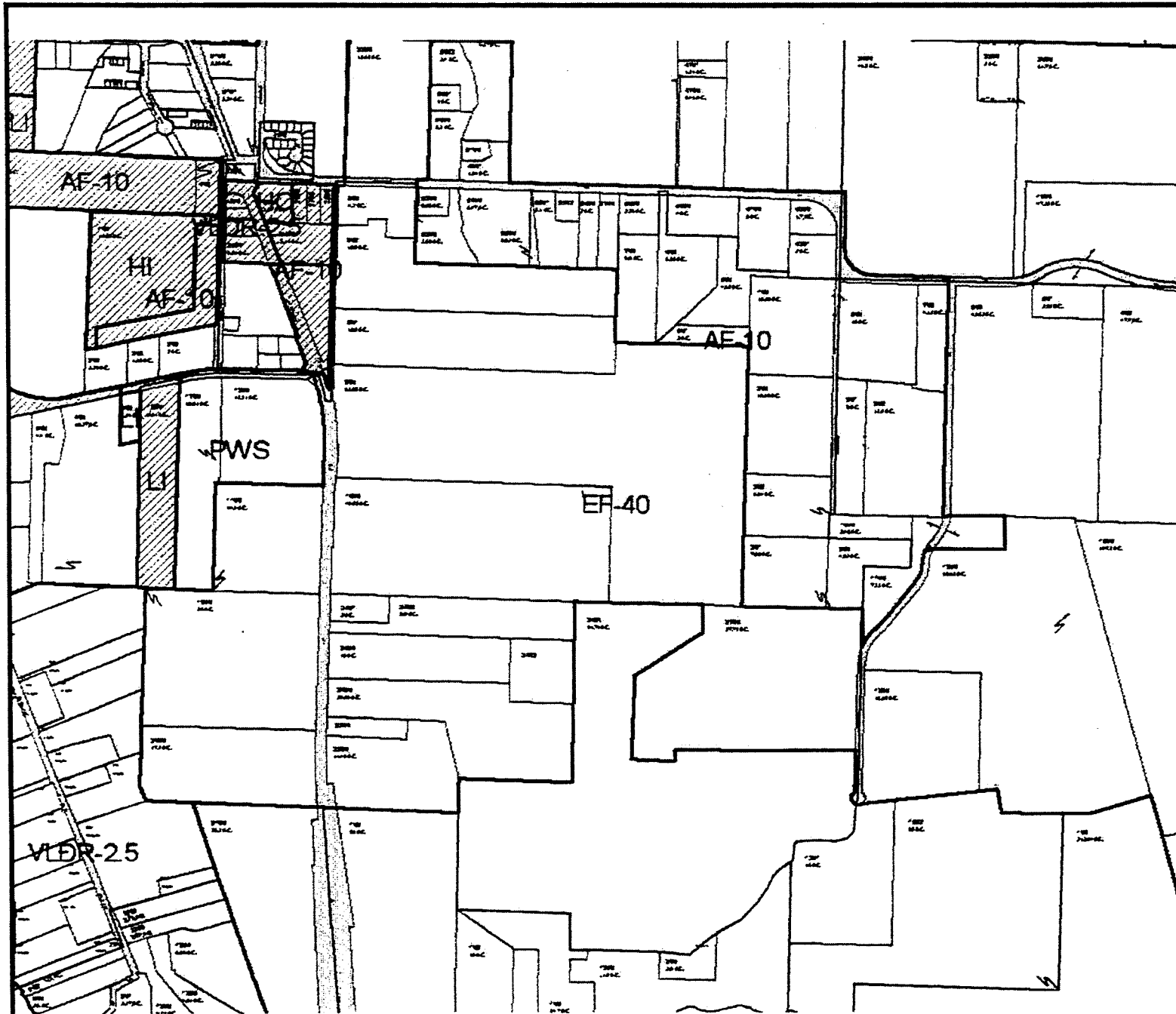
1 in. = 800 ft.



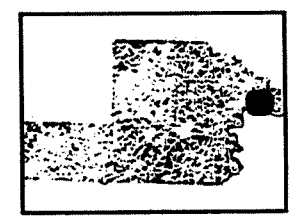
5/21/2010



Zoning Map



- Boundaries
- City UCB
- Newberg-UGB
- Newberg-City
- County Parks
- Taxlots
- Cartographic Arrows
- right of ways
- taxlot lines
- taxlot polygons
- Townships
- Zoning



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1 in. = 1000 ft.



5/24/2010



Comments Received



534 SW Third Avenue, Suite 300 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org

Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389

Mid-Willamette Valley Office • 189 Liberty Street NE, Suite 307A • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596

Willamette Valley Office • 220 East 11th Avenue, Suite 5 • Eugene, OR 97401 • (541) 520-3763 • fax (503) 575-2416

February 1, 2010

Mayor Bob Andrews
Newberg City Council
414 E. First Street
Newberg OR 97132

Dear Mayor Andrews and Council members:

Thank you for the opportunity to comment on the draft *Revised Economic Opportunities Analysis (EOA)* and related text amendments to the comprehensive plan. 1000 Friends of Oregon is a nonprofit, charitable organization dedicated to working with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas.

1000 Friends of Oregon and Friends of Yamhill County support efforts to plan for Newberg's future and we maintain a keen interest in the outcome of these efforts.

It is evident that considerable work has gone into the analysis. Nonetheless, we have several concerns regarding the document's underlying assumptions and the resulting conclusions, as well as concerns regarding the technical analysis.

On December 10th, 2009 the Planning Commission took testimony on the draft *Revised Economic Opportunities Analysis (EOA)*, dated November 2009. The Planning Commission considered the matter further at its next meeting scheduled on January 14, 2010 and voted to make significant revisions to the draft presented at the first hearing, including increasing the amount of projected employment growth and increasing the amount of land to accommodate that growth. The draft before you reflects those revisions.

We believe the draft *EOA* overestimates the amount of employment land Newberg will need over the planning period and underestimates the capacity of available lands within the existing UGB to meet those needs. This will result in overexpansion of the urban area.

35

Celebrating Thirty-five Years of Innovation

1. TARGETED INDUSTRIAL CLUSTER

Under Goal 9's implementing rules, the estimate of the types and amounts of industrial and other employment uses in the EOA must be based on "what is *likely* to occur in the planning area." (OAR 660-009-015(4); emphasis added).

A key "target" "industry cluster that Newberg has identified as part of its economic strategy is manufacturing.¹ Based on the available data, this is an economic development strategy based more on wishful thinking than on what is likely to occur and, as such, seems doomed to failure.

In the last two years, the local economy has shed thousands of jobs in the worst recession in decades. Manufacturing and other sectors that use industrial land have been particularly hard hit.

The most recent Oregon Employment Division (OED) long-range projections for Regions 2, 3, and 15 project that manufacturing jobs will decline between 2008 and 2018.² They have made no projections of growth in that sector beyond that date.

The draft *EOA* projects that in 2018, Newberg will have less manufacturing jobs than in 2008 and at most, a handful of more jobs overall that utilize industrial space.³

Nonetheless, much of Newberg's economic development strategy relies upon urbanizing a very large block of prime agricultural land to attract new industrial employment. According to the draft *EOA*, the largest component of this new employment on this converted land will be in the manufacturing sector.

The city has announced its intention to pursue an Urban Growth Boundary amendment to bring much of this block of farmland into the UGB, even though there is no demonstrable short-term need for this land, and any long-term demand is, at best, speculative.⁴

This prime farmland is not undeveloped land waiting for urbanization. It is already developed industrial land that supports the leading industry in Yamhill County- agriculture. The agricultural industry is a primary driver of Newberg's economy.

Newberg is located in Yamhill County within 2 or 3 miles of Marion County, Washington County, and Clackamas County. These four counties rank first, fourth, fifth and eight among all Oregon counties in gross farm and ranch sales with over \$1.5 billion in direct 2008 receipts.⁴ Area farmers provide thousands of jobs, many to Newberg residents, and indirectly support tens of thousands more.

¹ See proposed Comprehensive Plan amendments, Section D.

² Region 2 is Multnomah and Washington Counties, Region 3 is Marion, Yamhill, and Polk Counties, and Region 15 is Clackamas County.

³ Draft EOA, Tables 12-14 and Table 12-18

⁴ The city has been referring to this farmland as the South Industrial Area

The city's proposal would harm the local economy by undercutting the land base that supports this leading industry. If the draft *EOA* is adopted, no one would tile a field, plant an orchard crop, or make any other long-term investments in agricultural production.

2. "REQUIRED" INDUSTRIAL SITE CHARACTERISTICS

Table 12-22 of the draft *EOA* identifies the site suitability characteristics that are supposedly required by the targeted industries identified in Tables 12-19 and 12-20. While *some* of these characteristics may be desirable to *some* of the identified industries, they are by no means requirements. In many respects they appear to be reverse engineered so that the only suitable site is the large block of prime farmland that the city wants to develop as the South Industrial Area. The following "Required Industrial Site Suitability Characteristics" have not been justified:

- Site Size

The draft *EOA* identifies a minimum parcel size of 5 vacant acres for the targeted industries identified in Tables 12-19 and 12-20 unless the site is adjacent to an industrial use or a group of 20 suitable acres, in which case the parcel could be smaller. (Table 12-22)

However, many of the targeted industries can and do locate on much smaller sites, including sites that are not adjacent to another industrial use. Table 12-19 gives many such examples of existing Newberg firms. These include Professional Services, Creative Services, Wineries, and several others. The draft *EOA* does not explain its conclusion that these targeted industries require large sites, except for a footnote stating that:

"Much of this site size need [the 2030 need for approximately 24 acres of very small (under 2 acre) sites and 75 acres of small (2- to 10-acre) sites] can be most efficiently accommodated by master planned business parks."

The *EOA* is thus flawed in two respects. First, it inflates the parcels size allegedly needed by assuming that these targeted industries will only locate together, thereby requiring large parcel(s). Second, it assumes that none of these targeted industries will go into vacant spaces in existing office parks or onto "stand-alone" existing small parcels. Not only is there no evidence to support this, but it is contrary to common sense and observation of how industrial and office parks evolve.

- Proximity to Transportation and Services

The draft *EOA* contends that the targeted industries identified in Tables 12-19 and 12-20 require sites that are either "adjacent to existing industrial areas," or on "an agglomeration of at least 100 new acres to facilitate agglomeration economies and minimize adverse impacts." (Table 12-22)

None of the targeted industries requires a site larger than 50 acres. The draft *EOA* does not explain why any of the targeted industries must be part of an agglomeration of at least 100 acres. To the best of our knowledge, none of the existing industries in Newberg that fall within the targeted industry clusters, including wineries, professional and business services, and Newberg's largest manufacturers, are located within an industrial area totaling at least 100 acres. The *EOA* does not provide evidence that any of the targeted industries requires agglomeration of any size or kind.

The draft *EOA* also contends that the targeted industries identified in Tables 12-19 and 12-20 require sites within 1/8 mile (660 feet) of a major arterial or state highway without travel through non-industrial properties. (Table 12-22). The only roadway classified as a major arterial in Newberg's Transportation Systems Plan (TSP) is Highway 99W, which is also a state highway.

While some of the targeted industries may find such a location desirable, it is *not* required. Most of Newberg's largest existing industrial users, all of whom are in the targeted industry clusters, are not located within 660 feet of a state highway or major arterial. These include, at a minimum, A-dec, SP Newsprint/White Birch, and Ushio. Traffic from many of them, including A-dec and Ushio, passes through non-industrial areas.

The draft *EOA* states that the targeted industries identified in Tables 12-19 and 12-20 require sites that have a connection to I-5 via Highway 219. (Table 12-22).

Any site in Newberg can connect to I-5 via Highway 219. If the city contends that only sites with direct access to Highway 219 meet site requirements this is unjustified. No rationale is provided as to why the targeted industries would require this. As noted above, Newberg's largest manufacturers do not have direct access to Highway 219. For other industrial users, such as wineries, professional services, etc, such a locational requirement seems even more tenuous.

- Topography

The draft *EOA* categorically excludes as unsuitable all sites with slopes greater than 10% and all sites that do not have a developable area that is generally rectangular in shape. (Table 12-22).

The draft *EOA* does not explain why *all* targeted industries require a flat, rectangular site nor why any specific targeted industry requires a flat, rectangular site. While such sites may be generally cheaper to develop and service, many users use sites that do not have these characteristics. The categorical exclusion is not justified

- Compatibility (residential, downtown and resource land)

The draft *EOA* categorically excludes as unsuitable all sites that abut residential neighborhoods on more than 25% of the site perimeter unless buffers are present or planned. (Table 12-22).

The draft *EOA* does not explain why *all* targeted industries require sites that are buffered from residential land. While such buffering may be desirable for certain industries, such as food processing or heavy manufacturing, it is not required or even necessarily desirable for certain other users.

In fact, some of Newberg's largest existing industrial employers within the targeted industry clusters do abut residential neighborhoods, including A-dec, SP Newsprint/White Birch, and Ushio, as do many existing users in the targeted professional and business services sector.

The draft *EOA* also categorically excludes as unsuitable all sites that abut large tracts of agricultural land unless effective buffers are present or planned. (Table 12-22). The draft *EOA* does not explain why all or any targeted industries require sites that are buffered from agricultural land. Of the various urban uses, industrial use is considered to be more compatible with agricultural uses and other urban uses, such as residential, are less compatible with agricultural uses.

The draft *EOA* also categorically excludes as unsuitable any site that will result in truck traffic through downtown. There are several problems with this exclusion.

First, there is no definition here. Is one truck trip a day unacceptable, or does it take 50 trucks a day?

Second, Highway 99W through downtown is classified in the Newberg TSP as a major arterial, intended to "serve truck movements."⁵ The Oregon Highway Plan (OHP) classifies Ore 99W as a freight route through the City of Newberg.⁶ The categorical exclusion of any site that will result in truck traffic through downtown is inconsistent with these adopted and acknowledged plans.

Third, a logical place for industrial development that is higher priority under ORS 197.298 is the area of flat, relatively large parcels in the SW exception area. This area is served by rail. In addition, the Newberg-Dundee bypass is identified in the Newberg TSP as a future improvement. Once the first phase is completed, the bypass will provide an alternate route that avoids downtown for truck traffic originating in this higher priority area.

For all the preceding reasons, the "Required Industrial Site Suitability Characteristics" have not been justified.

3. INDUSTRIAL USES: INTENSIFICATION, REDEVELOPMENT, AND INFILL.

Our testimony to the Planning Commission pointed out the significant amount of employment growth that is typically absorbed through intensification of existing employment uses. This job growth is accommodated on existing developed sites without new development and without redevelopment.

⁵ Newberg TSP, p. 30

⁶ Newberg TSP, p. 41

During the staff response to testimony, Economic Planner David Beam discounted the potential for job growth to be accommodated without physical development or redevelopment occurring, based on his observation that there are very few vacant industrial properties in Newberg. Those comments overlook the reality of how and where significant job creation occurs and how it is accommodated.

In the real world many new jobs are created without land being developed or redeveloped: a processing plant or manufacturer adds staff or even a second shift; laid-off workers are recalled; a restaurant adds additional staff in the dining room and kitchen. None of these involves development or redevelopment of new or existing sites.

The text of Newberg's draft *EOA* recognizes this dynamic and states:

"The data ... includes assumptions that most (55%) of Newberg's future industrial employment will be located on sites 10 acres or less, and that one-third of those future new industrial firms under 10 acres in size, and one-half of firms under 2 acres in size, will find a site through infill redevelopment or intensification of existing employment land uses. (*EOA*, p. 43)"⁷

These stated assumptions are not carried over into the land need calculations.

Newberg projects an additional 1,642 new jobs will use industrial space through 2030.⁸

Table 12-21 allocates projected new industrial employees through 2030 by number of employees, by employees per firm, by site size, and by number of needed sites. The explanatory text states:

"The total land needs equate to approximately 10 employees per developed acre, which reflects the reality that many firms look for sites that allow for future expansion, and is consistent with the site size per employee ratio of many of Newberg's largest industrial employers."⁹

In response to our previous testimony, city staff amended Table 12-21 to add the lines labeled "infill & redevelopment." The amended table is reproduced below:

⁷ Draft *EOA*, p, 45

⁸ Draft *EOA*, p, 41, Table 12-18

⁹ Draft *EOA*, p, 45

Table 12- 21: Site Size Distribution by Firm Employment (2010-2030)

Employees per Firm	Percent of Employment	Number of Employees	Number of Firms	Sites Needed	Size Range (Acres)	Average Site Size (Acres)	Average ROW Need (Acres)	Gross Buildable Acres Needed
0-9	15%	246	41	21	<2	1	0.15	24
				20	Infill & redevelopment			0
10 to 74	40%	657	19	13	2 - 10	5	0.75	75
				6	Infill & redevelopment			0
75 to 150	15%	246	2	2	10 - 30	20	1.00	42
150+	30%	493	1	1	30 - 50	40	2.00	42
Total	100%	1,642	63	63				183

Source: Winterbrook Planning 2009, Newberg Planning Division

While the table now assigns a number of *sites* to infill and redevelopment, it either does not assign any actual *employment* growth to these sites, or the actual planned employment density is far less than the 10 employees per developed acre claimed in the text, and far less than what Newberg has historically experienced.

The draft *EOA* concludes that 183 gross buildable acres are needed.

If half the 246 employees projected on sites smaller than 2 acres and 1/3 of the employees projected on sites 2-10 acres in size will be accommodated through infill redevelopment or intensification of existing employment land uses, as stated in the draft *EOA*, only 1081 new employees will need new buildable land, not 1642. On 183 acres, this is an employment density of only 5.9 employees per gross buildable acre or 6.5 employees per developed acre.

If *all* 1642 projected new employees are allocated to the new land, then, and only then, will the employment density approximate the 10 employees per developed acre claimed in the text.

Newberg should resolve these inconsistencies in the draft *EOA* and plan for future industrial users to use land *more* efficiently than they have in the past, not *less* efficiently

In addition, it is not clear why the stated assumptions limit refill potential to sites smaller than 10 acres. At least some job growth will also be absorbed through intensification of existing employment uses on larger sites. The draft *EOA* should account for this certainty.

4. DUPLICATIVE ALLOCATION OF JOB GROWTH TO INDUSTRIAL AND OFFICE

For several sectors of projected job growth the draft *EOA* apparently allocates some jobs twice - to both industrial space and to office space. These errors lead to erroneous conclusions regarding land need.

For example, the draft *EOA* projects a total of 76 jobs in the Information sector in 2030. The draft *EOA* allocates 88% of these jobs to Industrial Space (67 jobs) and 90% of these jobs to office space (69 jobs), for a total of 136 jobs, nearly double what is projected.¹⁰

In the Transportation, Warehousing & Utilities sector the draft *EOA* allocates 93% of projected jobs to Industrial Space and 30% to office space.

Projected jobs in the Professional & Business sector and the Other Services sector also appear to be allocated more than once- to both Industrial Space and Office Space.

These errors must be resolved.

5. "REQUIRED" COMMERCIAL SITE CHARACTERISTICS

The draft *EOA* categorically excludes as unsuitable all sites with slopes greater than 10% and all sites that do not have a developable area that is generally rectangular in shape. (Table 12-29).

The draft *EOA* does not explain why new office and retail development requires a flat, rectangular site. While such sites may be generally cheaper to develop and service, many users use sites that do not have these characteristics. The categorical exclusion is not justified.

6. EMPLOYMENT AND POPULATION PROJECTIONS

The employment projections in the draft *EOA* are based upon an assumption that employment in certain sectors will grow by the same rate as Newberg's population and that after 2018, all employment in all sectors will grow by the same rate as Newberg's population.

The draft *EOA* states this was done in accordance with the "safe harbor" provisions of OAR-660-024-0040(9) and also states that the population projections in Newberg's adopted plan have been coordinated with Yamhill County as required by ORS 195.036.

We disagree. To the best of our knowledge, adequate coordination has not occurred.

It is our understanding that the "coordination" with the County to which the city refers is a letter from the County Planning Director that accepts the population projection proposed by the city. In addition, the Board of Commissioners adopted *findings* in support of Newberg's 2006 UGB amendment and its remanded URA proposal that also contained the population projection.

This is not adequate coordination. ORS 195.036 and 195.025 require adoption of a county-wide forecast by the governing body, in this case the Board of Commissioners, not the

¹⁰ Draft *EOA*, Tables 12-14, 12-18, and 12-25

Planning Director. The Board of Commissioners cannot delegate to the Planning Director the authority to coordinate population forecasts on an ad-hoc basis.

OAR 660-024-0030 provides, in part:

“In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.”

To the best of our knowledge, the County has not adopted the forecast into its comprehensive plan or in a document referenced by the plan, as required by OAR 660-024-0030, nor did the County follow the procedures and requirements in ORS 197.610 to 197.650.

In addition, coordination with all other local jurisdictions in the county is also required.¹¹ When it adopted findings in support of Newberg’s 2007 UGB amendment and its remanded URA proposal the County did not provide notice that it was considering adoption of a population forecast nor, to the best of our knowledge, did they provide notice to all other local governments in the county. Finally, to the best of our knowledge, when the city adopted the population forecast into its plan, it also failed to notify the other local governments in the County that it was adopting a population forecast.

For these reasons, we conclude that the city’s population forecast has not been adequately coordinated with the county and other local governments and cannot form the basis for “safe harbor” employment projections.

7. Related Comprehensive Plan Amendments

In addition to the draft *EOA*, the city is also proposing to amend the “Land Need and Supply” section of the comprehensive plan.

These proposed comprehensive plan amendments have not been justified. The proposed amendments that relate to industrial and commercial land have not been justified for the preceding reasons.

The city also proposes to amend the buildable land inventories of Residential, Park, and Institutional land in Table IV-1. The public notice for this hearing makes no mention of amendments to residential, park, and institutional land inventories. No justification or explanation of how they were derived is presented in the staff report or elsewhere in the Council Packet. No findings are proposed in support of their adoption.

¹¹ 195.036 Area population forecast; coordination. The coordinating body under ORS 195.025 (1) shall establish and maintain a population forecast for the entire area within its boundary for use in maintaining and updating comprehensive plans, and shall coordinate the forecast with the local governments within its boundary. [1995 c.547 §7 (enacted in lieu of 195.035)]

For these reasons, the proposed amendments to the buildable land inventories of Residential, Park, and Institutional land in Table IV-1 have not been justified.

8. Conclusion

We recognize the considerable work that Newberg has undertaken in producing the Draft *Economic Opportunities Analysis*. Additional work remains and it is our hope that the final product is one we can support.

We hope these comments are helpful in achieving that outcome. Please include them in the official record of these proceedings and notify us of any decisions and/or future hearings in this matter.

Sincerely,

Sid Friedman
1000 Friends of Oregon

Ilsa Perse
Friends of Yamhill County

Cc (electronic): DLCD
Yamhill County Planning Department
Oregon Department of Agriculture

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

FRIENDS OF YAMHILL COUNTY,
LEE DOES, AMY DOES, GRACE
SCHAAD, RANEE SOLOMONSSON,
CHERYL MCCAFFREY

Petitioners,

v.

CITY OF NEWBERG

Respondent

LUBA No.: 2010-_____

NOTICE OF INTENT TO APPEAL

I.

1
2 Notice is hereby given that the petitioners intend to appeal the land use decision of the
3 respondent entitled "Ordinance No. 2010-2723 – An Ordinance Adopting the Revised Economic
4 Opportunities Analysis for the City of Newberg and Adopting Associated Comprehensive Plan
5 Amendments." A copy of the decision is attached. The decision was made on February 1, 2010.

6 II.

7 The petitioners are represented by James S. Coon, Swanson Thomas & Coon, 820 SW
8 2nd Ave Ste 200, Portland, OR 97204; phone no. 503-228-5222.

9 III.

10 The respondent's mailing address is 414 E 1st Street, Newberg, OR 97132; phone
11 number 503-538-9421. Its legal counsel is Terrence D. Mahr, 414 E 1st Street, Newberg, OR
12 97132; phone number 503-538-9421.

13 IV.

14 Other persons mailed written notice of the land use decision by the City of Newberg, as
15 indicated by its records, consist of the persons listed in the attachment to this Notice.

1 **NOTICE:**

2 Anyone designated in the attachment to this Notice who desires to participate as a party
3 in this case before the Land Use Board of Appeals must file with the Board a Motion to
4 Intervene in this proceeding as required by OAR 661-10-0050.

5

6 DATED: February 22, 2010

7

Respectfully submitted,
SWANSON THOMAS & COON

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James S. Coon, OSB No. 771450
Attorney for Petitioners



ORDINANCE No. 2010-2723

AN ORDINANCE ADOPTING THE REVISED ECONOMIC OPPORTUNITIES ANALYSIS FOR THE CITY OF NEWBERG AND ADOPTING ASSOCIATED COMPREHENSIVE PLAN AMENDMENTS

RECITALS:

1. The original Economic Opportunities Analysis (EOA) was adopted by City Council in January 2006 by Ordinance 2006-2635. The EOA is considered part of the Comprehensive Plan and implements the goals and policies in Section H. The Economy. Much of the information found in the EOA is statistical and dynamic in nature, including demographic and economic statistics, population and employment projections, and buildable land inventories. Therefore, the EOA is not a static document and is meant to be updated with current information from time to time. Having an updated EOA also ensures the City's compliance with Statewide Planning Goal 9: Economic Development.
2. The updates to the EOA include the following: population, demographic, economic and employment statistics; an economic trends analysis section that looks at national, state and regional trends, regional economic development industry clusters and target industries, Yamhill County agribusiness, and regional industrial land availability; a new section that covers an assessment of our community economic development potential; a more robust discussion of Newberg's economic development strategy; and updated buildable land inventories and the addition of maps that illustrate the available industrial and commercial buildable land by area.
3. The Comprehensive Plan document has a small section with population and land supply and need information. Those numbers have changed with the updated EOA and need to also be updated in the Comprehensive Plan document. The Comprehensive Plan amendments also add five new policies to Section H.
4. The Newberg Planning Commission held hearings on December 10, 2009 and January 14, 2010 to consider the request. The Planning Commission passed Resolution 2009-275, recommending that the City Council adopt the revised Economic Opportunities Analysis and the accompanying Comprehensive Plan amendments.
5. After proper notice, the City Council held a hearing on February 1, 2010 to consider the request. The Council finds that the proposal meets the applicable criteria.

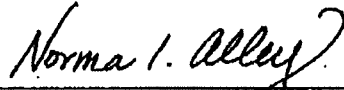
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The revised Economic Opportunities Analysis, as shown in Exhibit "A", is hereby adopted and by this reference incorporated.
2. The Comprehensive Plan amendments, as shown in Exhibit "B", are hereby adopted and by this reference incorporated.

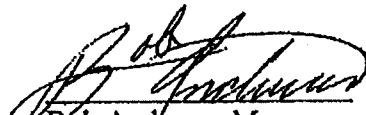
3. The findings in support of this proposal, as shown in Exhibit "C", are hereby adopted and by this reference incorporated.

➤ EFFECTIVE DATE of this ordinance is 30 days after the adoption date, which is: March 2, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of February, 2010, by the following votes: AYE: 7 NAY: 0 ABSENT: 0 ABSTAIN: 0


Norma I. Alley, City Recorder

ATTEST by the Mayor this 4th day of February, 2010.


Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through the Newberg Planning Commission at their 01/14/2010 meeting.

Attachment A

Public Testimony for EOA - written and oral						
Name	Street Address	City	State	Zip	Meeting Date	
Roger Currier	504 Pinehurst Dr	Newberg	OR	97132	12/10/2009	
Grace Schaad	31525 NE Schaad Rd	Newberg	OR	97132	12/10/2009 & 2/1/10	
Vicki Shepherd	30230 NE Benjamin Rd	Newberg	OR	97132	12/10/09 & 2/1/10	
Robert & Dorothy Roholt	31150 NE Schaad Rd	Newberg	OR	97132	12/10/09 & 2/1/10	
Sid Friedman / 1000 Friends of Oregon	189 Liberty St NE	Salem	OR	97301	12/10/09, 1/14/10, 2/1/10	
Ken Wegter	3872 Camishaun Ct NE	Salem	OR	97305	12/10/09 & 2/1/10	
Lee & Dr. Amy Does	10730 NE Renne Rd	Newberg	OR	97132	12/10/09 & 2/1/10	
MaryAnn Tack	1400 Villa Rd	Newberg	OR	97132	12/10/2009	
Marvin Schneider	1159 N Main St	Newberg	OR	97132	01/14/2010	
Craig Markham	22245 NE Ilafem Ln	Dundee	OR	97115	12/10/2009	
Julie Fugate	14500 NE Richard Ln	Newberg	OR	97132	02/01/2010	
Sydney Wermlinger	20895 Arbor Grove Rd NE	St Paul	OR	97137	1/14/10 & 2/1/10	
Lewis Schaad	31655 NE Schaad Rd	Newberg	OR	97132	02/01/2010	
Saj Jivanjee	32230 NE Old Parrett Mit Rd	Newberg	OR	97132	12/10/09 & 2/1/10	

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on February 22, 2010, I filed the original of this Notice of Intent to Appeal together with two (2) copies, with the Land Use Board of Appeals, 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552, by certified mail.

I also certify that on February 22, 2010, I served a true and correct copy of this Notice of Intent to Appeal on the City of Newberg at 414 E 1st Street, Newberg, OR 97132, on Terrence D. Mahr at 414 E 1st Street, Newberg, OR 97132, and on all persons listed in paragraph IV of this Notice (including those persons listed in Attachment A), pursuant to OAR 661-10-0015(2), by first class mail.

DATED: February 22, 2010.

SWANSON THOMAS & COON



James S. Coon, OSB No. 771450
Attorney for Petitioners

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

FRIENDS OF YAMHILL COUNTY,
LEE DOES, AMY DOES, GRACE
SCHAAD, RANEE SOLOMONSSON,
CHERYL MCCAFFREY

Petitioners,

v.

CITY OF NEWBERG

Respondent

LUBA No.: 2010-_____

CERTIFICATE OF FILING

I hereby certify that on February 22, 2010, I filed the original Notice of Intent to Appeal, together with two copies, with the Land Use Board of Appeals at the following address:

Land Use Board of Appeals
Public Utilities Building
550 Capitol Street, NE, Suite 235
Salem, OR 97301-2552

By United States Postal Service, certified mail/return receipt requested. The proof from the post office (i.e., receipt of certified mail, with the certified mail number, with the date of mailing stamped by the United States Postal Service on the receipt) is attached.

DATED: February 22, 2010.

SWANSON THOMAS & COON



James S. Coon, OSB No. 771450
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2010, I served a true copy of this Notice of Intent to Appeal by first-class mail on:

City of Newberg
414 E 1st Street
Newberg, OR 97132

AND

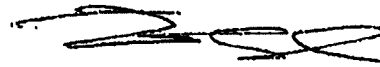
Terrence D. Mahr
414 E 1st Street
Newberg, OR 97132

AND

Each of the parties listed on the notice list attached to the Notice of Intent to Appeal.

DATED: February 22, 2010.

SWANSON THOMAS & COON



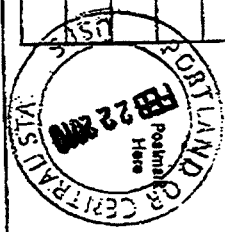
James S. Coon, OSB No. 771450
Attorney for Petitioners

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SENT TO: **LUBA**
 Recipient's Zip Code: **97301**
 or PO Box No. **550 CAPITOL ST NE # 235**
 City, State, ZIP+4: **SALEM OR 97301-2552**
 PS Form 3800, August 1, 2009 See Reverse for Instructions

7007 2560 0001 0947 0825

1000 FRIENDS OF OREGON

6866

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
	Court Costs				360.00
2/22/10	6866	Land Use Board of Appeals			\$360

1000 FRIENDS OF OREGON
 834 SW THIRD AVENUE
 SUITE 300
 PORTLAND, OR 97204-2897
 PH. 503-497-1000

Check Number: 6866

DATE
FEB 22 2010
 AMOUNT

US BANK
 24-22/1230

6866

Memo: filing fee \$ 360.00

PAY TO THE ORDER OF: Three Hundred Fifty and 00/100 Dollars

Land Use Board of Appeals
 550 Capitol St. NE, Suite 235
 SALEM, OR 97301-2662

⑆006866⑆ ⑆123000220⑆153600064217⑆

Mark L. McAndrews
 AUTHORIZED SIGNATURE

Friends of
French Prairie

Friends of French Prairie
is an Oregon non-profit corporation

PO Box 403 | Donald, Oregon 97020 | www.friendsoffrenchprairie.org



May 20, 2010

Newberg Urban Area Management Commission
Written Comments
File #UGB-09-001
Attn: Jessica Nunley
PO Box 970
Newberg, OR 97132

Yamhill County Planning Dept.
525 NE 5th Street
McMinnville, OR 97128-4601

Greetings;

Friends of French Prairie is a land use organization representing the French Prairie portion of Marion county. French Prairie is the historic and agricultural heartland of Oregon, and includes the area north of Keizer to the Willamette River, and from the Willamette on the west to the Pudding River on the east.

This is the portion of the Willamette Valley with the highest quality soils, making it among the highest quality farm land in North America. Thus, while agriculture is the largest economic sector in Marion County, a large portion of that agriculture is concentrated in French Prairie.

I am writing on behalf of Friends of French Prairie in opposition to the Newberg Urban Growth Boundary amendment to include 260 acres south of the City into the Newberg UGB.

The justification for inclusion of this land in the City of Newberg UGB is to target manufacturing and other industries and to locate them on the south side of the city, where it is claimed that there is access within 10 minutes to I-5 via Hwy. 219 and McKay/Yergen/Ehlen Road to the Donald/Aurora interchange.

RECEIVED
MAY 24 2010
CITY PLANNING

The reason for our opposition is twofold. First, the Donald/Aurora interchange is already recognized by ODOT as one of the most unsafe in the state, carrying traffic levels well beyond the capacity that it was designed for. To base urban development in Newberg on the premise that its traffic can be unloaded on an already over-burdened and unsafe freeway interchange in another county is unconscionable!

Second, the result of increased traffic on Hwy. 219 and McKay/Yergen/Ehlen Road will negatively impact agriculture and prime farmland in French Prairie. Both roads are carrying far more traffic today than they were designed for. McKay/Yergen/Ehlen Road is already unsafe due to the volume of traffic and the absence of traffic signals, compounded by very few left turn lanes. Entering, exiting and crossing this road during peak traffic periods literally involves taking your life in your hands. This is especially true for slow moving farm equipment.

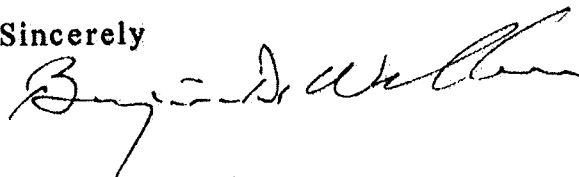
Increasing traffic in the magnitude that industrial development in this UGB expansion will produce will result in further pressure for a limited access highway across French Prairie, all of which is high quality prime farm land.

Please note that as recently as April, 2010, the Marion County Commissioners are on record as not supporting a limited access highway across French Prairie.

This proposal, as a fundamental part of its design, ignores normal traffic mitigation. By doing so the benefit accrues to Newberg and Yamhill County, while all traffic related impact is passed on to French Prairie and Marion County.

This is precisely the kind of development that should not be considered in the absence of thorough and comprehensive inter-governmental communication between all parties, and without inter-county agreement on traffic mitigation requirements.

Sincerely



Benjamin D Williams

President, Friends of French Prairie

cc: Marion County Commissioners
City of St Paul
1000 Friends of Oregon
Marion County Farm Bureau
DLCD