



Oregon

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July 9, 2015

TO: Land Conservation and Development Commission

FROM: Rob Hallyburton, Community Services Division Manager

SUBJECT: **Agenda Item 5, July 23-24, 2015, LCDC Meeting**

NEWBERG URBAN GROWTH BOUNDARY REMAND SUSPENSION

I. AGENDA ITEM SUMMARY

A. Type of Action and Commission Role

The Department of Land Conservation and Development (DLCD or department) is asking the Land Conservation and Development Commission (LCDC or commission) to suspend its remand of the Newberg (city) urban growth boundary (UGB) to its December 2015 meeting. The city has withdrawn its decision to amend the UGB and the city and Yamhill County (county) are in the process of repealing the adoption ordinances. The commission's remand is scheduled to take effect after its July 2015 meeting unless this action is taken.

For additional information about this report, please contact Rob Hallyburton, Community Services Division Manager, at 503-934-0018 or at rob.hallyburton@state.or.us.

II. BACKGROUND

This item is an update on progress toward mediation of the issues surrounding the Newberg urban growth boundary. The commission conducted a hearing at its February and March 2014 meetings to consider a referral from the Director of the department of an amendment to the Newberg UGB submitted by the City of Newberg and Yamhill County.

The commission received oral argument from the city and several objectors, deliberated, and unanimously passed a motion to remand the UGB amendment. The commission asked the city to enter into mediation with the parties to see if a compromise solution could be reached. It also suspended the effective date of the remand decision until March 2015 to allow the parties the opportunity to negotiate an agreeable solution.

A mediation assessment concluded that mediation was feasible, and the city and other parties agreed to enter into mediation. The parties met twice to mediate the disagreements, in February and March 2015. Since the remand was scheduled to take effect in March, the commission extended the remand suspension to July 2015 in order to allow the parties to complete the negotiations.

The mediation did not result in an agreement. The Newberg City Council adopted a resolution on May 4, 2015 instructing its staff to withdraw the UGB submittal. Final execution of a “withdrawal” of an adopted comprehensive plan amendment requires an ordinance amending or repealing the original action. For a UGB, the city and county both adopted the amendment, so they both need to take action to change that decision.

The commission’s remand will go into effect if the commission chooses not to extend the suspension of the remand. In that case, the department would begin writing a final remand order.

III. RECOMMENDATION

The city and county must each conduct hearings on the reversal or repeal of the ordinances that adopted the UGB amendment and related comprehensive plan changes. The city estimates that this will not be complete prior to the commission’s September 2015 hearing, so it requested a stay on the effect of the remand until December meeting. Department staff recommends that the commission find this timeframe acceptable and pass a motion extending the suspension until its December 2015 meeting. The matter will be scheduled for action by the commission at that time if necessary.

Recommended motion: I move the commission suspend the remand of the Newberg UGB submittal until the commission’s December 2015 meeting.

No motion is needed if the commission chooses to allow the remand decision to go into effect.