

## *ORDER No. 2009-0022*

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**AN ORDER EXTENDING THE DEADLINE UNTIL DECEMBER 31, 2010,  
TO BRING THE PROPERTY LOCATED AT 2004 EAST MOUNTAINVIEW  
DRIVE INTO COMPLIANCE WITH THE R-2 ZONE AND REMOVE THE  
NON-CONFORMING USE**

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### **RECITALS:**

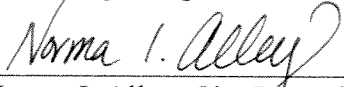
1. The property at 2004 E. Mountainview Drive was officially annexed into the City of Newberg on June 17, 2008 when the City Council approved Resolution 2008-2794, accepting the result of the May, 2008 general election. This property, along with others along Alice Way, changed from Yamhill County VLDR-1 (Very Low Density Residential) zoning to City R-2 (Medium Density Residential) zoning upon annexation. The comprehensive plan designation also changed upon annexation from IND (Industrial) to MDR (Medium Density Residential).
2. The property at 2004 E. Mountainview Drive appeared to be primarily a residential use but had been in use as a contractor's storage area for construction materials and equipment at the time of annexation. This use would be allowed in an industrial zone, but is a non-conforming use in a residential zone. Newberg Development Code §151.269 addresses the annexation of non-conforming uses and intends to allow a reasonable time period for the removal of the use. The time period may vary from one year to ten years at the discretion of the Council.
3. The owners of 2004 E. Mountainview Drive, Robert and Linda Long, were informed of the one-year deadline (by July 1, 2009) to bring the site into compliance with the residential zone. The owners did remove the construction materials from the site and improve the appearance of the property, but have not yet removed the construction equipment from the site.
4. On June 8, 2009 the City received a letter from Robert and Linda Long (Exhibit "A") requesting a 6 month to one year extension of the deadline to remove the non-conforming use from the site. They noted that they have had difficulty locating an affordable storage location, and stated that they would continue to work on getting the property into compliance with the residential zone. Exhibit "A" is hereby attached and by this reference incorporated.
5. The City Council finds that the property owners have endeavored to bring the site into compliance with the R-2 zone, and that a one-year extension will allow the owner's sufficient time to find an alternate affordable storage site and bring the property into full compliance.

**THE CITY OF NEWBERG ORDERS AS FOLLOWS:**


The deadline to bring the property at 2004 E. Mountainview Drive into compliance with the R-2 residential zone and remove the non-conforming use is extended until December 31, 2010.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: July 21, 2009.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 20<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 23<sup>rd</sup> day of July, 2009.

  
\_\_\_\_\_  
Bob Andrews, Mayor

**QUASI-JUDICIAL HISTORY**

By and through \_\_\_\_\_ Committee at \_\_\_\_ / \_\_\_\_ /200x meeting. Or,  X  None.  
(committee name) (date) (check if applicable)

**EXHIBIT "A"**

**Robert and Linda Long**  
**616 Harvard Court**  
**Newberg, OR 97132**  
**(503) 554-1319**

June 5, 2009

Barton Brierley  
Planning & Building Director  
City of Newberg  
P. O. Box 970  
Newberg, OR 97132

RE: Request for Extending of Deadline - Industrial non-conforming use at 2004 E. Mountainview Drive/R-2 Residential Zone

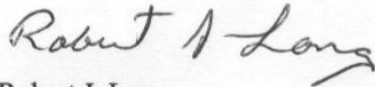
Dear Mr. Brierley:

We have received notice of the zoning change of our property at 2004 E. Mountainview Drive and we hereby request that the City Council extend the deadline to remove the non-conforming use.

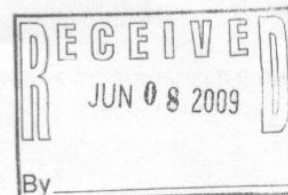
We have made great progress in cleaning up the area but still have some work to do. Since this property was used as our construction storage area prior to the annexation into the city the task of finding other storage facilities has created a great hardship. Between today's economy and the fact that our construction company has not had any work this year, we find ourselves having financial problems in locating affordable storage.

We will continue to work on getting the property in compliance with the current zoning, but do need additional time and hereby request an extension of six months to a year. We appreciate your consideration of this request.

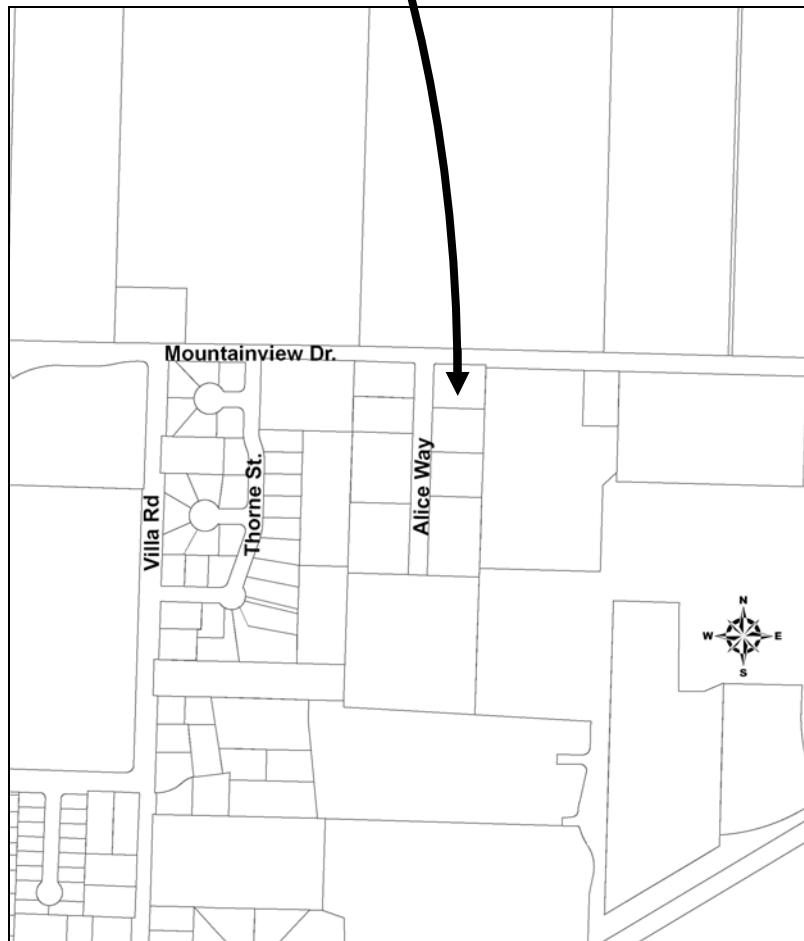
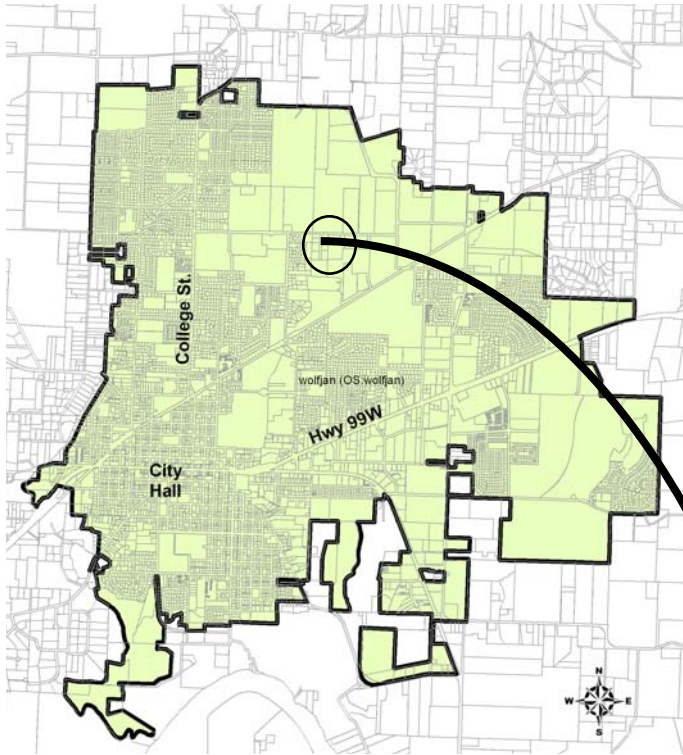
Sincerely,



Robert J. Long



**ATTACHMENT 1: LOCATION MAP**  
**2004 E. Mountainview Drive**



**ATTACHMENT 2: SITE MAP**  
**2004 E. Mountainview Drive**



**ATTACHMENT 3: SITE PHOTOS**  
**2004 E. Mountainview Drive**  
**Photos taken walking north along Alice Way**



**Southwest corner of property**



**West side of property**



**West side of property, farther north**



**Northwest corner of property (construction sign refers to Hazelden project, not this site)**