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Rules of Conduct for Public Meetings

No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Microphones will be muted and webcams will be turned off for remote participants unless called upon to speak or during public comment period.

Persons shall not comment or testify without first receiving recognition from the presiding officer and stating their full name and city of residence.

During public hearings no person shall present irrelevant, immaterial, or repetitious testimony or evidence.

There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting. If online participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off. If disruption continues, the participant(s) will be removed from the meeting.

CITY COUNCIL SPECIAL MEETING

In-Person Meeting with Remote Access Available

Millersburg City Hall
4222 NE Old Salem Road, Millersburg OR 97321
August 23, 2022 @ 4:00 p.m.

Agenda

Remote access for the meeting is available. Instructions for joining the meeting can be found at <https://www.cityofmillersburg.org/citycouncil/page/city-council-regular-meeting>. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, August 22.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/11597014359>

Phone number to join meeting: 503-212-9900

Meeting ID: 115 9701 4359

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. PUBLIC COMMENT

The public has the opportunity to address the Council during "Public Comment." Those attending virtually may raise their hand electronically or request to speak upon unmuting. The public may also send written comments by email to cityclerk@cityofmillersburg.org. Please limit comments to one page and include your name and address. Emails received before 5:00 p.m. on the day of the meeting will be included and read into the record for comments by the Council.

- E. NEW BUSINESS

1) Withdrawal of Territory (De-Annexation) – Ordinance 197-22

Action: _____

- F. CLOSING PUBLIC COMMENT
- G. ADJOURNMENT

Upcoming Meetings & Events:

For a schedule of meetings and events, visit the City's website calendar at <https://www.cityofmillersburg.org/meetings>

The meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Matt Straite, Community Development Director
DATE: August 16, 2022 for the August 23, 2022 City Council Meeting
SUBJECT: Ordinance 197-22 to Withdraw Territory (De-annex Property) from the City Limits

Action Requested:

Adopt Ordinance 197-22 to formally withdraw the identified territory (de-annex) from the City limits.

Discussion:

This agenda item represents the first step in an Urban Growth Boundary (UGB) swap. As outlined in previous staff reports, there are many steps to a UGB swap process. The process requires (in this order):

- De-annexation of the property to be removed from the City.
- Changing (swapping) the UGB to exclude the de-annexed property and include different properties.
- Lastly, the new UGB area must annex into the City.

Each of these requirements has a separate process. This agenda item concludes the first step in the UGB swap process, the de-annexation, by formalizing the removal of three properties from the City. The attached Ordinance will adopt the amendments to the Comprehensive Plan and Zoning maps, which will change the limits of the City. The UGB will not change as a result of the attached Ordinance. That comes in the next step.

The de-annexation process is dictated by ORS 222.524, 460, and 465. All findings related to this proposal are included in Resolution 2011-09 and the staff report for the July 12, 2022 City Council meeting. There are three steps in the de-annexation process. The first step was completed on June 14 when the City Council approved a resolution that expressed the City's intent to withdraw territory (properties) from the City. The second step was completed on July 12 when the City Council held a public hearing to allow for public input on the proposed change. The last step is this agenda item, an adoption of the Ordinance effectuating the removal of the three lots from the City. City staff will submit these changes to the Secretary of the State and Department of Revenue as required by ORS 222.177 and 900.

Suggested Motion:

I move for the adoption of Ordinance 197-22 to remove territory from the City limits and amend the Comprehensive Plan Land Use Map and Zoning Map with the revised City limits.

Attachment(s):

- Ordinance 197-22

ORDINANCE NO. 197-22

AN ORDINANCE TO REMOVE TAX LOTS 10S-03W-33-00200, 10S-03W-29-00300, AND 10S-03W-29-00201 FROM THE CITY LIMITS AND AMEND THE MILLERSBURG COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP TO SHOW THE REVISED CITY LIMITS

WHEREAS, the City of Millersburg City Council directed staff to move forward with an exchange of property (a swap) to remove property from the City limits and Urban Growth Boundary (UGB) and alter the UGB to include different property in a more viable location; and,

WHEREAS, in order to swap property by changing the UGB, two different land use actions are required; the first step is to withdraw territory; the second step is to revise the UGB; and,

WHEREAS, Oregon Revised Statute 222.460 contains requirements specific to the land use action of a de-annexation; and,

WHEREAS, on June 14, 2022, the City Council approved Resolution 2022-09 stating an intent to withdraw territory (de-annex) property and identifying tax lots 10S-03W-33-00200, 10S-03W-29-00300, and 10S-03W-29-00201 as the properties intended for removal; and,

WHEREAS, City and County staff met to discuss the proposed project and the County did not register any specific concerns with the City's proposal; and,

WHEREAS, a de-annexation does not require any land use actions on the part of the County; and,

WHEREAS, the project is fully consistent with the Urban Growth Management Agreement between the City and the County (and Urban Growth Boundary Procedural Ordinance 80-163); and,

WHEREAS, Oregon Revised Statute 222.460 contains requirements specific to the land use action of a de-annexation; and,

WHEREAS, public notice was posted twice in a newspaper for a public hearing to occur on July 12, 2022, before the City Council; and,

WHEREAS, on July 12, 2022, the City Council held a public hearing to provide the public with an opportunity to address the City Council about the de-annexation, the

Comprehensive Plan Map, and the Zoning Map amendment; and,

WHEREAS, on July 19, 2022, the Planning Commission held a public hearing and recommended the City Council adopt an ordinance to remove the property from the City limits, and furthermore, to amend the City's Comprehensive Plan Map and Zoning Map; and,

WHEREAS, the Department of Land Conservation and Development (DLCD) received hearing notice thirty-five days in advance of the first hearing; and,

WHEREAS, the Millersburg Planning Commission and City Council find that the project meets all criteria requirements from Section 5.09 and 5.10 of the Millersburg Land Use Development Code and all findings are included here and within the staff report dated July 5, 2022;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: tax lots 10S-03W-33-00200, 10S-03W-29-00300, and 10S-03W-29-00201 are hereby removed from the City limits and the Millersburg Comprehensive Plan Map and Zoning Map are amended as shown in Exhibit A.

This Ordinance shall become effective 30 days after its approval.

PASSED by the Council and approved by the Mayor this 23rd day of August, 2022.

Jim Lepin,
Mayor

ATTEST:

Kimberly Wollenburg,
City Recorder