

## RESOLUTION NO. 97-2074

### RESOLUTION PLACING CONDITIONS ON CONCURRENCES WITH THE DECISION OF THE YAMHILL COUNTY COMMISSIONERS CONCERNING APPLICATION OF MARVIN SCHNEIDER (YAMHILL COUNTY DOCKET NUMBER PAZ-02-96) FOR COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE.

#### RECITALS:

1. This application concerns a ten (10) acre parcel known as Yamhill County tax lot number 3228-1800.
2. The property lies within the City of Newberg's Urban Growth Boundary.
3. The applicant has applied with Yamhill County (Yamhill County Docket number PAZ-02-96) for a Comprehensive Plan Amendment and a zone change. The exact request is referred to in exhibit A.
4. The Newberg Urban Growth Management Agreement requires concurrence of the City of Newberg for any Comprehensive Plan Map Amendment within the Urban Growth Boundary.

#### NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEWBERG AS FOLLOWS:

1. The City of Newberg and Yamhill County have reached agreement on how to manage and plan for the area outside the City limits, but inside the City of Newberg's Urban Growth Management Agreement. That agreement is embodied in the Newberg Area Management Agreement. The City considers the following policies in that agreement:
  - (1) The City is recognized as the future supplier of all of our Urban Services within that area.
  - (2) The property within that Urban Area in order to be developed to Urban uses should be annexed into the City.
  - (3) The purpose of placing property within the Urban Growth Boundary is a recognition by both entities that the property will eventually be part of the City of Newberg.
2. Change from present planning and zoning in order to facilitate development should include annexation into the City.
3. The City of Newberg adopts exhibit A which sets out the conditions under which the City will concur with Yamhill County Commissioners action to amend the Plan Designation and Zoning Designation for this parcel. If the conditions cannot be met, the City does not concur


with Yamhill County Commissioners decision and recommends denial of applicant's request. If the commission does not deny applicant's request, the City requests a joint meeting prior to approval of any requests by the commissioners.

4. The City recognizes that the County may disagree with the City's position that the property needs a Comprehensive Plan Amendment due to the fact that the property received a Plan Designation by the County of "Future Urbanizable". However, the City believes that the County does not have the authority to "up-zone" the property to heavy industrial based upon a "VLDR Plan Designation" nor a "Future Urbanizable Designation". Therefore, the property would require a plan amendment. Plan amendments must be concurred by the City.
5. The applicant agrees to the conditions placed upon the property through the limited use overlay. Based upon this agreement, the City recommends the plan amendment and zone change with the limited use zoning overlay as indicated in paragraph two (2) of the Resolution (fully described in exhibit A).
6. The applicant has further agreed to apply for and consent to annexation of his property and to the City of Newberg. The City Council authorizes the City Manager to enter into an agreement to annex along with a consent to annex the property, to do all necessary acts to implement the agreement, record the consent to annex and all other things necessary to annex the property into the City of Newberg including bringing before the Council the necessary action to place the matter before the voters of the City of Newberg.

**ADOPTED** by the City Council of the City of Newberg this 2<sup>nd</sup> day of September 1997.

  
\_\_\_\_\_  
Duane R. Cole, City Manager

**ATTESTED** by the Mayor this 3rd day of September 1997.

  
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Donna Proctor, Mayor

**Exhibit "A"**  
**SCHNEIDER AGREEMENT**

REGARDING: Applicant Marvin Schneider; Yamhill County Docket PAZ-02-96. In the matter of a Yamhill County Ordinance amending the Yamhill County Comprehensive Plan (1974) Map from "VLDR" (Very Low Density Residential) to "I" (Industrial) and amending the Official Zoning Map from VLDR-2.5 (Very Low Density Residential/ 2.5 acre minimum) to "HI" (heavy Industrial) on a 10 acre parcel known as Yamhill County tax lot Number 3228-1800.

**CONCURRENCE RECOMMENDATION UNDER THE PROVISIONS OF THE NEWBERG URBAN AREA GROWTH MANAGEMENT AGREEMENT.**

**Whereas**, the Newberg Urban Area Growth Management Agreement (NUAGMA) identifies specific procedures related to land use actions outside the City Limits but within the Newberg Urban Growth Boundary; and

**Whereas**, the Newberg Urban Area Management Commission (NUAMC) has held a public hearing on the above referenced land use action and has submitted their recommendation of APPROVAL to the Yamhill County Board of Commissioners and the Newberg City Council for concurrence; and

**Whereas**, the City of Newberg finds that certain, reasonable conditions are necessary to carry out the intent and purposes of the Newberg Comprehensive Plan;

**Now Therefore, the Newberg City Council Concurs with Approval of the above referenced land use action only as follows:**

The City of Newberg considers that concurrence is reached if all conditions that follow are incorporated into the final land use decision on the above referenced matter. If concurrence can not be reached by approving the following conditions, then the City requests that a joint meeting of the City Council and Yamhill County Board of Commissioners be scheduled to resolve differences.

**CONDITIONS OF APPROVAL AND CONCURRENCE:**

1. Yamhill County shall designate the subject property with an Industrial Plan Designation.
2. Yamhill County shall designate the subject property with a "HI" (Heavy Industrial) zone.
3. Yamhill County shall designate the subject property with a Limited Use Zoning Overlay which restricts the uses and requires a Newberg Site Design Review of any proposed development as follows:
  - (A) The Limited Use Overlay shall only permit those uses specifically permitted in Newberg Development Code section 10.40.394 M-3 (Heavy Industrial). No other

uses permitted within the Yamhill County Zoning Code or Newberg Development Code shall be permitted.

- (B) The (RDF) Refuse Derived Fuel plant, similar use or any use that is accessory or incidental to such use is specifically NOT permitted.
- (C) No city sewer or water facilities shall be authorized for any use permitted outside the City Limit boundary.
- (D) One septic system may be authorized for the entire property subject to this agreement. The septic system shall not exceed a capacity equal to three dwelling units or 15 people. No alternative forms of sewerage disposal shall be permitted.
- (E) No land divisions are permitted.
- (G) Any application for development shall be referred to and reviewed by the City of Newberg through the City Site Design Review process (Section 10.28 NDC), and must comply with all City of Newberg Development standards.

The City of Newberg may impose any reasonable conditions deemed appropriate as part of the Site Design Review. Yamhill County shall attach and enforce any and all conditions imposed by the City of Newberg on any development permit requested within the Limited Use Zoning Overlay.

4. The owners shall sign a consent to annexation on forms supplied by the City of Newberg. The applicants shall complete this condition before this Plan Amendment and Zone Change to become effective.
5. The applicants shall initiate a new annexation request to the City of Newberg. The applicants shall complete this condition before this Plan Amendment and Zone Change to become effective.