

Refer to Ordinance No. 90-1220

CLACKAMAS COUNTY - CITY OF OREGON CITY
URBAN GROWTH MANAGEMENT AGREEMENT

This Agreement, made and entered into this 25 day of October, 1990, by and between the CITY OF OREGON CITY (CITY), a municipal corporation of the State of Oregon, and CLACKAMAS COUNTY (COUNTY), a political subdivision of the State of Oregon.

WHEREAS, ORS 190.003 to 190.030 allows units of local government to enter into agreements for performance of any or all functions and activities which such units 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 (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, OAR 660-11-015 requires the responsibility for the preparation, adoption and amendment of the public facility plan to be specified within an urban growth management agreement; and

WHEREAS, CITY and COUNTY have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban services and facilities; and

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

1. A site-specific Urban Growth Management Boundary (UGMB) within the Regional Urban Growth Boundary (UGB) within which both CITY and COUNTY maintain an interest in comprehensive planning and development; and
2. A process for coordinating land use planning and development within the UGMB; and
3. Policies regarding comprehensive planning and development proposals within the UGMB; and
4. A process for amending the Urban Growth Management Agreement; and

WHEREAS, it is anticipated that presently unincorporated areas within the UGMB will, in the future, be annexed to CITY, and CITY and COUNTY both desire that such annexations not result in any nonconforming uses or structures.

NOW, THEREFORE, CITY AND COUNTY AGREE AS FOLLOWS:

1. Boundary

A. The Urban Growth Management Boundary (UGMB) shall include unincorporated land within the Urban Growth Boundary (UGB) and adjacent to the CITY as shown on map Attachment "A" to this Agreement. Any amendments to the Metro UGB in the area south of the Clackamas River and east of the Willamette River will automatically be reflected in the UGMB. Any such changes shall be coordinated with existing service providers.

2. Comprehensive Planning, Plan Amendments and Public Facilities Planning

A. The development of a comprehensive plan and comprehensive plan changes for the area within the UGMB shall be a coordinated CITY-COUNTY planning effort. CITY shall be responsible for preparing all legislative comprehensive plan amendments in the UGMB. COUNTY shall adopt CITY land use plan designations for all unincorporated lands within the UGMB. All quasi-judicial comprehensive plan amendments for lands zoned FU-10 within the unincorporated UGMB shall be approved by CITY prior to COUNTY adoption.

B. CITY shall be responsible for the preparation, adoption, and amendment of the public facility plan within the UGMB required by OAR Chapter 660, Division 11, Public Facilities Planning. Preparation and amendment of such public facility plan shall provide for coordination with and participation by COUNTY, County service and other special districts within the UGMB.

3. Development Proposals in Unincorporated Area

A. COUNTY's zoning shall apply to all unincorporated lands within the UGMB. COUNTY shall zone all unincorporated lands within the UGMB as Future Urbanizable (FU-10), except as otherwise provided in the Country Village Addendum attached to and made part of this Agreement. Subject to the terms of this Agreement, COUNTY shall retain responsibility and authority for all implementing regulations and land use actions on all unincorporated lands within the UGMB.

B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, COUNTY shall issue no permits or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 zone. Any proposed amendment to the FU-10 zone within the UGMB shall be approved by CITY prior to COUNTY adoption.

C. COUNTY shall not form any new County service districts or support the annexation of land within the unincorporated UGMB to such districts or to other service districts without CITY approval.

4. City and County Notice and Coordination

A. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, within 35 days prior to the first scheduled public hearing on all land use actions, quasi-judicial actions, proposed legislative changes to the COUNTY comprehensive plan or its implementing ordinances affecting land within the UGMB.

B. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, at least 15 days prior to staff decision on applications for administrative actions as provided in the COUNTY's Zoning and Development Ordinance for applications within the UGMB.

C. The COUNTY shall notify and invite CITY staff to participate and comment in pre-application meetings on conditional use proposals or Design Review Committee meetings on development proposals within the unincorporated areas of the UGMB. These meetings shall be scheduled by the COUNTY after consultation with CITY staff. If CITY chooses to attend a pre-application meeting, the meeting shall occur at a mutually agreeable time within 10 working days following notification to CITY. In the event that a mutually agreement time cannot be achieved, or in the event CITY informs COUNTY that it does not wish to attend a pre-application meeting, such meeting shall occur at COUNTY's convenience.

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations, capital improvement plans or extraterritorial service extensions into unincorporated areas.

E. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least

20 days prior to the first public hearing on all land use actions, proposed legislative changes to the CITY comprehensive plan or quasi-judicial actions adjacent to or in close proximity to unincorporated areas.

F. Any amendments proposed by the COUNTY or CITY to the UGMB as shown on Attachment "A" shall be reviewed by CITY and COUNTY prior to submission to METRO. If and when CITY and COUNTY find it necessary to undertake a change of the UGB, the parties shall follow the procedures and requirements set forth in state statutes and Oregon administrative rules.

G. The COUNTY shall enter all written comments of the CITY into the public record and shall consider the same in the exercise of its planning and plan implementation responsibilities. The CITY shall enter all written comments of the COUNTY into the public record and shall consider the same in its exercise of its planning and plan implementation responsibilities.

5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan. In the event the appropriate authority determines a health hazard exists within the unincorporated UGMB, needed services shall be provided to health hazard areas by service districts if determined by the Health Division that annexation to and service by CITY is not feasible.

6. Amendments to the Urban Growth Management Agreement

A. The terms of this Agreement may be amended or supplemented by mutual agreement of the parties. Any amendments or supplements shall be in writing, shall refer specifically to this Agreement, and shall be executed by the parties. The parties shall review this Agreement at each periodic review and make any necessary amendments.

7. Concurrent Adoption

A. The adoption of this Agreement shall occur concurrently with the adoption of the public facility plan referred to in Paragraph 2(B) of this Agreement and the amendments to the FU-10 zone agreed to by the parties.

IN WITNESS WHEREOF, the parties have executed this Urban Growth Management Agreement, including the Country Village Addendum attached hereto, on the date set opposite their signatures.

CITY OF OREGON CITY

By David D. Spear Date 11-7-90
Mayor
Attest: Stan K. Elliott Date 11-7-90

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

By Darlene Hooley Date 10-25-90
Chair
By Ed R. Haggard Date 10-25-90
Commissioner
By Jude Hammett Date 10-25-90
Commissioner

APPROVED AS TO FORM:
Scott H. Haggard
County Counsel

APPROVED:

Winston W. Kurth
Director, Department of
Transportation & Development

CLACKAMAS COUNTY - CITY OF OREGON CITY
URBAN GROWTH MANAGEMENT AGREEMENT
COUNTRY VILLAGE ADDENDUM

This Addendum, known as the Country Village Addendum, shall be and is hereby made a part of the Clackamas County - City of Oregon City Urban Growth Management Agreement. All provisions of that Agreement that are not inconsistent with the terms of this Addendum shall apply with equal force to the property which is the subject of this Addendum.

WHEREAS, CITY and COUNTY have previously entered into urban growth management agreements and amendments to coordinate land use planning for the unincorporated area adjacent to the CITY and inside the Metropolitan Service District's urban growth boundary; and

WHEREAS, in 1987, COUNTY approved a 600-unit mobile home development on the Country Village property, portions of which have been developed; and

WHEREAS, in 1988, CITY initiated annexation of Country Village, which was approved by the Portland Metropolitan Area Local Government Boundary Commission but overturned following remonstrations by the resident electors; and

WHEREAS, in response to the vote against annexation to Oregon City, CITY, in keeping with its responsibilities under CITY's Public Facilities Plan, desires to clarify the provision of public facilities and services to the Country Village property; and

WHEREAS, CITY and COUNTY wish to resolve this issue in a cooperative manner.

NOW, THEREFORE, CITY AND COUNTY AGREE AS FOLLOWS:

1. Comprehensive Planning, Zoning, and Plan and Zoning Amendments.
 - A. The existing COUNTY zoning designations applied to the Country Village property shall continue. Any legislative or quasi-judicial zone change amendments for the Country Village property shall be approved by CITY prior to COUNTY adoption.
2. Development Proposals for the Country Village Property.
 - A. Subject to the terms of the COUNTY-CITY Urban Growth Management Agreement and this Addendum, COUNTY shall retain

responsibility and authority for development permitted within the Country Village property prior to its annexation to CITY.

B. Any major modification (as defined by the Clackamas County Zoning and Development Ordinance) of the development approval granted by COUNTY for provision of up to 600 mobile home units on the Country Village property, shall be approved by CITY prior to COUNTY adoption.

3. Annexation and Extraterritorial Extension of Services.

A. COUNTY and CITY agree that CITY shall be the ultimate provider of public facilities and services to the Country Village property. COUNTY shall not oppose annexation or the extraterritorial extension of services by CITY to the Country Village property.

CITY OF
OREGON CITY
URBAN GROWTH
MANAGEMENT AREA

..... U.G.M.B.

EXHIBIT "A"

