



Oregon

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May 8, 2014

TO: Land Conservation and Development Commission

FROM: Rob Hallyburton, Community Services Division Manager
Jim Rue, Director

SUBJECT: **Agenda Item 14, May 22-23, 2014, LCDC Meeting**

CITY OF NEWBERG URBAN GROWTH BOUNDARY

I. BACKGROUND

The Land Conservation and Development Commission (commission) made a decision to remand the urban growth boundary (UGB) amendment submitted by the City of Newberg and Yamhill County at its March 14, 2014, meeting. The motion included a provision that the effective date for the decision was to be the commission's May 2014 meeting in order to provide the city an opportunity to request mediation. This agenda item is the follow-up consideration of that delayed final decision. If the commission does not act at its May 2014 meeting the remand decision will go into effect. If the commission finds reason to alter or amend its decision to remand, an action is required.

At its May 5, 2014, meeting, the Newberg City Council unanimously passed a motion to direct its staff to begin the process of assessing whether the UGB amendment is a good candidate for mediation. An assessment is the first stage in the mediation processes, so the council's action constitutes affirmation of the city's intent to pursue this dispute resolution process.

If you have questions about this report, please contact Rob Hallyburton, Community Services Division Manager, at 503-934-0018 or rob.hallyburton@state.or.us.

II. APPLICABLE CRITERIA

ORS 197.633(6) provides in relevant part:

“Except as provided in this subsection, the commission shall take action on the appeal or referral of a work task within 90 days of the appeal or referral. *** The commission may extend the time for taking action on the appeal or referral if the commission finds that:

“(a) The appeal or referral is appropriate for mediation * * *”

III. STAFF RECOMMENDATION AND PROPOSED MOTION

Staff recommends that the commission stay its March 14, 2014 decision to remand the Newberg UGB amendment pending the outcome of mediation. The timeframe for resolution of the matter is unknown, but staff recommends the stay be time-limited in order to ensure the commission addresses the matter in a timely manner, either to extend the stay or amend the decision based on a new submittal. Staff recommends 10 months to provide an opportunity for assessment, negotiation, and adoption of a mediated solution by the city and county.

Recommended motion: I move the commission stay its decision on the Newberg UGB amendment until its March 2015 meeting.

Optional actions: The commission may choose another date or opt to take no action and have its remand decision become effective.