

ORDINANCE NO. 663-18

AN ORDINANCE OF THE CITY OF NYSSA, OREGON REPLACING THE LONG-RANGE, COORDINATED POPULATION PROJECTION FOR THE CITY AS ADOPTED BY MALHEUR COUNTY IN 2016; REVISING THE NYSSA ECONOMIC OPPORTUNITIES ANALYSIS TO DOCUMENT THE NEED FOR THE TREASURE VALLEY RELOAD CENTER (TVRC) AND INDUSTRIAL PARK AND THEIR REQUIRED SITE CHARACTERISTICS; AMENDING THE NYSSA URBAN GROWTH AREA (UGA – MAP 1) TO INCLUDE SITE A TO ACCOMMODATE THE TVRC AND RELATED INDUSTRIAL DEVELOPMENT; AMENDING THE NYSSA PUBLIC FACILITIES PLAN TO SHOW HOW SITE A CAN BE PROVIDED EFFICIENTLY WITH PUBLIC SEWER, WATER AND TRANSPORTATION FACILITIES; AMENDING THE NYSSA ZONING MAP TO REDUCE THE SIZE OF ECONOMIC OPPORTUNITY/EO SITES 1 AND 2 (WHICH ARE ALREADY WITHIN THE UGA) FOR INDUSTRIAL AND/OR RESIDENTIAL USES (MAP 1); AND AMENDING THE NYSSA ZONING ORDINANCE TO IMPLEMENT THE ABOVE AMENDMENTS TO THE NYSSA COMPREHENSIVE PLAN.

WHEREAS, the City of Nyssa (City) proposes to expand its urban growth boundary (UGB) to include approximately 281.183 contiguous acres in Malheur County generally described as follows (the property):

Ref# 9641 Map T19S47E17 tax lot 100 213.413 (of 290.35) acres zoned County EFU
Ref# 9761 Map T19S47E20 tax lot 201 67.77 acres zoned County Heavy Industrial;
and

WHEREAS, said property, as currently zoned, is shown on Exhibit “A” attached hereto; and

WHEREAS, the property to be added to the Nyssa UGB is legally described on Exhibit “B” attached hereto; and

WHEREAS, the property is to be included in the Nyssa UGB to meet identified industrial land needs; in particular the proposed Treasure Valley Reload Center (TVRC) which is a rail dependent industrial land need; and

WHEREAS, once in the Nyssa UGB, the property will be rezoned to Nyssa UGA-Industrial (UGA-1) and all uses and development of the above referenced property shall comply with city of Nyssa plans, ordinances and zoning texts; and

WHEREAS, in particular the 281.2 acres will be reserved exclusively for the rail dependent uses and agricultural processing, warehouse and distribution and support industrial uses that benefit from location in a full service industrial park next to the planned TVRC; commercial and residential uses will be prohibited; and

WHEREAS, with the consent of the landowners (see Exhibit 8 attached hereto), the City also proposes to remove the Economic Opportunity Area (EO) Overlay Zone from the following generally described property that is sited within the Nyssa UGB and shown on Exhibit "A" attached hereto:

Ref# 9871	Map 19S4729B	Tax Lot 3300	10.32 acres
Ref# 9689	Map 19S4730D	Tax Lot 100	39.09 acres

WHEREAS, removal of the EO Overlay Zone will restore the above property to Nyssa UGA Residential, and

WHEREAS, the City has demonstrated that the proposed amendments to its UGB meet all applicable local and state laws and administrative rules; and

WHEREAS, the Nyssa City Planning Commission, Nyssa City Council, Malheur County Planning Commission and Malheur County Court considered the proposed UGB expansion in a joint hearing on September 25, 2018, wherein both planning commissions recommended approval of the expansion of Nyssa's UGB; and

WHEREAS, the Nyssa City Council and Malheur County Court considered the proposed UGB expansion and rezones through a joint hearing on December 11, 2018; and

WHEREAS, the Nyssa City Council finds and concludes that the public will benefit from the amendments to the City's UGB and the rezoning in question; and

WHEREAS, in order to meet development needs, the Nyssa City Council adjudges that it is necessary for the immediate preservation of the peace, health, and safety of the said City that this ordinance shall take effect immediately upon its passage and approval,

NOW THEREFORE, THE CITY OF NYSSA ORDAINS AS FOLLOWS:

Section 1. ADOPTION.

The Nyssa City Council approves and makes the findings, conclusions, studies, data, maps, exhibits, appendices and information in the following documents attached hereto and incorporated herein by reference, and adopts the proposed changes and amendments described in Exhibits B, C, 1, and 3 through 7:

- Exhibit B. Legal description of property added to Nyssa UGB
- Exhibit C. County Zoning Map - final zone changes

- MAP 1: Map of Nyssa UGB Expansion
- Exhibit 1. Staff Report
- Exhibit 2. Public Notice
- Exhibit 3. Proposed Nyssa Comprehensive Plan Text and Policy Amendments
- Exhibit 4. Revised Nyssa Economic Opportunities Analysis
- Exhibit 5. Revised Nyssa Public Facilities Plan
- Exhibit 6. Proposed Nyssa Zoning Ordinance Amendments
- Exhibit 7. Transportation Impact Study (TIS)
- Exhibit 8. Letters from Economic Opportunity Overlay Property Owners
- Exhibit 9. Letters of Interest in TVRC Industrial Park
- Exhibit 10. Letters of Support for TVRC Industrial Park

Section 2. AMENDMENT TO COMPREHENSIVE PLAN AND ZONING MAP.

The City's Comprehensive Plan and Zoning Maps are amended to add/expand property to the Nyssa Urban Growth Boundary and to change the zoning designation of certain properties as follows;

Map T19S47E17	Tax Lot 100	213.413 acres	County EFU to Nyssa UGA Industrial
Map T19S47E20	Tax Lot 201	67.77 acres	County Heavy Industrial to Nyssa UGA -Industrial
Map 19S4729B	Tax Lot 3300	10.32 acres	Remove EO Overlay Zone/ Maintain Nyssa UGA residential zone

Map 19S4730D Tax Lot 100 39.09 acres Remove EO Overlay
Zone/Maintain Nyssa UGA
residential zone

Section 3. LEGAL DESCRIPTION OF PROPERTY ADDED TO UGB.

The legal description of the property added to the Nyssa UGB is set out in Exhibit “B”, which is attached hereto and incorporated herein by reference.

Section 4. ZONING MAP.

The City’s zoning map shall be amended to depict the above-described zone changes/designations, which are incorporated herein by reference.

Section 5. SEVERABILITY.

If any portion of this ordinance, including exhibits, is for any reason held invalid by any court of competent jurisdiction, such a portion shall be deemed as a separate, distinct and independent portion and such holding shall not affect the validity of the remaining portion of this ordinance.

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Section 6. EMERGENCY CLAUSE.

The Common Council of the City of Nyssa hereby adjudges that it is necessary for the immediate preservation of the peace, health, and safety of the said City that this ordinance shall take effect immediately upon its passage and approval, and an emergency is hereby declared to exist and this ordinance will be in full force and effect immediately upon its passage by the Council and its approval by the Mayor.

Passed by the Common Council of the City of Nyssa, Oregon, by the following vote this 8th day of January, 2019.

AYES: Mayor Pat Oliver, Council President Susan Walker, Councilors: Betty Holcomb, Dennis Savage and Patricia Esplin.

NAYS: 0


ABSENT: Robert DeLeon and Morganne DeLeon

Approved this 8th day of January, 2019.



Mayor

ATTEST:



City Recorder