

# Yamhill County

## DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE FOURTH STREET □ McMinnville, Oregon 97128

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September 2, 2022

### MEMORANDUM

To: Board of Commissioners  
Ken Huffer, County Administrator  
Christian Burnish, County Counsel  
Jodi Gollehon, Assistant County Counsel

From: Ken Friday, Planning Director

Re: **Updates to the Newberg Urban Area Management Commission Bylaws**

Last year an application was made to expand the Newberg Urban Reserve Area. In reviewing the Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission, (Rules) it was unclear if NUAMC had the appropriate authority to review Urban Reserve Area Expansion applications. Historically NUMAC had reviewed these types of cases and made recommendations to the Newberg City Council and Yamhill County Board of Commissioners (1995, 2006, 2007). In order to avoid a challenge based on this lack of clarity, and since the Rules had not been updated since the 1980's an update was initiated.

The NUAMC reviewed the proposed amendments to the Rules at their November 23, 2021, and July 27, 2022, meetings. The review was done in accordance with Article IX of the current Rules (1980 version) to gain feedback. NUAMC voted 6-0 on a motion recommending the proposed amendments be forwarded to the Newberg City Council and Yamhill County Board of Commissioners for review and consideration. The one modification NUAMC suggested was to provide language for both in person and virtual meetings under Article VI. MEETINGS in the Agreement. That language has been added to the proposal. On August 15, 2022, the Newberg City Council reviewed these changes and adopted them through resolution (see attached).

The following is a summary of the updates:

- Article II. PURPOSE related to Urban Reserve Area Expansion.
- Article III. MEMBERSHIP has been updated replacing the Newberg Dundee PAC with a Yamhill County Planning Commissioner and the Newberg Citizen Involvement Committee is deleted and replaced with a Newberg resident. The changes update language for Alternate Members, notifications to the City and County staff if an alternate needs to attend a meeting, and removal and replacement of members.

B.D.22-307

- Article IV. DUTIES AND RESPONSIBILITIES is updated to clarify what applications are reviewed by NUAMC and updating the citation to current ORS Chapter 197 and 197A references along with supporting Oregon Administrative Rules.
- Article V. ORGANIZATION is updated to reflect the current City Community Development Department and updates what applications are under the review purview of NUAMC.
- Article VI. MEETINGS is updated to the time and date that NUAMC meetings are held, in person and virtual (hybrid) meetings, quorum requirements, and updates the order of business at meetings.
- Article VII. VOTING is updated to reflect NUAMC rather than Commissioners.
- A new Article VIII. CONFLICTS OF INTEREST has been added.
- Article IX. PARLIAMENTARY AUTHORITY has been renumbered and the reference updated to NUAMC rather than Commission.
- Article X. AMENDMENT TO BYLAWS has been renumbered and the reference updated to NUAMC rather Commission.

Our office is requesting that the Board of Commissioners review and adopt the amended rules.

Attachment 1 is a track changes version of the proposed amendments to the Agreement.  
Attachment 2 is a copy of Resolution 2022-3808 adopted by the City of Newberg.

Accepted by Yamhill County  
Board of Commissioners on  
9/22/22 by Board Order  
# 22-307

Rules to govern the conduct of business of the Newberg Urban Area Management Commission Adopted May 7<sup>th</sup>, 1980, by Yamhill Board of Commissioners and May 5<sup>th</sup>, 1980 by Newberg City Council\*, Amended \_\_\_\_\_, 2022 by Yamhill County Board of Commissioners and August 15, 2022 by Newberg City Council

**Article I. AUTHORITY**

The Newberg Urban Area Management Commission (NUAMC) was first established by Newberg City Ordinance #1967 on July 2, 1979 and Yamhill County Ordinance #214, June 26, 1979, and is authorized by; which set forth the approval of the Newberg Urban Area Growth Management Agreement, as amended.

**Article II. PURPOSE**

To establish ~~the Commission~~ NUAMC as a hearings officer in accordance with ORS 215.406 ~~for to address:~~

- 1) Newberg Urban Growth Boundary Amendments
- 2) -Newberg Urban Reserve Expansions,
- 3) Comprehensive Plan Amendments to:
  - a) ~~and~~ The Newberg Comprehensive Plan in the area inside the Newberg Urban Growth Boundary or Newberg Urban Reserve Area, but outside the City limits.-
  - b) The County Comprehensive Plan amendments -in the area inside the Newberg Urban Growth Boundary or Newberg Urban Reserve Area but outside the city limits.-
- 4) County Zone Changes within the Newberg Urban Growth Boundary.
- 5) County Zone Changes within the Newberg Urban Reserve Area

**Article III. MEMBERSHIP**

A. ~~The Newberg Urban Area Management Commission (NUAMC)~~ NUAMC shall be composed of the following members:

- 1) Commissioner of the Yamhill County Board of Commissioners designated by the Board.
- 2) Mayor or councilperson of the City of Newberg designated by the Council.
- 3) Member of Newberg Planning Commission designated by the Council.

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4) Member of the Yamhill County Planning Commission designated by the  
Board of County Commissioners.

Member of the Yamhill County Planning Commission Newberg-Dundee PAC designated by the  
Board of County Commissioners.

~~Commissioners:~~

5) Citizen of the City of Newberg as designated by the Council.

6) ~~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 of Commissioners. This member shall reside either  
within the City of Newberg Urban Growth Boundary or the City's Area of Influence (one mile  
around Newberg's Urban Growth Boundary).

B. The Board of County Commissioners and the City Council shall designate  
alternate members to NUAMC the Commission. Alternate members shall attend and be  
considered voting members when the appointed member is unable to attend the meeting, or if the  
appointed member must declare anticipates a conflict of interest as specified in Article VIII. ~~D  
and E.~~

C. Members of ~~the Commission~~ NUAMC shall notify their Alternate when they are  
unable to attend a meeting. ~~They~~ Members designated by the Council shall also notify the  
Newberg Community Development Department, Planning Division. Members designated by the  
Board of County Commissioners shall also notify the County Planning and Development  
Department. their respective Planning Departments.

D. If neither the member nor the alternate is able to attend the meeting, then the  
position will be declared vacant for that meeting.

E. The member-at-large position shall not have an alternate.

F. The City Council or Board of Commissioners shall remove a member appointed  
by it if that A member who member has 2 consecutive unexcused absences shall be removed  
from the Commission. The removed member shall be replaced in the manner that the removed  
member was appointed. An excused absence may be obtained by informing the Commission  
Chairperson of the reason for the absence.

G. The length of the terms of the members shall be at the discretion of their  
respective appointing bodies, except the length of the term of the member-at-large shall be three  
years.

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H. Any vacancy shall be filled in the same manner as the original appointment.

I. Members of ~~the Commission~~ NUAMC shall serve without compensation.

#### Article IV. DUTIES AND RESPONSIBILITIES

A. NUAMC shall hold hearings, make findings, and present its recommendation to the Board of Commissioners and the Newberg City Council. The recommendations made for governing bodies shall consist of the NUAMC decision, the findings made to document the decision, and the minutes of the meeting.

B. To justify any ~~application submitted to the NUAMC Commission—including an Urban Growth Boundary change, Urban Reserve Area designation or removal, a City or County comprehensive plan amendment in the Urban Growth Boundary, Urban Reserve Area, or Newberg Area of Influence, a zone change within the Urban Growth Boundary or Urban Reserve Area—NUAMC the Commission the City and County shall follow the procedures and requirements for goal exceptions. Change of the boundary shall be based upon consideration of the following factors:~~

1) Follow the applicable requirements of Statewide Land Use Planning Goal 14, ORS Chapter 197 or 197A, and related Oregon Administrative Rules. LCDC Criteria

~~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) The long-term environmental, energy, economic and social consequences to the locality, the region and the state as the result of allowing urbanization and not preserving and maintaining the land for agricultural or forest uses, whichever is applicable.~~

~~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 areas with other adjacent uses;~~

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~~h) — Demonstration that there are no alternative locations within the  
area which could be better used for the proposed use (s).~~

- 2) Consider the Newberg Comprehensive Land Use Plan.
- 3) Consider the Yamhill County Comprehensive Land Use Plan.

## Article V. ORGANIZATION

A. ~~The Commission~~ NUAMC shall elect a chairperson and vice-chairperson at the first commission meeting held each year.

B. The chairperson shall be the presiding officer at all ~~Commission~~ NUAMC meetings and shall be authorized to sign all documents for ~~the Commission~~ NUAMC.

C. The Vice-Chairperson shall be the presiding officer in the absence of the Chairperson.

D. The Newberg Planning Community Development Director shall serve as Secretary to ~~the Commission~~ NUAMC and shall be responsible for keeping accurate, permanent and complete records of all proceedings of ~~the Commission~~ NUAMC. Accurate minutes shall be distributed to ~~Commission~~ NUAMC members and alternates within 45 days after a meeting.  
~~within 15 days after a meeting.~~

E. Staff members from the Newberg Planning Community Development Department, Planning Division, Department and Yamhill County Department of Planning and Development shall act jointly as Staff of ~~the Commission~~ NUAMC. Staff reports may be prepared either jointly or separately by the two departments.

F. A property owner requesting inclusion or exclusion from the Urban Growth Boundary shall file applications simultaneously with the Newberg Community Development Department, Planning Division, and the Yamhill County Planning and Development Department. The City and County shall each collect fees from the applicant. The City and County shall coordinate with each other to process the application. The City of Newberg may initiate an amendment to the Urban Growth Boundary Area by filing its completed application and required fees with the Yamhill County Planning and Development Department for processing. Yamhill County may initiate an amendment to the Urban Growth Boundary by filing its completed application and required fees with the Newberg Community Development Department, Planning

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Division, for processing. Applications must be complete prior to consideration by the Newberg  
Urban Area Management Commission.

~~F. — Applications for the UGB amendments 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.~~

G. A property owner requesting inclusion or exclusion from the Urban Reserve Area  
shall file applications simultaneously with the Newberg Community Development Department,  
Planning Division, and the Yamhill County Planning and Development Department. The City  
and County shall each collect fees from the applicant. The City and County shall coordinate with  
each other to process the application. The City of Newberg may initiate an amendment to the  
Urban Reserve Growth Area by filing its completed application and required fees with the  
Yamhill County Planning and Development Department for processing. Yamhill County may  
initiate an amendment to the Urban Reserve Area by filing its completed application and  
required fees with the Newberg Community Development Department, Planning Division, for  
processing. Applications must be complete prior to consideration by the Newberg Urban Area  
Management Commission.

H. Applications for County Comprehensive Plan amendments inside the UGB but  
outside the city limits shall be filed with the Yamhill County Department of Planning and  
Development Department, which shall collect its fees, process the application, and then forward  
the application to the Newberg Community Development Department, Planning Division, which  
shall collect its fees and process the application. collect the joint fee and forward the City of  
Newberg fee and the application to the City of Newberg.

I. The City of Newberg shall give public notice at least 10 days prior to the date of  
the public hearing in a newspaper of general circulation in the City. The County shall give public  
notice at least 10 days prior to the date of the public hearing in a newspaper of general  
circulation in the County. In addition, the City and County shall coordinate to provide individual  
notice of the request by mail to the record owners of the property within 250 feet of the property  
for which a Plan amendment has been requested and any other notice required under the City's  
or County's notice procedures.

~~I. — The City of Newberg shall give public notice at least 10 days prior to the date of  
the public hearing in a newspaper of general circulation in the City. In addition, the City shall  
give individual notice of the request by mail to the record owners of the property within 250 feet  
of the property for which a Plan amendment has been requested.~~

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~~J. A copy of the Public Notice will be sent to the County Planning Department  
which shall publish the notice according to County notice procedures except that notice will not  
be published in the Newberg newspaper of general circulation.~~

## Article VI. MEETINGS

A. All ~~commission~~NUAMC meetings shall be held in accordance with ~~the Open  
Public~~ Meetings Laws.

B. ~~The Commission~~NUAMC meetings shall be held the fourth Tuesday of January,  
April, July and October at 7:030 p.m. at Newberg City Hall or by a virtual meeting platform, or  
both, except that the Organizational Meeting shall be held the fourth Tuesday of October, after  
which a regular rotation shall ensue. The Commission may schedule additional meetings during a  
regularly scheduled meeting.

C. If there ~~are no applications filed 45 days~~ no business to conduct before a  
scheduled ~~quarterly~~ meeting, then the meeting will be cancelled and NUAMC Commission  
members shall be so advised.

D. A quorum shall consist of 45 members or alternates.

E. The presiding officer of ~~the Commission~~NUAMC may limit any testimony over  
~~three-five~~ minutes to information not given earlier in the hearing, provided that the limitation be  
announced prior to opening the hearing.

F. The order of business at all meetings shall be as follows:

- 1) Call meeting to order
- 2) Roll Call
- 3) Approval of minutes of previous meeting(s) for which minutes are available
- 4) Report of final disposition of agenda items from previous meeting
- 5) Public Hearings on Docket items
- 6) Adjournment

G. The order of procedure for each quasi-judicial docket item shall be the following:

- 1) Commence the hearing

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- contacts:
- 2) ~~Call for abstentions~~ Declaration of conflicts of interest, bias or ex parte
  - 3) Objections to jurisdiction
  - 4) Staff report
  - 5) ~~Proponent's case~~ Applicant's presentation:
  - 6) ~~Cross-examination of proponents~~ Testimony in favor of application
  - 7) Testimony in opposition to the application:
  - 8) Public agencies
  - 9) Rebuttal, which shall be limited to argument
  - 10) Opportunity to request continuance, open record:
  - 11) Deliberation and vote on recommendation:

H. The order of procedure for each legislative docket item shall be the following::

- 1) Open the hearing:
- 2) Declaration of conflicts of interest:
- 3) Staff Report and Recommendation:
- 4) Take public testimony:
- 5) Deliberation and vote on recommendation:

## **Article VII. VOTING**

A. Voting on all docket items shall be by roll call. Votes on all procedural items may be by voice vote.

B. Each member of ~~the Commission~~ NUAMC shall be entitled to one vote.

C. If the regular member of ~~the Commission~~ NUAMC is unable to attend; the alternate member for that position shall be entitled to one vote.

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D. The Presiding Officers of ~~the Commission~~NUAMC shall vote with the other  
NUAMC members ~~Commissioners~~ in the transaction of any business and all matters coming  
before ~~the Commission~~NUAMC.

E. When a matter is called for a vote, the presiding officer shall, before a vote is  
taken, state the question before ~~the Commission~~NUAMC in exact terms and shall announce the  
decision of ~~the Commission~~NUAMC after the vote.

### Article VIII. CONFLICTS OF INTEREST

A. If a member has an actual conflict of interest on a docket item, the member shall publicly announce the nature of the actual conflict and not participate in the proceeding of that docket item. If the member recognizes the conflict in advance of the meeting to address the docket item, the member shall notify the presiding officer of NUAMC and the member's designated alternate and request that the alternate be the voting member for that docket item. An actual conflict of interest exists if the member's vote on the docket item would result in the private pecuniary benefit or detriment of the member or the member's relative as defined in ORS 244.020(16) or any business with which the member or a relative of the member is associated.

B. If a member has a potential conflict of interest on a docket item, the member shall publicly announce the nature of the potential conflict and may recuse themselves from the proceedings. If the member recognizes the conflict in advance of the meeting to address the docket item, the member shall notify the presiding officer of NUAMC and may notify the member's designated alternate and request that the alternate be the voting member for that docket item. A potential conflict of interest exists if the member's vote on the docket item could result in the private pecuniary benefit or detriment of the member or the member's relative as defined in ORS 244.20(16) or any business with which the member or a relative of the member is associated.

C. If a member wishes to abstain in a situation where there is no actual or potential conflict of interest but a conflict deriving from the member's relationship with the person involved, the member may recuse themselves from proceedings on the docket item. If the member recognizes the conflict in advance of the meeting, the member shall notify the presiding officer of NUAMC and the member's alternate and request that the alternate be the voting member for that docket item. This provision is intended to relate to close relatives and to professional relationships as well as to friendships.

### Article IX. PARLIAMENTARY AUTHORITY

In cases not provided for by these rules, ~~the Commission~~NUAMC shall be governed by the law and practices specified in the latest edition of Robert's Rules of Order revised.

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**Article X. AMENDMENT TO BYLAWS**

Amendments shall be made by mutual consent of the Board of Commissioners and the  
Newberg City Council. ~~Commission~~ NUAMC members shall be notified of a proposed  
amendment not less than 10 days before the amendment is to be considered.

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# REQUEST FOR COUNCIL ACTION



**Date Action Requested: August 15, 2022**

Order  Ordinance  Resolution  Motion  Information   
No. 2022-3808

Subject: A Resolution approving amendments to the Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission

Staff: Doug Rux, Director  
Department: Community Development  
File No. GEN22-0014

Business Session

Order On Agenda: New Business

Hearing Type:

## Recommendation:

Adopt Resolution No. 2022-3808.

## Executive Summary:

The Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission (Rules) was adopted May 5, 1980, by the Newberg City Council and May 7, 1980, by the Yamhill County Board of Commissioners. It has been over 40 years since the Rules have been revisited and updated. The Rules are authorized by and implement the Newberg Urban Area Growth Management Agreement entered into between the City of Newberg and Yamhill County in 1979 and amended in 1998 and 2000 for land use actions outside of the city limits but within the Urban Growth Boundary, and lands outside of the Urban Growth Boundary but within 1-mile of the Urban Growth Boundary.

In reviewing the Rules staff identified a variety of sections that needed updating or clarification. One of the signification issues was in Article II. PURPOSE related to Urban Reserve Area Expansion. In the current Rules it was unclear if NUAMC had the appropriate authority to review Urban Reserve Area Expansion applications. Historically NUMAC had reviewed these types of cases and made recommendations to the Newberg City Council and Yamhill County Board of Commissioners (1995, 2006, 2007). There is additional language proposed that clarifies County zone changes within the Newberg Urban Growth Boundary and Urban Reserve Area.

Article III. MEMBERSHIP has been updated replacing the Newberg Dundee PAC with a Yamhill County Planning Commissioner and the Newberg Citizen Involvement Committee is deleted and replaced with a Newberg resident. The changes update language for Alternate Members, notifications to the City and County staff if an alternate needs to attend a meeting, and removal and replacement of members.

Article IV. DUTIES AND RESPONSIBILITIES is updated to clarify what applications are reviewed by NUAMC and updating the citation to current ORS Chapter 197 and 197A references along with supporting Oregon Administrative Rules.

Article V. ORGANIZATION is updated to reflect the current City Community Development Department and updates what applications are under the review purview of NUAMC.

Article VI. MEETINGS is updated to the time and date that NUAMC meetings are held, in person and virtual (hybrid) meetings, quorum requirements, and updates the order of business at meetings.

Article VII. VOTING is updated to reflect NUAMC rather than Commissioners.

A new Article VIII. CONFLICTS OF INTEREST has been added.

Article IX. PARLIAMENTARY AUTHORITY has been renumbered and the reference updated to NUAMC rather than Commission.

Article X. AMENDMENT TO BYLAWS has been renumbered and the reference updated to NUAMC rather Commission.

Attachment 1 is a track changes version of the proposed amendments to the Rules.

#### Newberg Urban Area Management Commission (NUAMC)

The NUAMC reviewed the proposed amendments to the Rules at their November 23, 2021, and July 27, 2022, meetings. The review was done in accordance with Article IX of the current Rules (1980 version) to gain feedback. NUAMC voted 6-0 on a motion recommending the proposed amendments be forwarded to the Newberg City Council and Yamhill County Board of Commissioners for review and consideration. The one modification NUAMC suggested was to provide language for both in person and virtual meetings under Article VI. MEETINGS in the Rules. That language has been added to the proposal.

#### **Fiscal Impact:**

City staffing is provided to NUAMC to conduct required meetings through 01-4110-410000 through - 431000. No additional costs are anticipated beyond the necessary staff responsibilities per the Newberg Urban Area Growth Management Agreement, and Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission.

#### **Strategic Assessment:**

2020 Council Goals:

1. Change operational culture to one focused on Customer Service and act to Resolve Ongoing Legal Disputes

Not applicable.

2. Further develop an operational culture that adopts and cherishes Diversity, Equity, and Inclusion as core values.

Not applicable.

3. Promote development of housing affordability such as houselessness, transitional housing, workforce housing.

Not applicable.

4. Create and support an Urban Renewal Plan and Authority

Not applicable.

5. Collaborate with local partners and with entities like ICLEI in the development of a Sustainability program.

Not applicable.

## ATTACHMENTS

Resolution No. 2022-3808 with:

Exhibit "A": Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission 2022

1. Track Changes NUAMC Rules

# RESOLUTION No. 2022-3808



## A Resolution approving amendments to the Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission

### Recitals:

1. Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission were adopted by the City of Newberg on May 5, 1980, and by the Yamhill County Board of Commissioners on May 7, 1980.
2. The Rules have not been amended or updated for over 40 years.
3. The Yamhill County Planning and Development staff and Newberg Community Development Department have coordinated to bring the Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission current with State law and operational practices of the Newberg Urban Area Management Commission.
4. The Newberg Urban Area Management Commission reviewed the proposed amendments to the Rules on November 23, 2021, and July 27, 2022, and recommended forwarding the proposed changes to the Newberg City Council and Yamhill County Board of Commissioners for consideration and adoption with a modification to added virtual meeting opportunities as part the meeting process.

### The City of Newberg Resolves as Follows:

1. The Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission as amended and included as “Exhibit “A” is adopted.
2. The Rules to Govern the Conduct of Business of the Newberg Urban Area Management Commission as amended is to be forwarded to the Yamhill County Board of Commissioners for their review, consideration, and adoption.

**Effective Date** of this resolution is the day after the adoption date, which is: August 16, 2022.

**Adopted** by the City Council of Newberg, Oregon, this 15th day of August, 2022.

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Sue Ryan, City Recorder

**Attest** by the Mayor this 18<sup>th</sup> day of August, 2022.

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Rick Rogers, Mayor

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**Article I. AUTHORITY**

The Newberg Urban Area Management Commission (NUAMC) was first established by Newberg City Ordinance #1967 on July 2, 1979 and Yamhill County Ordinance #214, June 26, 1979, and is authorized by the Newberg Urban Area Growth Management Agreement, as amended.

**Article II. PURPOSE**

To establish NUAMC as a hearings officer in accordance with ORS 215.406 to address:

- 1) Newberg Urban Growth Boundary Amendments
- 2) Newberg Urban Reserve Expansions
- 3) Comprehensive Plan Amendments to:
  - a) The Newberg Comprehensive Plan in the area inside the Newberg Urban Growth Boundary or Newberg Urban Reserve Area, but outside the City limits.
  - b) The County Comprehensive Plan in the area inside the Newberg Urban Growth Boundary or Newberg Urban Reserve Area but outside the city limits.
- 4) County Zone Changes within the Newberg Urban Growth Boundary.
- 5) County Zone Changes within the Newberg Urban Reserve Area

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A. NUAMC shall be composed of the following members:

- 1) Commissioner of the Yamhill County Board of Commissioners designated by the Board.
- 2) Mayor or councilperson of the City of Newberg designated by the Council.
- 3) Member of Newberg Planning Commission designated by the Council.
- 4) Member of the Yamhill County Planning Commission designated by the Board of County Commissioners.

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- 5) Member of the Yamhill County Planning Commission designated by the Board of County Commissioners.
- 6) Citizen of the City of Newberg as designated by the Council.
- 7) Member-at-large chosen by the above NUAMC members and ratified by the City Council and County Board of Commissioners. This member shall reside either within the City of Newberg Urban Growth Boundary or the City's Area of Influence (one mile around Newberg's Urban Growth Boundary).

B. The Board of County Commissioners and the City Council shall designate alternate members to NUAMC. Alternate members shall attend and be considered voting members when the appointed member is unable to attend the meeting, or if the appointed member anticipates a conflict of interest as specified in Article VIII.

C. Members of NUAMC shall notify their Alternate when they are unable to attend a meeting. Members designated by the Council shall also notify the Newberg Community Development Department, Planning Division. Members designated by the Board of County Commissioners shall also notify the County Planning and Development Department.

D. If neither the member nor the alternate is able to attend the meeting, then the position will be declared vacant for that meeting.

E. The member-at-large position shall not have an alternate.

F. The City Council or Board of Commissioners shall remove a member appointed by it if that member has 2 consecutive unexcused absences. The removed member shall be replaced in the manner that the removed member was appointed. An excused absence may be obtained by informing the Commission Chairperson of the reason for the absence.

G. The length of the terms of the members shall be at the discretion of their respective appointing bodies, except the length of the term of the member-at-large shall be three years.

H. Any vacancy shall be filled in the same manner as the original appointment.

I. Members of NUAMC shall serve without compensation.

#### **Article IV. DUTIES AND RESPONSIBILITIES**

A. NUAMC shall hold hearings, make findings, and present its recommendation to the Board of Commissioners and the Newberg City Council. The recommendations made for

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governing bodies shall consist of the NUAMC decision, the findings made to document the decision, and the minutes of the meeting.

B. To justify any application submitted to the NUAMC—including an Urban Growth Boundary change, Urban Reserve Area designation or removal, a City or County comprehensive plan amendment in the Urban Growth Boundary, Urban Reserve Area, or Newberg Area of Influence, a zone change within the Urban Growth Boundary or Urban Reserve Area—NUAMC shall:

- 1) Follow the applicable requirements of Statewide Land Use Planning Goal 14, ORS Chapter 197 or 197A, and related Oregon Administrative Rules.
- 2) Consider the Newberg Comprehensive Land Use Plan.
- 3) Consider the Yamhill County Comprehensive Land Use Plan.

#### **Article V. ORGANIZATION**

A. NUAMC shall elect a chairperson and vice-chairperson at the first commission meeting held each year.

B. The chairperson shall be the presiding officer at all NUAMC meetings and shall be authorized to sign all documents for NUAMC.

C. The Vice-Chairperson shall be the presiding officer in the absence of the Chairperson.

D. The Newberg Community Development Director shall serve as Secretary to NUAMC and shall be responsible for keeping accurate, permanent, and complete records of all proceedings of NUAMC. Accurate minutes shall be distributed to NUAMC members and alternates within 45 days after a meeting.

E. Staff members from the Newberg Community Development Department, Planning Division, and Yamhill County Department of Planning and Development shall act jointly as Staff of NUAMC. Staff reports may be prepared either jointly or separately by the two departments.

F. A property owner requesting inclusion or exclusion from the Urban Growth Boundary shall file applications simultaneously with the Newberg Community Development Department, Planning Division, and the Yamhill County Planning and Development Department. The City and County shall each collect fees from the applicant. The City and County shall coordinate with each other to process the application. The City of Newberg may initiate an amendment to the Urban Growth Boundary by filing its completed application and required fees

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with the Yamhill County Planning and Development Department for processing. Yamhill County may initiate an amendment to the Urban Growth Boundary by filing its completed application and required fees with the Newberg Community Development Department, Planning Division, for processing. Applications must be complete prior to consideration by the Newberg Urban Area Management Commission.

G. A property owner requesting inclusion or exclusion from the Urban Reserve Area shall file applications simultaneously with the Newberg Community Development Department, Planning Division, and the Yamhill County Planning and Development Department. The City and County shall each collect fees from the applicant. The City and County shall coordinate with each other to process the application. The City of Newberg may initiate an amendment to the Urban Reserve Area by filing its completed application and required fees with the Yamhill County Planning and Development Department for processing. Yamhill County may initiate an amendment to the Urban Reserve Area by filing its completed application and required fees with the Newberg Community Development Department, Planning Division, for processing. Applications must be complete prior to consideration by the Newberg Urban Area Management Commission.

H. Applications for County Comprehensive Plan amendments inside the UGB but outside the city limits shall be filed with the Yamhill County Planning and Development Department, which shall collect its fees, process the application, and then forward the application to the Newberg Community Development Department, Planning Division, which shall collect its fees and process the application.

I. The City of Newberg shall give public notice at least 10 days prior to the date of the public hearing in a newspaper of general circulation in the City. The County shall give public notice at least 10 days prior to the date of the public hearing in a newspaper of general circulation in the County. In addition, the City and County shall coordinate to provide individual notice of the request by mail to the record owners of the property within 250 feet of the property for which a Plan amendment has been requested and any other notice required under the City's or County's notice procedures.

## **Article VI. MEETINGS**

A. All NUAMC meetings shall be held in accordance with Public Meetings Laws.

B. NUAMC meetings shall be held the fourth Tuesday of January, April, July, and October at 7:00 p.m. at Newberg City Hall or by a virtual meeting platform, or both, except that the Organizational Meeting shall be held the fourth Tuesday of October. The Commission may schedule additional meetings during a regularly scheduled meeting.

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C. If there is no business to conduct before a scheduled meeting, then the meeting will be cancelled and NUAMC members shall be so advised.

D. A quorum shall consist of 4 members or alternates.

E. The presiding officer of NUAMC may limit any testimony over five minutes to information not given earlier in the hearing, provided that the limitation be announced prior to opening the hearing.

F. The order of business at all meetings shall be as follows:

- 1) Call meeting to order
- 2) Roll Call
- 3) Approval of minutes of previous meeting(s) for which minutes are available
- 4) Report of final disposition of agenda items from previous meeting
- 5) Public Hearings on Docket items
- 6) Adjournment

G. The order of procedure for each quasi-judicial docket item shall be the following:

- 1) Commence the hearing
- 2) Declaration of conflicts of interest, bias or ex parte contacts
- 3) Objections to jurisdiction
- 4) Staff report
- 5) Applicant's presentation
- 6) Testimony in favor of application
- 7) Testimony in opposition to the application
- 8) Public agencies
- 9) Rebuttal, which shall be limited to argument
- 10) Opportunity to request continuance, open record

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11) Deliberation and vote on recommendation

H. The order of procedure for each legislative docket item shall be the following:

- 1) Open the hearing
- 2) Declaration of conflicts of interest
- 3) Staff Report and Recommendation
- 4) Take public testimony
- 5) Deliberation and vote on recommendation

#### **Article VII. VOTING**

A. Voting on all docket items shall be by roll call. Votes on all procedural items may be by voice vote.

B. Each member of NUAMC shall be entitled to one vote.

C. If the regular member of NUAMC is unable to attend; the alternate member for that position shall be entitled to one vote.

D. The Presiding Officers of NUAMC shall vote with the other NUAMC members in the transaction of any business and all matters coming before NUAMC.

E. When a matter is called for a vote, the presiding officer shall, before a vote is taken, state the question before NUAMC in exact terms and shall announce the decision of NUAMC after the vote.

#### **Article VIII. CONFLICTS OF INTEREST**

A. If a member has an actual conflict of interest on a docket item, the member shall publicly announce the nature of the actual conflict and not participate in the proceeding of that docket item. If the member recognizes the conflict in advance of the meeting to address the docket item, the member shall notify the presiding officer of NUAMC and the member's designated alternate and request that the alternate be the voting member for that docket item. An actual conflict of interest exists if the member's vote on the docket item would result in the private pecuniary benefit or detriment of the member or the member's relative as defined in ORS 244.020(16) or any business with which the member or a relative of the member is associated.

B. If a member has a potential conflict of interest on a docket item, the member shall publicly announce the nature of the potential conflict and may recuse themselves from the

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proceedings. If the member recognizes the conflict in advance of the meeting to address the docket item, the member shall notify the presiding officer of NUAMC and may notify the member's designated alternate and request that the alternate be the voting member for that docket item. A potential conflict of interest exists if the member's vote on the docket item could result in the private pecuniary benefit or detriment of the member or the member's relative as defined in ORS 244.20(16) or any business with which the member or a relative of the member is associated.

C. If a member wishes to abstain in a situation where there is no actual or potential conflict of interest but a conflict deriving from the member's relationship with the person involved, the member may recuse themselves from proceedings on the docket item. If the member recognizes the conflict in advance of the meeting, the member shall notify the presiding officer of NUAMC and the member's alternate and request that the alternate be the voting member for that docket item. This provision is intended to relate to close relatives and to professional relationships as well as to friendships.

#### **Article IX. PARLIAMENTARY AUTHORITY**

In cases not provided for by these rules, NUAMC shall be governed by the law and practices specified in the latest edition of Robert's Rules of Order revised.

#### **Article X. AMENDMENT TO BYLAWS**

Amendments shall be made by mutual consent of the Board of Commissioners and the Newberg City Council. NUAMC members shall be notified of a proposed amendment not less than 10 days before the amendment is to be considered.