RESOLUTION NO. 1246

A RESOLUTION APPROVING THE URBAN PLANNING AREA AGREEMENT BETWEEN WASHINGTON COUNTY AND THE CITY OF NORTH PLAINS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS THAT:

Section 1: The Urban Planning Area Agreement between the City of North Plains and Washington County, attached as Exhibit A is hereby approved.

Section 2: The Mayor and the City Recorder be and they hereby are authorized to execute that certain Urban Planning Area Agreement between Washington County and the City of North Plains, a copy of which is marked Exhibit "A", attached hereto and by this reference incorporated herein.

INTRODUCED AND ADOPTED this 18th day of January, 2005.

CITY OF NORTH PLAINS, OREGON

BY: Cheri Olson
Cheri Olson, Mayor

ATTEST:

BY: Debbie Owens
Debbie Owens, City Recorder

Washington County – North Plains Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF NORTH PLAINS, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination will be implemented; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Planning Area within which both the COUNTY and the CITY maintain an interest in comprehensive planning;

2. A process for coordinating comprehensive planning and development in the Urban Planning Area; and

3. A process to amend the Urban Planning Agreement; and

WHEREAS, the CITY'S urban growth boundary (UGB) was expanded and approved by the Oregon State Land Conservation and Development Commission in July 2003; and

WHEREAS, the COUNTY and CITY desire to amend the UPAA to reflect the changes in the CITY boundary and the urban growth boundary and the need for urban planning of the new urban land.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. <u>Location of the Urban Planning Area</u>

The Urban Planning Area mutually defined by the COUNTY and the CITY includes the area designated on Exhibit "A" to this agreement.

II. <u>Coordination of Comprehensive Planning and Development</u>

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approval or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:

a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less that 45 days prior to the final hearing on adoption. The specific method and level of involvement shall be finalized by "Memorandums or Understanding" negotiated and signed by the planning directors of the CITY and the COUNTY. The "Memorandums of Understanding" shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of being notified of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a "Memorandum of Understanding".

b. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.

c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.

d. Comments from the responding agency shall be given consideration as part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits, individual subdivisions, partitions or planned unit developments, variances, and other similar actions requiring a hearings process which is quasi-judicial in nature.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an affect on unincorporated portions of the designated Urban Planning Area.

3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:

a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail a copy of the public hearing notice which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.

c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.

d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.

a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail a copy of all public hearings agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.

c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

D. The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.

1. For land which has COUNTY rural plan designations which have been included inside the urban growth boundary (UGB), or land with the FD-10 District designation, the CITY shall be responsible for comprehensive planning, including necessary work to comply with Statewide planning goals and associated administrative rules and requirements. The CITY and COUNTY will enter into an intergovernmental agreement pursuant to which the CITY will adopt urban plan and zoning designations for the land. The parties will apply the coordination provisions of Paragraph II.A.2. of the UPAA. The urban designations will not become effective and development of the land pursuant to the designations will not occur until the land has been annexed to the CITY. As an interim measure, the COUNTY will adopt the FD-10 plan designation for lands which have been included inside the UGB.

III. Special Policies

A. Definitions

1. Urban Growth Boundary means the area within which urban development will occur as represented in the City of North Plains' Comprehensive Plan. The CITY is responsible for comprehensive planning within the Urban Growth Boundary.

2. Area of Interest means the area adjacent to but outside of the existing Urban Growth Boundary which is not currently identified as needed for urban development by the CITY but is the most logical area for urban expansion should a future need be demonstrated. The COUNTY is responsible for comprehensive planning and development actions within the area of interest until such time as the CITY Urban Growth Boundary is expanded and the area annexed to the CITY.

3. Urban Planning Area means the combined area of the Urban Growth Boundary and the Area of Interest. The CITY and the COUNTY shall notify one another of proposed comprehensive planning and development actions within the Urban Planning Area according to the provisions of this Agreement.

B. Approval of any annexations outside the CITY's Urban Growth Boundary must be preceded by or in conjunction with a comprehensive plan amendment to the

CITY's Urban Growth Boundary. Such amendments shall be subject to the major amendment provisions of the CITY Comprehensive Plan and shall adequately address all applicable LCDC Statewide Planning Goals.

C. Amendments to the CITY Urban Growth Boundary within the identified Area of Interest shall not require an amendment to Exhibit "A" of this Agreement. Amendments to the Urban Growth Boundary outside of the identified Area of Interest shall require an amendment to Exhibit "A" as outlined in Section IV of this Agreement.

IV. Amendments to the Urban Planning Area Agreement

A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:

1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.

2. The formal request shall contain the following:

a. A statement describing the amendment.

b. A statement of findings indicating why the proposed amendment is necessary.

c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.

3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 days of the date the request is received.

4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:

a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section IV (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 30 days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 90 days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.

b. Upon completion of the joint study, the study and the recommendations draw from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties will jointly review this Agreement every two (2) years to evaluate the effectiveness of the processes set forth herein and to make any amendments. The review process shall commence two (2) years from the date of execution and shall be completed within 60 days. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of the 60 day review period inconsistencies still remain, either party may terminate this Agreement.

V. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County – North Plains Urban Planning Area Agreement dated October 27, 1992. The effective date of this Agreement shall be the last date of signature on the signature pages.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF NORTH PLAINS

By Cheri Olson Date 1-11-05
Mayor

Approved as to Form:

By Pamela J. Duey
City Attorney

WASHINGTON COUNTY

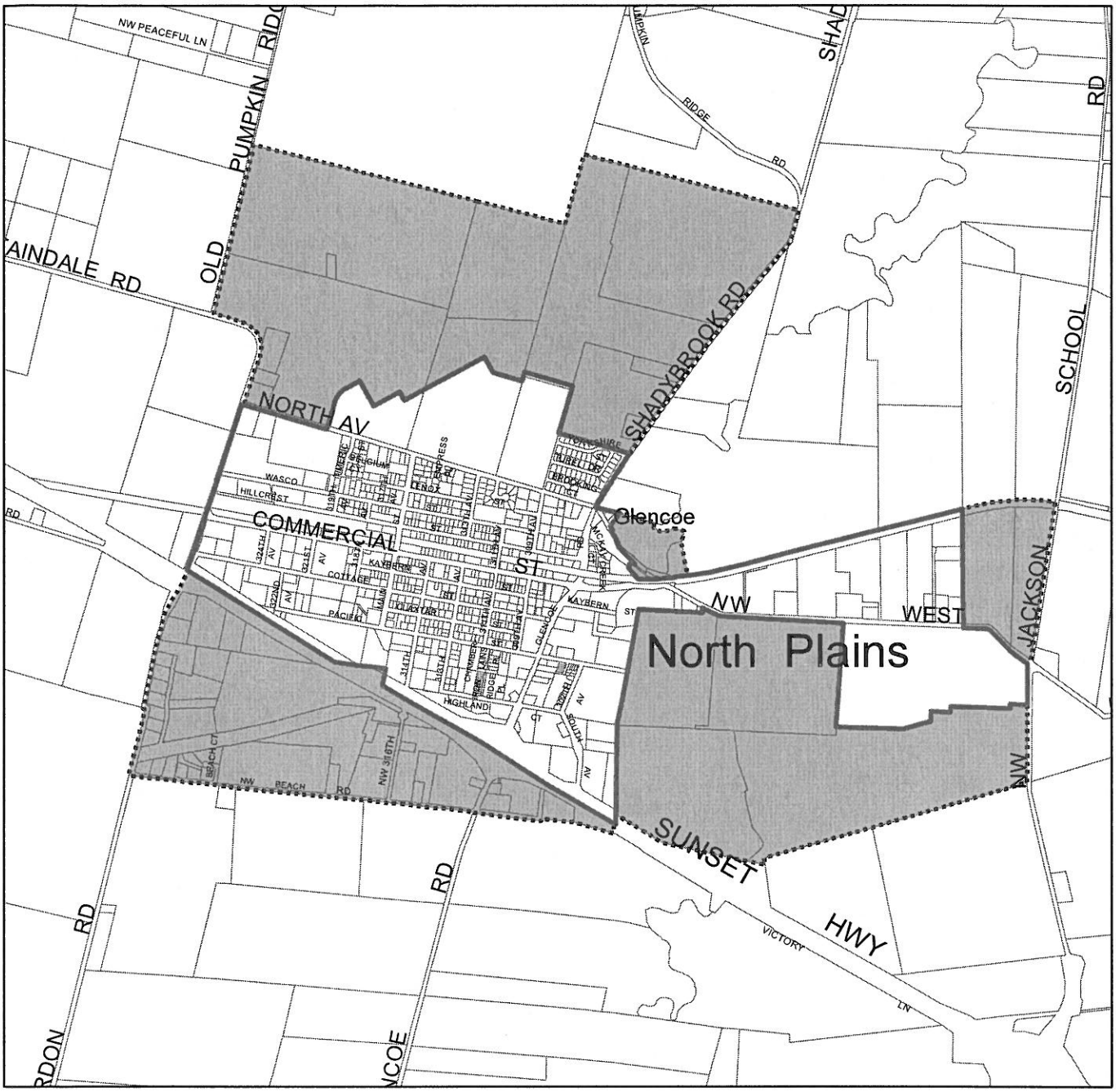
By Tom Brian Date 1-4-05
Chair, Board of County Commissioners

Approved as to Form:

By
County Counsel

By Barbara Heitmanek Date 1-4-05
Recording Secretary

CITY OF NORTH PLAINS URBAN PLANNING AREA
EXHIBIT A



Urban Planning Area Boundary

Urban Growth Boundary

Unincorporated Area of Interest

N

Map amended by Washington County Land Use Ordinance 629, adopted September 21, 2004