

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 16, 2015

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2015-2792 No.

SUBJECT: Repeal Ordinance No. 2008-2697, which expanded the urban reserve area

Contact Person (Preparer) for this Motion: Jessica Pelz, AICP
Dept.: Community Development
File No.: URA-05-010

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION: Adopt Ordinance No. 2015-2792, repealing Ordinance No. 2008-2697.

EXECUTIVE SUMMARY: City Council adopted Ordinance No. 2008-2697 on July 7, 2008, to repeal Ordinance No. 2007-2681 and adopt the proposed urban reserve area amendment with no references to the Southeast Transportation Plan [the Southeast Transportation Plan was adopted by Ordinance No. 2007-2682, not adopted by Yamhill County, and subsequently repealed by Ordinance No. 2008-2698]. Due to space constraints, the text of those ordinances is not included here, but they can be found individually on the city website at codepublishing.com/OR/Newberg/ under “tables” in the table of contents.

Repeal of Ordinance No. 2008-2697 does the following:

- Repeals the 2007 Urban Reserve Area Justifications & Findings Report.
- Does not include the area proposed by the 2007 Urban Reserve Area Justifications & Findings Report on the Newberg Comprehensive Plan Map.
- Does not include the “McClure” property, consisting of parcels 3215-00500, 3215-00502, and 3210-01800, into the urban reserve area [Note: Newberg had a development agreement with the McClures for annexation and development of their property. The development agreement was adopted by Ordinance No. 2007-2761 and then later repealed by Ordinance No. 2012-2748].

Yamhill County adopted Newberg’s proposed urban reserve amendment following Newberg’s adoption of Ordinance No. 2008-2697. The Department of Land Conservation and Development (DLCD) issued a remand of the urban reserve area amendment in 2009, which was appealed to the Land Conservation and Development Commission (LCDC) by both Newberg and 1000 Friends of Oregon. LCDC remanded Newberg’s urban reserve area amendment on April 10, 2010, for more work on several areas of the proposal.

The remand order was set to expire on December 31, 2011; however, the city had asked for and received two extensions to the remand order, putting the new completion date at December 31, 2015. At this time, staff recommends repealing Ordinance No. 2008-2697 and withdrawing the proposed urban reserve area amendment from consideration at the state level. The main reason for this action is that staff does not find it feasible to update all of the outdated data in the urban reserve area amendment plan within the available time frame. Staff has sent notice of the proposed repeal action to all property owners within the affected area.

FISCAL IMPACT: None at this time.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): Future planning for the city, including the urban reserve area, is related to Council goals #1: Create a clear vision for the future of Newberg, maintaining its small town feel, and #4: Foster and encourage economic development in the community.



ORDINANCE NO. 2015-2792

AN ORDINANCE REPEALING ORDINANCE NO. 2008-2697, WHICH EXPANDED THE URBAN RESERVE AREA

RECITALS:

1. City Council adopted Ordinance No. 2008-2697 on July 7, 2008, to repeal Ordinance No. 2007-2681 and adopt the proposed urban reserve area amendment with no references to the Southeast Transportation Plan.
2. Newberg’s adopted urban reserve area amendment was appealed to the Land Conservation and Development Commission and subsequently remanded on April 10, 2010, for more work on several areas of the proposal. The remand order was set to expire on December 31, 2011; however, the city had asked for and received two extensions to the remand order, putting the new completion date at December 31, 2015. Staff recommends repealing Ordinance No. 2008-2697 and withdrawing the proposed urban reserve amendment from consideration at the state level due to the age of the project and its data, which would require significant staff time to update.
3. Repeal of Ordinance No. 2008-2697 does the following:
 - o Repeals the 2007 Urban Reserve Area Justifications & Findings Report.
 - o Does not include the area proposed by the 2007 Urban Reserve Area Justifications & Findings Report on the Newberg Comprehensive Plan Map.
 - o Does not include the “McClure” property, consisting of parcels 3215-00500, 3215-00502, and 3210-01800, into the urban reserve area [Note: Newberg had a development agreement with the McClures for annexation and development of their property. The development agreement was adopted by Ordinance No. 2007-2761 and then later repealed by Ordinance No. 2012-2748].

Note: the full text of Ordinance No. 2008-2697 can be found on the city website at www.newbergoregon.gov/ord2697.pdf.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. Ordinance No. 2008-2697, which repealed Ordinance No. 2007-2681 and expanded the urban reserve area, is hereby repealed. Ordinance No. 2007-2681, which amended the urban reserve area, is hereby repealed.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: December 16, 2015

ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of November, 2015, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 19th day of November, 2015.

Bob Andrews, Mayor