

Rules to govern the conduct of business of the Newberg Urban Area Management Commission  
Adopted May 7<sup>th</sup>, 1980, by Yamhill Board of Commissioners and  
May 5<sup>th</sup>, 1980 by Newberg City Council, Amended September 22, 2022 by Yamhill County  
Board of Commissioners and August 15, 2022 by Newberg City Council

**Article I. AUTHORITY**

The Newberg Urban Area Management Commission (NUAMC) was first established by Newberg City Ordinance #1967 on July 2, 1979 and Yamhill County Ordinance #214, June 26, 1979, and is authorized by the Newberg Urban Area Growth Management Agreement, as amended.

**Article II. PURPOSE**

To establish NUAMC as a hearings officer in accordance with ORS 215.406 to address:

- 1) Newberg Urban Growth Boundary Amendments
- 2) Newberg Urban Reserve Expansions
- 3) Comprehensive Plan Amendments to:
  - a) The Newberg Comprehensive Plan in the area inside the Newberg Urban Growth Boundary or Newberg Urban Reserve Area, but outside the City limits.
  - b) The County Comprehensive Plan in the area inside the Newberg Urban Growth Boundary or Newberg Urban Reserve Area but outside the city limits.
- 4) County Zone Changes within the Newberg Urban Growth Boundary.
- 5) County Zone Changes within the Newberg Urban Reserve Area

**Article III. MEMBERSHIP**

A. NUAMC shall be composed of the following members:

- 1) Commissioner of the Yamhill County Board of Commissioners designated by the Board.
- 2) Mayor or councilperson of the City of Newberg designated by the Council.
- 3) Member of Newberg Planning Commission designated by the Council.
- 4) Member of the Yamhill County Planning Commission designated by the Board of County Commissioners.

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- 5) Member of the Yamhill County Planning Commission designated by the Board of County Commissioners.
- 6) Citizen of the City of Newberg as designated by the Council.
- 7) Member-at-large chosen by the above NUAMC members and ratified by the City Council and County Board of Commissioners. This member shall reside either within the City of Newberg Urban Growth Boundary or the City's Area of Influence (one mile around Newberg's Urban Growth Boundary).

B. The Board of County Commissioners and the City Council shall designate alternate members to NUAMC. Alternate members shall attend and be considered voting members when the appointed member is unable to attend the meeting, or if the appointed member anticipates a conflict of interest as specified in Article VIII.

C. Members of NUAMC shall notify their Alternate when they are unable to attend a meeting. Members designated by the Council shall also notify the Newberg Community Development Department, Planning Division. Members designated by the Board of County Commissioners shall also notify the County Planning and Development Department.

D. If neither the member nor the alternate is able to attend the meeting, then the position will be declared vacant for that meeting.

E. The member-at-large position shall not have an alternate.

F. The City Council or Board of Commissioners shall remove a member appointed by it if that member has 2 consecutive unexcused absences. The removed member shall be replaced in the manner that the removed member was appointed. An excused absence may be obtained by informing the Commission Chairperson of the reason for the absence.

G. The length of the terms of the members shall be at the discretion of their respective appointing bodies, except the length of the term of the member-at-large shall be three years.

H. Any vacancy shall be filled in the same manner as the original appointment.

I. Members of NUAMC shall serve without compensation.

#### **Article IV. DUTIES AND RESPONSIBILITIES**

A. NUAMC shall hold hearings, make findings, and present its recommendation to the Board of Commissioners and the Newberg City Council. The recommendations made for

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governing bodies shall consist of the NUAMC decision, the findings made to document the decision, and the minutes of the meeting.

B. To justify any application submitted to the NUAMC—including an Urban Growth Boundary change, Urban Reserve Area designation or removal, a City or County comprehensive plan amendment in the Urban Growth Boundary, Urban Reserve Area, or Newberg Area of Influence, a zone change within the Urban Growth Boundary or Urban Reserve Area—NUAMC shall:

- 1) Follow the applicable requirements of Statewide Land Use Planning Goal 14, ORS Chapter 197 or 197A, and related Oregon Administrative Rules.
- 2) Consider the Newberg Comprehensive Land Use Plan.
- 3) Consider the Yamhill County Comprehensive Land Use Plan.

#### **Article V. ORGANIZATION**

A. NUAMC shall elect a chairperson and vice-chairperson at the first commission meeting held each year.

B. The chairperson shall be the presiding officer at all NUAMC meetings and shall be authorized to sign all documents for NUAMC.

C. The Vice-Chairperson shall be the presiding officer in the absence of the Chairperson.

D. The Newberg Community Development Director shall serve as Secretary to NUAMC and shall be responsible for keeping accurate, permanent, and complete records of all proceedings of NUAMC. Accurate minutes shall be distributed to NUAMC members and alternates within 45 days after a meeting.

E. Staff members from the Newberg Community Development Department, Planning Division, and Yamhill County Department of Planning and Development shall act jointly as Staff of NUAMC. Staff reports may be prepared either jointly or separately by the two departments.

F. A property owner requesting inclusion or exclusion from the Urban Growth Boundary shall file applications simultaneously with the Newberg Community Development Department, Planning Division, and the Yamhill County Planning and Development Department. The City and County shall each collect fees from the applicant. The City and County shall coordinate with each other to process the application. The City of Newberg may initiate an amendment to the Urban Growth Boundary by filing its completed application and required fees

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with the Yamhill County Planning and Development Department for processing. Yamhill County may initiate an amendment to the Urban Growth Boundary by filing its completed application and required fees with the Newberg Community Development Department, Planning Division, for processing. Applications must be complete prior to consideration by the Newberg Urban Area Management Commission.

G. A property owner requesting inclusion or exclusion from the Urban Reserve Area shall file applications simultaneously with the Newberg Community Development Department, Planning Division, and the Yamhill County Planning and Development Department. The City and County shall each collect fees from the applicant. The City and County shall coordinate with each other to process the application. The City of Newberg may initiate an amendment to the Urban Reserve Area by filing its completed application and required fees with the Yamhill County Planning and Development Department for processing. Yamhill County may initiate an amendment to the Urban Reserve Area by filing its completed application and required fees with the Newberg Community Development Department, Planning Division, for processing. Applications must be complete prior to consideration by the Newberg Urban Area Management Commission.

H. Applications for County Comprehensive Plan amendments inside the UGB but outside the city limits shall be filed with the Yamhill County Planning and Development Department, which shall collect its fees, process the application, and then forward the application to the Newberg Community Development Department, Planning Division, which shall collect its fees and process the application.

I. The City of Newberg shall give public notice at least 10 days prior to the date of the public hearing in a newspaper of general circulation in the City. The County shall give public notice at least 10 days prior to the date of the public hearing in a newspaper of general circulation in the County. In addition, the City and County shall coordinate to provide individual notice of the request by mail to the record owners of the property within 250 feet of the property for which a Plan amendment has been requested and any other notice required under the City's or County's notice procedures.

## **Article VI. MEETINGS**

A. All NUAMC meetings shall be held in accordance with Public Meetings Laws.

B. NUAMC meetings shall be held the fourth Tuesday of January, April, July, and October at 7:00 p.m. at Newberg City Hall or by a virtual meeting platform, or both, except that the Organizational Meeting shall be held the fourth Tuesday of October. The Commission may schedule additional meetings during a regularly scheduled meeting.

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C. If there is no business to conduct before a scheduled meeting, then the meeting will be cancelled and NUAMC members shall be so advised.

D. A quorum shall consist of 4 members or alternates.

E. The presiding officer of NUAMC may limit any testimony over five minutes to information not given earlier in the hearing, provided that the limitation be announced prior to opening the hearing.

F. The order of business at all meetings shall be as follows:

- 1) Call meeting to order
- 2) Roll Call
- 3) Approval of minutes of previous meeting(s) for which minutes are available
- 4) Report of final disposition of agenda items from previous meeting
- 5) Public Hearings on Docket items
- 6) Adjournment

G. The order of procedure for each quasi-judicial docket item shall be the following:

- 1) Commence the hearing
- 2) Declaration of conflicts of interest, bias or ex parte contacts
- 3) Objections to jurisdiction
- 4) Staff report
- 5) Applicant's presentation
- 6) Testimony in favor of application
- 7) Testimony in opposition to the application
- 8) Public agencies
- 9) Rebuttal, which shall be limited to argument
- 10) Opportunity to request continuance, open record

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11) Deliberation and vote on recommendation

H. The order of procedure for each legislative docket item shall be the following:

- 1) Open the hearing
- 2) Declaration of conflicts of interest
- 3) Staff Report and Recommendation
- 4) Take public testimony
- 5) Deliberation and vote on recommendation

**Article VII. VOTING**

A. Voting on all docket items shall be by roll call. Votes on all procedural items may be by voice vote.

B. Each member of NUAMC shall be entitled to one vote.

C. If the regular member of NUAMC is unable to attend; the alternate member for that position shall be entitled to one vote.

D. The Presiding Officers of NUAMC shall vote with the other NUAMC members in the transaction of any business and all matters coming before NUAMC.

E. When a matter is called for a vote, the presiding officer shall, before a vote is taken, state the question before NUAMC in exact terms and shall announce the decision of NUAMC after the vote.

**Article VIII. CONFLICTS OF INTEREST**

A. If a member has an actual conflict of interest on a docket item, the member shall publicly announce the nature of the actual conflict and not participate in the proceeding of that docket item. If the member recognizes the conflict in advance of the meeting to address the docket item, the member shall notify the presiding officer of NUAMC and the member's designated alternate and request that the alternate be the voting member for that docket item. An actual conflict of interest exists if the member's vote on the docket item would result in the private pecuniary benefit or detriment of the member or the member's relative as defined in ORS 244.020(16) or any business with which the member or a relative of the member is associated.

B. If a member has a potential conflict of interest on a docket item, the member shall publicly announce the nature of the potential conflict and may recuse themselves from the

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proceedings. If the member recognizes the conflict in advance of the meeting to address the docket item, the member shall notify the presiding officer of NUAMC and may notify the member's designated alternate and request that the alternate be the voting member for that docket item. A potential conflict of interest exists if the member's vote on the docket item could result in the private pecuniary benefit or detriment of the member or the member's relative as defined in ORS 244.20(16) or any business with which the member or a relative of the member is associated.

C. If a member wishes to abstain in a situation where there is no actual or potential conflict of interest but a conflict deriving from the member's relationship with the person involved, the member may recuse themselves from proceedings on the docket item. If the member recognizes the conflict in advance of the meeting, the member shall notify the presiding officer of NUAMC and the member's alternate and request that the alternate be the voting member for that docket item. This provision is intended to relate to close relatives and to professional relationships as well as to friendships.

#### **Article IX. PARLIAMENTARY AUTHORITY**

In cases not provided for by these rules, NUAMC shall be governed by the law and practices specified in the latest edition of Robert's Rules of Order revised.

#### **Article X. AMENDMENT TO BYLAWS**

Amendments shall be made by mutual consent of the Board of Commissioners and the Newberg City Council. NUAMC members shall be notified of a proposed amendment not less than 10 days before the amendment is to be considered.