

RESOLUTION NO. 394

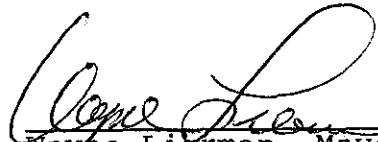
A RESOLUTION AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO SIGN AN URBAN GROWTH BOUNDARY AGREEMENT

WHEREAS, on May 5, 1986 and on June 20, 1988 the Stayton City Council has reviewed and approved an intergovernmental agreement between the City of Stayton and Marion County to govern land use and development in the urban growth area; and

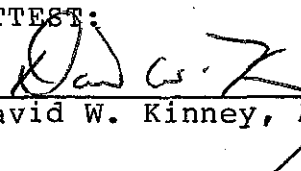
WHEREAS, it is necessary for the City of Stayton to enter into such an Urban Growth Boundary and Policy Agreement to maintain conformance with the provision of Statewide Planning Goal 14;

NOW THEREFORE THE STAYTON CITY COUNCIL HEREBY RESOLVES to enter into the Urban Growth Boundary and Policy Agreement with Marion County attached hereto as Exhibit "A", and authorizes the Mayor and City Administrator to sign said agreement on its behalf.

PASSED BY THE COMMON COUNCIL THIS 20 day of June, 1988.


Wayne Lierman, Mayor

ATTEST:


David W. Kinney, Administrator

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~~URBAN GROWTH BOUNDARY AND POLICY AGREEMENT~~

This Agreement made and entered into this _____ day of _____, _____, by and between the City of _____, a municipal corporation, hereinafter called "City", and Marion County, a political subdivision of the State of Oregon, hereinafter called "County".

WITNESSETH:

WHEREAS, IT APPEARING to the City and County that ORS Chapter 197 and the Land Conservation and Development Commission (LCDC) Goal 14 on Urbanization required that an urban growth boundary be established around each incorporated city in the State of Oregon, and that the "establishment and change of the boundary shall be a cooperative process between a City and the County or counties that surround it"; and

WHEREAS, pursuant to the above noted statutory duty and the said Statewide Goal No. 14, and the authority granted by ORS Chapter 190 concerning intergovernmental agreements, City and County have, pursuant to law, decided upon an urban growth boundary, urbanization policies and revision procedures for the area surrounding the City of _____ and desire to link a continuing planning process to subdivision and land use regulations within such area; and

WHEREAS, the intent of the urban growth program for the City is as follows:

1. Promote the orderly and efficient conversion of land from Rural/Resource uses to urban uses within the urban growth boundary
2. Reduce potential conflicts with resource lands
3. Promote the retention of lands in resource production in the urban growth boundary until provided with urban services and developed

NOW, THEREFORE, the premises being in general as stated above, City and County adopt the hereinafter noted urbanization policies and revision policies which shall serve as the basis for decisions pertaining to development, parcelization and land uses in the area between the city limits of _____ and the urban growth boundary, such area being referred to hereinafter as

the urban growth area. It is the intent of the parties that the ~~boundary and policies as expressed herein shall be consistent~~ with Oregon State Laws, the Marion County Comprehensive Plan and the _____ Comprehensive Plan.

I. URBANIZATION POLICIES

1. The County shall retain responsibility for regulating land use on lands within the urban growth area until such lands are annexed by the City. The urban growth area has been identified by the City as urbanizable and is considered to be available, over time, for urban development.
2. The City and County shall maintain a process providing for an exchange of information and recommendations relating to land use proposals in the urban growth area and other land use activities being considered within the urban growth area by the County shall be forwarded by the County to the City for comments and recommendations. The City shall respond within twenty days, unless the City requests and the County grants an extension.
3. Upon receipt of an annexation request or the initiation of annexation proceedings by the City, the City shall forward information regarding the request (including any proposed zone change) to the County for comments and recommendations. The County shall have twenty days to respond unless they request and the City allows additional time to submit comments before the City makes a decision on the annexation proposal.
4. All land use actions within the urban growth area and outside the City limits shall be consistent with the City's Comprehensive Plan and the County's land use regulations.
5. In order to promote consistency and coordination between the City and County, both the City and County shall review and approve amendments of the City's Comprehensive Plan which apply to the portion of the urban growth area outside the City limits. Such changes shall be considered first by the City and referred to the County prior to final adoption. If the County approves a proposed amendment to the City's Plan, the change shall be adopted by ordinance, and made a part of the County's Plan.

6. Except as provided in 7 below, the area outside the ~~urban growth boundary shall be maintained in rural and~~ resource uses consistent with Statewide Land Use Planning Goals.
7. The City and County shall strive to enhance the livability of the urban growth area and to promote logical and orderly development therein in a cost effective manner. The County shall not allow urban density uses within the urban growth boundary prior to annexation to the City unless agreed to in writing by the City. City sewer and water facilities shall not be extended beyond the city limits, except as may be agreed to in writing by the City and County.
8. Conversion of land within the boundary to urban uses shall be based on a consideration of:
 - A. Orderly, economic provision for public facilities and services;
 - B. Availability of sufficient land for the various uses to insure choices in the market place;
 - C. LCDC Goals;
 - D. Encouragement of in-filling development within developed areas before conversion of urbanizable areas;
 - E. Applicable provisions of the Marion County and City Comprehensive Plans.

II. PERIODIC REVIEW OF, AND AMENDMENTS TO THE URBAN GROWTH BOUNDARY AND LAND USE PLAN.

The urban growth boundary and the land use plan for the urban growth area shall be reviewed by the City and County in accordance with the review schedule established in the mutually adopted City Comprehensive Plan, or as required by the Land Conservation and Development Commission under their periodic review rules. These, and any other amendments to the Plan, urban growth boundary or zoning in the urban growth area shall be reviewed and approved in the manner provided below.

1. Updating of the City Comprehensive Plan.
 - A. The City shall review the Plan to determine if it needs updating. The City will develop proposed amendments and forward them together with all exhibits, findings of fact and conclusions of law

regarding the amendment to the County. The County ~~shall be allowed at least 20 days to review and~~ submit comments prior to any City public hearing. The City shall be responsible for providing necessary notice of amendments to the Department of Land Conservation and Development (DLCD). After holding a public hearing the City shall forward the proposed amendment to the County for hearing. If comments from DLCD or other interested parties are received by the City the City shall provide these comments to the County as soon as possible before the County public hearing. The City may also propose amendments at times other than specified in the Plan or by LCDC.

- B. Thereafter, County shall hold a hearing and render a decision. If the County decides to reject the proposal or wishes to propose modifications, either party may request a joint meeting to resolve differences.
 - C. Upon concurrence by County, both City and County shall formally amend their respective Comprehensive Plans to reflect the agreed upon change.
2. Other Legislative or Quasi-Judicial Amendments to the Plan, or Urban Growth Boundary.
- A. The City shall initiate and forward any proposed boundary amendment to the County along with all exhibits and findings and a written request for County to consider the boundary change and adopt it. The City shall be responsible for providing notice of amendments to the Department of Land Conservation and Development (DLCD). The County shall be allowed at least 20 days to review and submit comments prior to any City public hearing. After holding a public hearing the City shall forward the proposed plan or boundary change to the County for a hearing. If comments from DLCD or other interested parties are received by the City the City shall provide these comments to the County as soon as possible before the County public hearing.
 - B. When mutual agreement is reached as to the proposed amendment, City and County shall formally amend their respective Comprehensive Plans, by ordinance, to reflect the agreed upon change.

~~3. Amendments to Comprehensive Plan or Zoning Within Urban Growth Area, or Amendments to the Urban Growth Boundary initiated with, or by, the County.~~

- A. County shall forward proposed amendment and all exhibits and findings to City along with a written request for City to consider the amendment and offer comments thereon. The City shall have at least 20 days to review and comment unless the City requests and the County agrees to an extension.
 - B. After each jurisdiction has held a hearing and upon concurrence by the City, both City and County shall formally amend their respective Comprehensive Plans to reflect the agreed upon change. Amendments to the County Zoning Ordinance are not adopted by the City but City concurrence is required.
4. In amending the urban growth boundary, the city limits or their respective land use plans, the City and County shall follow all procedures as required by Oregon State Law. In the case of a change in a boundary, the governing body proposing such change in the boundary, separating urbanizable land from rural land, shall base the revision on consideration of the 7 factors in LCDC's Urbanization Goal and shall support the proposal with findings to take an exception to either the Agricultural Lands or Forest Lands Goal if necessary.

III. ADMINISTRATION OF ZONING AND SUBDIVISION REGULATIONS

In taking Land Use Action outside the City limits and inside the Urban Growth Boundary the City and County agree to the following:

- 1. Applications for conditional uses, variances, adjustments, partitionings, lot line adjustments and subdivision, shall be referred to the City for review and comment. The City shall have at least 20 days to review and comment. The deadline for comments shall be clearly identified in the written request for comments. If comments are submitted after the deadline they will not be considered unless the City requests reconsideration or a hearing in writing during the appeal period. The City will be provided notice of decisions for all such applications in the urban growth boundary. The procedure for reconsideration or hearing shall be as provided in the Marion County Zoning Ordinance and the City shall be provide notice.

2. Applications for uses permitted outright in the ~~applicable county zone including permitted uses~~ requiring administrative review, are administrative actions and the City is not entitled to notice of the decision or opportunity to comment.
3. For development approved under (1) and (2), the County will apply adopted development standards including dedication of additional right-of-way or application of special street setbacks. The County will require compliance with City development standards, in lieu of County standards if the development is other than a single family dwelling and the County has adopted the City standards. In such cases the County may waive the City standards, only if waived by the City in writing.
4. For development approved under (1), or (2), if public sewer and water services or City limits are located within 300 feet of the subject property the County will require that the development connect to the services unless use of wells and septic systems or other means are allowed in writing by the City. The City shall provide notice of areas where public sewer and water services are located outside the city limits. Development of permitted uses on properties more than 300 feet from the city limits, or from an identified public sewer or water system, will be allowed using wells and DEQ approved waste water disposal systems.
5. If a proposed use is not specifically identified in the zoning ordinance and the County is proposing an interpretation classifying the use as permitted in the applicable zone, the City shall be given an opportunity to comment prior to the County finalizing the interpretation.

IV. APPEALS

In the event that no mutual agreement can be achieved in the course of reviewing amendments or land use applications as noted in Section II and III, each party retains its right to appeal as provided in State Law.

IT IS HEREBY UNDERSTOOD AND AGREED that this agreement shall remain in effect unless terminated by one of the parties by giving the other party a thirty (30) day termination notice, in

writing. It is further understood that this agreement may be
~~reviewed by the City and County every year.~~

The City shall pass a resolution authorizing the Mayor and City Recorder to enter into this agreement on behalf of the City/ The resolution shall be made a part of this agreement and attached hereto;

IN WITNESS THEREOF, the respective parties hereto have caused this Agreement to be signed in their behalf the day and year first above written.

MARION COUNTY BOARD OF COMMISSIONERS

Chairman

Commissioner

Commissioner

APPROVED AS TO FORM:

Marion County Legal Counsel

CITY OF

Mayor

Recorder