

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Adopting )  
Amendments to the Newberg Urban ) Ordinance 691  
Area Growth Management Agreement )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on January 11, 2001, Commissioners Robert Johnstone, Thomas E. E. Bunn, and Leslie Lewis being present.

WHEREAS, on July 19, 1995, the Board adopted Ordinance 596 establishing an Urban Reserve Area (URA) for the City of Newberg pursuant to OAR 660, Division 21 (Urban Reserve Rule), and Ordinance 596, among other things, directed staff and County Counsel to prepare amendments to the Newberg Urban Area Management Agreement to implement the Newberg URA; and

WHEREAS, on December 3, 1998 the Board of Commissioners adopted an addendum to the Newberg Urban Area Management Agreement for properties within the Urban Reserve Area; and

WHEREAS, the City of Newberg requested to expand the process used in the Urban Reserve Area addendum to properties within the Urban Growth Boundary; and

WHEREAS the addendum and modifications to the Newberg Urban Area Growth Management Agreement, has been developed through the joint efforts of county and city staff; and

WHEREAS, the Board held the first reading of this ordinance on December 21, 2000, and the second reading on January 11, 2001, and passed the ordinance by a vote of 2:1, Commissioners Johnstone and Lewis voting aye, Commissioner Bunn voting no; NOW THEREFORE,

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IT IS HEREBY RESOLVED BY THE BOARD that the modifications to the Newberg Urban Area Growth Management Agreement attached hereto and incorporated herein as Exhibit "A" be and hereby is adopted.

Effective Date. This ordinance will be effective April 11, 2001.

DONE at McMinnville, Oregon this 11th day of January, 2001.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

The seal of Yamhill County, Oregon, is circular with a scalloped outer edge. It features a central figure, likely a Native American, surrounded by the text "YAMHILL COUNTY BOARD OF COMMISSIONERS" and "STATE OF OREGON".  
CHARLES STEIN  
County Clerk  
By: *[Signature]*  
Deputy

*Robert Johnstone*  
Chairman ROBERT JOHNSTONE  
*Thomas E. E. Bunn*  
Commissioner THOMAS E.E. BUNN

FORM APPROVED BY:

*[Signature]*  
Rick Sanai  
Assistant County Counsel

*[Signature]*  
Commissioner LESLIE LEWIS

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# Exhibit "A" Proposed Amendments Newberg Urban Area Growth Management Agreement

## Preface

Seen from above, the modern city edges imperceptibly out of its setting. There are no clear boundaries. Just now the white trace of the super highway passed through cultivated fields; now it is an asphalt image of streets and buildings. As one drives in from the airport or looks out from the train window, clumps of suburban houses, industrial complexes, and occasional green space flash by; it is hard to tell where city begins or county ends." (Oscar Handlin, "The Modern City as a Field of Historical Study" in The Historian and the City (Cambridge, Mass. 1963, p.1).



## I. Introduction

The City of Newberg and Yamhill County recognize the need for coordination and cooperation in the management of growth in and around the Newberg Urban Area. This agreement is formulated in accordance with this principle.

This agreement establishes a process for maintaining ongoing planning efforts, designed to keep pace with growth and change. It is essential that intergovernmental coordination be maintained to assure the citizens of the City of Newberg and Yamhill County that growth occurs in an orderly and efficient manner.

To that end, this agreement sets forth the means by which a plan for management of the unincorporated area within the Urban Growth Boundary will be implemented and by which the Urban Growth Boundary may be modified.

## II. Definitions

Area of Influence - An area of land designated by the City of Newberg and Yamhill County that extends one mile outside Newberg's Urban Growth Boundary wherein the County will give the City an opportunity to participate in land use actions to be taken by the County.

Urban Growth Boundary - A line jointly adopted by the City of Newberg and Yamhill County that encircles the City and separates rural and urbanizable land. Newberg's Urban Growth Boundary is shown on the attached map.

## III. General

1. Plan Map Conflicts. The 1979 Comprehensive plan Land Use Map adopted by the City of Newberg on July 2, 1979 shall be the plan map for the area within the Urban Growth Boundary, and shall replace conflicting portions of the Yamhill County Comprehensive Plan Map (1974) pertinent to this area. Where said maps conflict, Yamhill County shall initiate the process necessary for consideration of a map amendment.

2. Urban Growth Boundary. In accordance with the comprehensive Plan of the City of Newberg, the jointly adopted Urban Growth Boundary shall define the geographical limits of urbanization. The City of Newberg shall prepare for the orderly extension of public facilities and services within the boundary. -Lands outside the boundary shall be maintained in accordance with the Yamhill County Comprehensive
3. Urbanization. The City of Newberg and Yamhill County shall encourage urbanization within the boundary to occur in an orderly and efficient manner, resulting in a compact, balanced urban center meeting long-term economic and social needs of the residents of the area regardless of political boundaries.
4. Implementation and Coordination. The very nature of planning requires continual refinement of various elements of the Comprehensive Plan. This includes the preparation of implementing ordinances, refinement plans and functional plans. As the Newberg Comprehensive Plan is implemented, the City and County will work together in a coordinated effort to achieve the goals of the Yamhill County and Newberg Comprehensive Plans.
5. Concurrence and Recommendation. The legitimate interests of the City and County overlap within the City's Urban Growth Boundary and Area of Influence. This agreement attempts to resolve these overlapping interests by providing for concurrence of City and County governing bodies for certain decisions and by providing for recommendations of one governing body to the other for other decisions.
  - a. Concurrence. Where concurrence is required, the City and County shall agree upon a decision. If agreement cannot be reached, procedures outlined in ORS 197.300 may be invoked.
  - b. Recommendation. Where a recommendation is required, the City and County need not agree upon a decision. The procedures are these: The right to object to any item referred to a jurisdiction for a recommendation shall be deemed to have been waived unless the referring jurisdiction is notified otherwise within thirty days; the time limit for consideration of items referred for recommendation shall begin to run from the time the item is received by the jurisdiction whose recommendation is being solicited; each jurisdiction shall have standing to appeal the decision of the other governing body.

#### IV. Term of this Agreement; Amendment

1. The term of this agreement runs from July 2, 1979, to July 2, 1980, and may be extended thereafter by increments of one year. During the term of the agreement or extension, the agreement may be changed by mutual consent of the parties hereto. This agreement is automatically renewed at the end of such term or extension unless either party hereto requests revision of the agreement by so notifying the other party at least ninety days before the end of the current term or extension.

V. Urban Services

1. The City of Newberg is recognized as the ultimate provider of urban services within the Urban Growth Boundary. To this end:
  - a. Special Districts. Before Yamhill County shall create any special district for the provision of utilities, transportation, or other public facilities or services, the matter shall be referred to the City of Newberg for a recommendation. The County shall not act contrary to such recommendation.
  - b. Service Capacity. Development within the Urban Growth Boundary shall not exceed the capacity of existing services.
  - c. Annexation. Annexation shall occur in accordance with the Newberg Comprehensive Plan. Before final action by the City Council on an annexation proposal, the proposal shall be forwarded to the Board of County Commissioners for its recommendation. In order to provide the board with advance notice of reasoning for a proposed annexation, the findings adopted by the City Planning Commission shall be referred to the board following the Commission action.
  - d. Service Expansion Plans. As the ultimate provider of urban services, the City shall prepare and from time to time update utility expansion plans. These plans shall provide a basis for the extension of services within the Urban Growth Boundary and as such shall be referred to Yamhill County for information and comment.
  - e. Roads. The County and City shall cooperatively develop an implementation policy regarding streets and roads within the Urban Growth Boundary which is consistent with the City Comprehensive Plan. Such policy shall include, but not be limited to, the following:
    - (1) The circumstances under which the City will assume ownership of and maintenance responsibility for County roads within the corporate limits.
    - (2) The conditions under which new public streets and roads will be developed within the urban Growth Boundary.
    - (3) The conditions under which existing roads designated as future arterial in the City Comprehensive Plan will be improved.
    - (4) The conditions under which County and other roads should meet City standards within the Urban Growth Boundary. Roads should be compatible with City street alignments and extensions. Upon annexation

of property, roads adjacent to (and which serve) such property should also be annexed.

- f. The County and the City through its departments shall coordinate their planning efforts and actions that affect land use with those of special districts.

VI. Establishment of the Newberg Urban Area Management Commission

The City of Newberg and Yamhill County do hereby establish the Newberg Urban Area Management Commission (NUAMC) as a hearings officer in accordance with ORS 215.406. The NUAMC shall be composed of the following members:

- Commissioner of the Yamhill County Board of Commissioners designated by the board.
- Mayor or council person of the City of Newberg designated by the Council.
- Member of Newberg Planning Commission designated by the City Council.
- Member of the Yamhill County Planning Commission Designated by the Board of County Commissioners.
- Member of the Newberg-Dundee P.A.C. designated by the Board of County Commissioners.
- Member of the Newberg Citizen Involvement Advisory Committee designated by the City Council.
- Member-at-large chosen by the above NUAMC members and ratified by the City Council and County Board.

Duties and Responsibilities. The NUAMC shall function in accordance with by-laws to be adopted by the Newberg City Council and the Yamhill County Board of Commissioners.

It shall be the responsibility of the Newberg Urban Area Management Commission to hold hearings, make findings, and present its decision to City and County governing bodies as outlined in this agreement and the by-laws.

VII. Establishment of Land Use Review Procedures

1. Urban Growth Boundary Amendment

Amendment of the Urban Growth Boundary may be initiated by the Yamhill County Board of Commissioners, the Newberg City Council, or by an individual owner(s) of property who request(s) inclusion in or exclusion from the Urban Growth Boundary.

Amendment of the Urban Growth Boundary shall be treated as a map amendment to both the City and County Comprehensive Plan maps.

The joint fee for individual amendment shall be the sum of fees established from time to time by each governing body.

Each application shall include a map and sufficient information to make a decision based on the following factors:

- a. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- b. Need for housing, employment opportunities, and livability;
- c. Orderly and economic provision for public facilities and services;
- d. Maximum efficiency of land uses within and on the fringe of the existing urban area;
- e. Environmental, energy, economic and social consequences;
- f. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
- g. Compatibility of the proposed urban uses with nearby agricultural activities.

Applications shall be filed with the Newberg Planning Department which shall collect the joint fee and forward the Yamhill County fee along with notice to the Yamhill County Department of Planning and Development. Applications must be complete prior to consideration by the Newberg Urban Area Management Commission.

Applications shall be accumulated and referred quarterly to the Newberg Urban Area Management Commission for a Public Hearing for which at least ten days advance public notice shall be given by publication in a newspaper of general circulation in the County (or published in the territory so concerned--ORS 215.060).

Following the Public Hearing, the NUAMC shall make and forward its findings and decision directly to the governing body of each jurisdiction which shall then make a determination based upon the facts and record presented at the NUAMC hearing and shall not be required to hold a public hearing thereon.

Nothing included in this process requires or prohibits the City or County from referring the application to its respective Planning Commissions for information.

If the governing bodies do not concur in their final decision within sixty days of referral of the matter to them by the NUAMC, a joint meeting shall be held to resolve differences. If agreement cannot be reached, procedures for resolutions of conflict provided within ORS 197.300 may be invoked.

2. Comprehensive Plan Amendment

- a. Inside U.G.B., but outside city limits. This amendment shall be filed with Yamhill County, and shall otherwise be treated as an amendment to the Urban Growth Boundary.
- b. Inside city limits. The application shall be processed by the City of Newberg and shall be referred to Yamhill County for a recommendation.
- c. Outside the Urban Growth Boundary, but within the "Area of Influence". This amendment shall be processed by Yamhill County and shall be referred to the City of Newberg for a recommendation.

3. Zone Changes

The City of Newberg and Yamhill County recognize that each jurisdiction has authority to zone within its legal boundaries. However, the Urban Growth Boundary recognizes the eventual assumption of authority by the City of Newberg. Therefore, the following procedures are established:

- a. ~~Zone change outside city limits but within the Urban Growth Boundary. The application shall be processed by Yamhill County and shall be forwarded to the City Council for its recommendation.~~

~~Zone change outside city limits but within the Urban Growth Boundary. The application shall be processed by Yamhill County and shall be forwarded to the City Council for its recommendation. **Prior to filing an application with Yamhill County, the applicant shall apply for and receive a recommendation from the City of Newberg concerning the requested land use action. Requests shall be processed following the procedures outlined in the Addendum to this agreement, Section 2, item 5 (b). No fee shall be charged for processing a recommendation from the City of Newberg. Applications submitted without this recommendation will be deemed incomplete. The application then shall be processed in accordance with Yamhill County ordinances, except that the application will be referred to the NUAMC for a hearing in lieu of the Yamhill County Planning Commission. Appeals of the NUAMC decision shall be heard by the Yamhill County Board of Commissioners.**~~

- b. Inside city limits. The application shall be processed by the City of Newberg and shall be referred to Yamhill County for information and/or comment.

- c. Outside the Urban Growth Boundary but within the "Area of Influence". The application shall be processed by Yamhill County and shall be referred to the City of Newberg for information and/or comment.

4. Other Items Affecting Land Use

- a. Items having a substantial impact upon land use under the jurisdiction of Yamhill County within Newberg's U.G.B. and Area of Influence shall be referred to the City of Newberg for information and comment. **Items having a substantial impact upon land use under the jurisdiction of Yamhill County within Newberg's U.G.B. shall be reviewed by the City of Newberg. Prior to filing an application with Yamhill County, the applicant shall apply for and receive a recommendation from the City of Newberg concerning the requested land use action. Requests shall be processed following the procedures outlined in the Addendum to this agreement, Section 2, item 5 (b). No fee shall be charged for processing a recommendation from the City of Newberg. Applications submitted without this recommendation will be deemed incomplete.** Items not having a substantial impact may be so referred. Items **having a substantial impact upon affecting** land use shall include but are not limited to:

- (1) Conditional Use Permits, **(Excluding Temporary Hardship Dwellings)**
- (2) Planned Unit Developments
- (3) Subdivisions and Partitions
- (4) Public Improvement Projects
- (5) Health Hazards
- (6) Special Exceptions
- (7) Capital Improvement Programs
- (8) Major Transportation Improvements

- b. **Within the U.G.B., when Yamhill County ordinances require a Planning Commission public hearing on any of the above items, either as a recommendation or as a final action, the application shall be referred to NUAMC who shall hear the matter in lieu of the Yamhill County Planning Commission. Appeals of the NUAMC decision shall be heard by the Yamhill County Board of Commissioners.**

b.c. Items having substantial impact upon land use under the jurisdiction of the City of Newberg shall be referred to Yamhill County for information and/or comment. Items not having a substantial impact may be so referred. Items having a substantial impact upon affecting land use shall include but are not limited to:

- (1) Conditional Use Permits
- (2) Planned Unit Developments
- (3) Subdivisions and Partitions
- (4) Public Improvement Projects
- (5) Extension of the Public Sewer, Water or Storm Drainage systems
- (6) Capital Improvement Programs
- (7) Major Transportation Improvements

5. Any of the above applications which may affect an agency identified in the City of Newberg or Yamhill County agency coordination list shall be referred to said agency for information and/or comment.