

RESOLUTION NO. 611

AUTHORIZATION FOR THE MAYOR AND PRESIDENT OF THE COUNCIL TO SIGN AN URBAN GROWTH BOUNDARY AND POLICY AGREEMENT WITH MARION COUNTY. Amending Resolution Number 592.

WHEREAS, Marion County and the City of Aurora mutually agreed upon and adopted an Urban Growth Boundary as described in Resolution 75.

WHEREAS, the Urban Growth Boundary and Policy Agreement with Marion County was not agreed upon with Marion County as to form in October 2009.

WHEREAS, the City of Aurora drafted a new Resolution authorizing the Mayor and President of the Council to sign the updated Urban Growth Boundary and Policy Agreement with Marion County.

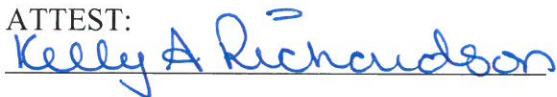
NOW THEREFORE BE IT RESOLVED:

The Mayor and the President of the Council are authorized to sign the new updated Urban Growth Boundary and Policy Agreement with Marion County, on behalf of the City of Aurora.

ADOPTED BY THE AURORA CITY COUNCIL, City of Aurora, Marion County, State of Oregon, on August 10, 2010.



Jim Meirow, Mayor

ATTEST:


Kelly Richardson, City Recorder

**CITY OF AURORA/MARION COUNTY
URBAN GROWTH BOUNDARY COORDINATION AGREEMENT**

This Agreement made and entered into this 10 day of September, _____, by and between the City of Aurora, 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) Statewide Planning Goal 14 (Urbanization) requires that an urban growth boundary (UGB) 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 Goal 14, and the authority granted by ORS Chapter 190 concerning intergovernmental agreements, City and County have adopted an urban growth boundary, coordination policies and procedures for amending the UGB and for revising the City and County comprehensive plans within the UGB and outside the City limits, and a coordination process for county land division and land use decisions within the urban growth area (UGA) surrounding the City of Aurora; 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 UGA.
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.
4. Coordinate growth in accordance with the Aurora Comprehensive Plan and the Marion County Comprehensive Plan.

NOW, THEREFORE, the City and County adopt the following coordination and revision procedures and policies that, along with the policies of the Aurora Comprehensive Plan, shall serve as the basis for land use decisions within the UGA (i.e., the area between the city limits of Aurora and the urban growth boundary (UGB)). It is the intent of the parties that the boundary and coordination policies and procedures

expressed in this agreement shall be consistent with Oregon State Laws, the Marion County Comprehensive Plan and the Aurora Comprehensive Plan.

I. COORDINATION POLICIES AND PROCEDURES

1. The County shall retain responsibility for regulating land use on lands within the UGA until such lands are annexed by the City. The City and County identify the UGA as urbanizable and 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 UGA. The County shall forward land use activities being considered within the UGA by the County to the City for comments and recommendations. The City shall respond within twenty (20) 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 (20) 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 UGA shall be consistent with the Aurora 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 Aurora Comprehensive Plan that apply to the UGA.
6. The area outside the UGB shall be maintained in rural and resource uses consistent with Statewide Planning Goals.
7. The City and County shall promote logical and orderly development within the UGA in a cost effective manner. The County shall not allow uses requiring a public facility provided by the City within the UGA prior to annexation to the City unless agreed to in writing by the City.
8. City sewer and water facilities shall not be extended beyond the UGB, except as may be agreed to in writing by the City and County, consistent with Oregon Administrative Rules, the Aurora Comprehensive Plan and the Marion County Comprehensive Plan.

9. Conversion of land within the UGA to urban uses shall occur upon annexation and be based on a consideration of applicable annexation policies in the Aurora Comprehensive Plan.
10. The City shall discourage the extension of public facilities into the UGA without annexation. However, if the extension of public facilities into the UGA is necessary because of an emergency, health hazard or the City determines it is otherwise desirable, the facilities may be extended subject to terms and conditions contained in a service contract between the City and the property owner.
11. Pursuant to OAR 660-011-0045, the City is the designated provider of public water, sanitary sewer and stormwater facilities within the UGB and is responsible for preparing the public facilities plan within the UGB. This designation does not obligate the City to provide services to any properties that are not annexed.

II. AMENDMENTS TO THE URBAN GROWTH BOUNDARY (UGB) AND THE URBAN GROWTH AREA (UGA)

The UGB and plan designations applicable to land within the UGA shall be reviewed by the City and County as required by the Land Conservation and Development Commission (LCDC) under their periodic review rules or as the City updates its comprehensive plan where County concurrence is necessary. These, and any other amendments to the Plan, UGB or zoning in the UGA shall be reviewed and approved in the manner provided below.

1. City initiated Comprehensive Plan amendments for lands in the UGA and proposed UGB amendments.
 - A. Upon receipt of notice of periodic review, the City shall review its Comprehensive Plan to determine if it needs updating. The City may also propose comprehensive plan amendments, including UGB amendments, at times other than specified by the Land Conservation and Development Commission (LCDC) Periodic Review Order.

The City shall develop proposed amendments and forward them together with all exhibits, findings of fact, and conclusions of law regarding the amendments to the County for review and comments at least 20 days before the City's initial evidentiary public hearing. The City shall be responsible for providing necessary notice of amendments to the Department of Land Conservation and Development (DLCD).

The City shall hold one or more Planning Commission and one or more City Council hearings. Upon conclusion of its deliberations, if the City Council concludes it will approve the proposed amendment(s), it shall conduct the first reading of an ordinance to adopt the proposed amendments with findings of fact and conclusions of law supporting the Council's decision.

- B. After conducting the first reading of the ordinance, the City shall forward the proposed amendments to the County for a hearing along with any comments from DLCD or other interested parties received by the City. Within 90 days after the date the City provides its ordinance along with all supporting studies, exhibits, comments and findings of fact and conclusions of law to the County, the County shall hold a public hearing on the City's proposal. 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 the County, the County shall adopt the amendments by ordinance. After the County adopts its ordinance, the City shall adopt its final ordinance.
2. County initiated Comprehensive Plan Amendments within the UGA or Amendments to the UGB.
- A. Upon receipt of notice of periodic review, the County shall review its Comprehensive Plan to determine if it needs updating. The County may also propose amendments at times other than specified in the Plan or by the Land Conservation and Development Commission (LCDC) Periodic Review Order.

The County shall develop proposed amendments and forward them together with all exhibits, findings of fact and conclusions of law regarding the amendments to the City for review and comments at least 20 days before the County's initial evidentiary public hearing. Within 90 days after the County provides the proposed amendments to the City, the City shall schedule at least one public hearing by the City Planning Commission. The County shall be responsible for providing necessary notice of amendments to the Department of Land Conservation and Development (DLCD).

- B. The City Planning Commission may hold one or more public hearings. After the Planning Commission has concluded its hearing(s), it shall make a recommendation to the City Council. The City Council and the County Board of Commissioners may each hold a public hearing or may jointly conduct one or more

public hearings. The two governing bodies may deliberate together on the proposed amendment(s). At a minimum, the County Board of Commissioners shall hold one or more public hearings. At the conclusion of those deliberations, if the conclusion is to approve the proposed amendment(s), the City Council and the Board of Commissioners shall each adopt an ordinance to amend their respective comprehensive plans accompanied by agreed upon findings of fact and conclusions of law.

3. County Zoning Amendments in UGA. Whenever the County proposes an amendment to its zoning map or regulations for lands within the UGA, the County shall provide notice and request for comments on the proposed amendment to the City at least 20 days before the County's initial evidentiary public hearing.
4. In amending the UGB, the city limits or their respective comprehensive plans, the City and County shall follow all procedures as required by Oregon State Law. In the case of an amendment to the UGB, the governing bodies shall base the amendment on consideration of Goal 14 (Urbanization), applicable planning statutes and Administrative Rules.

III. ADMINISTRATION OF ZONING AND SUBDIVISION REGULATIONS

In making land use decisions within the UGA, the City and County agree to the following:

1. The County shall provide notice and request for comments on conditional uses, variances, adjustments, land divisions, property line adjustments and administrative reviews within the UGA to the City at least 20 days before the County's initial evidentiary hearing or land use decision when no hearing is held. The County shall provide the City a notice of decision for all such applications in the UGA when requested by the City.
2. Applications for uses permitted outright in the applicable county zone including ministerial actions will not involve any notice or request for comments to the City.
3. The County shall, to the extent feasible, require City development standards for development within the UGA, including dedication of additional right-of-way or application of special street setbacks when requested by the City. The County shall, to the extent feasible, require compliance with City development standards, in lieu of County standards if the development is other than a single-family dwelling.

4. For development approved under (1) or (2), if public sewer and water facilities or city limits are located within 300 feet of the subject property, the County shall require that the development connect to the facilities unless use of wells or other means are allowed in writing by the City. The City will require any property connecting to City sanitary sewer or water facilities to annex to the City. The City shall provide the County information about the location of public sewer and water. The County may approve development of permitted uses on properties more than 300 feet from the city limits, or from a public sewer or water facility using wells and DEQ approved wastewater disposal systems.
5. If a proposed use is not specifically identified in the Marion County Urban Zoning Ordinance (MCUZO), and the County is proposing an interpretation classifying the use as permitted in the applicable zone under the interpretation provisions of the MCUZO, the County shall give the City an opportunity to comment before the County makes a final land use decision.

IV. MARION COUNTY URBAN GROWTH MANAGEMENT FRAMEWORK

The Coordination Agreement between a city and the County is required to be consistent with the Urban Growth Management Framework of the Marion County Comprehensive Plan. The Framework provides guidelines a city may choose to follow when coordinating urban growth boundary needs with the County. The decision on how to use any applicable coordination guidelines of the Framework is up to a city and there can be several approaches taken by cities to coordinate planning efforts with the County consistent with the Framework.

To facilitate coordination between the City and County, the Aurora Comprehensive Plan has been amended to incorporate applicable policies and guidelines found in the Marion County Urban Growth Management Plan. The City shall consider applicable Aurora Comprehensive Plan policies and guidelines when making land use decisions within the UGA.

V. AREA OF MUTUAL CONCERN (AMC)

The area of land identified in Exhibit "A", attached to this agreement, lies outside the Aurora UGB and shall be known as the Area of Mutual Concern (AMC). Land use decisions within this area may have a significant impact on future growth plans of the City of Aurora. The County recognizes this interest and agrees to coordinate with the City as follows:

1. The County shall retain responsibility for land use decisions and actions concerning and affecting lands within the AMC.

2. The County shall provide notice and request for comments of pending land use actions within the AMC to the City at least 20 days before the initial evidentiary hearing or land use decision when no public hearing is held. Where the first scheduled action on a proposal is a public hearing and the City responds in writing within 10 days requesting additional time in which to review the proposal, the City's time for submitting comments may be extended until the next regularly scheduled hearing before that body. If no additional hearing is involved, the City shall be allowed an additional 10 days to submit comments.
3. The County shall discourage development and zone changes that would preclude future redevelopment and urbanization of the area. The County shall encourage applicants for land divisions to submit plans for the efficient future re-division of the land to urban densities.
4. The County shall send notice of land use decisions within the AMC to the City when requested by the City, when such decisions are issued. Applicable appeal periods set by County ordinance or State statute shall apply to such decisions.
5. The County shall send notice of public hearings to the City within the times prescribed by County ordinance or State law prior to hearings on appeals of such decisions, when requested by the City.
6. The City may at its discretion develop studies as to the suitability, feasibility, and effectiveness of extending urban facilities such as water and sewer service to land within the AMC. Such studies shall not be construed by Marion County or others as being a violation of the City's or County's Comprehensive Plans. The City will not, however, extend such facilities into this area without first obtaining appropriate amendments to the City and County's Comprehensive Plans. This provision is intended to recognize that certain facility planning requires consideration of timetables that extend beyond the 20-year planning period recognized in the City Plan and it is therefore appropriate for specialized facility planning to be undertaken for the area.

VI. APPEALS

If no mutual agreement can be achieved in the course of reviewing amendments or land use applications as noted in Sections II, III and V, 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 through the formal action of its governing body by giving the other party a thirty day (30) 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

Chair

Commissioner

Commissioner

APPROVED AS TO FORM:

Marion County Legal Counsel

CITY OF

Aurora

Mayor

Kelley Richardson
City Recorder

S e n d i n g C o n f i r m

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