

**RESOLUTION NO. 522**

**A RESOLUTION ADOPTING AN URBAN GROWTH  
MANAGEMENT AGREEMENT BETWEEN THE  
CITY OF CANBY AND CLACKAMAS COUNTY, AND  
PROVIDING EFFECTIVE DATES.**

**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**, the City of Canby and Clackamas County have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban services and facilities; and

**WHEREAS**, the County staff has recommended modifications to the original draft Urban Growth Management Agreement, which City staff has incorporated into the final agreement, and City staff hereby recommends City Council approval of such agreement; and

**WHEREAS**, the 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) with the Urban Growth Boundary (UGB) within which both the 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

**CLACKAMAS COUNTY - CITY OF CANBY**  
**URBAN GROWTH MANAGEMENT AGREEMENT**

Whereas, the City of Canby and Clackamas County have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban public facilities; and

Whereas, the City and the County will make a good faith effort to reconcile any differences that may emerge from the above mutual interest; and

Whereas, information exchanges should concentrate on issues that may have a significant impact on either party and should not entail cumbersome procedural requirements that may increase the time necessary to expedite decision-making; and

Whereas, OAR 660-03-010 requires management of unincorporated areas within an urban growth boundary to be set forth in a statement submitted to the Land Conservation and Development Commission (LCDC) at the time of acknowledgment request; and

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

Whereas, Statewide Planning Goal 2 requires coordination between City and County in comprehensive planning,

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

1. **Boundary**
  - A. The Urban Growth Boundary 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.
2. **Comprehensive Planning, Plan Amendments and Public Facilities Planning for Lands in Unincorporated UGMB**
  - A. The development of a Comprehensive Plan and Comprehensive Plan changes for the unincorporated areas within the UGMB shall be a coordinated City-County planning effort. The City shall be responsible for preparing all legislative Comprehensive Plan amendments in the UGMB. The County shall adopt the City land use plan designations for all unincorporated lands within the UGMB.

All quasi-judicial comprehensive plan amendments for lands within the unincorporated UGMB shall be approved by the City prior to County adoption.

- B. City shall be responsible for the preparation, adoption, and amendment of the public facilities plan within the UGMB required by OAR Chapter 660, Division II, Public Facilities Planning. Preparation and amendment of such public facilities plan shall provide for coordination with and participation by the County, County Service and any other special districts within the UGMB which may exist.
- C. The City will be exploring whether there is a need for an Urban Reserve Area adjacent to the Canby UGMB and need for public facility planning for such area. This effort will be coordinated with the County.

3. **Development Proposals for Unincorporated UGMB Areas**

- A. The County's zoning shall apply to all unincorporated lands within the UGMB. The County shall zone all unincorporated lands within the UGMB to Future Urbanizable (FU-10), Agriculture or Forest. The current zoning categories include EFU-20, RRFF-5, and GAD, which may require some modification in the future to an appropriate category such as FU-10. With provisions for City input, the County shall retain responsibility and authority for all implementing regulations and land use actions for all unincorporated lands within the UGMB unless the City and County execute a separate agreement for specific areas 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, the County shall issue no permit or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 Zone.
- C. The 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. County Notice to and Coordination with the City**

- A. The County shall provide notification to the City at least thirty-five (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 at least fifteen (15) days prior to staff decision on applications for administrative actions as provided for in the County's Zoning and Development Ordinance for applications within the UGMB.
- C. The County shall notify and invite City staff to participate in pre-application meetings on significant development proposals or Design Review Committee meetings on development proposals within unincorporated areas of the UGMB.

These meetings shall be set by the County after consultation with City staff on a mutually agreeable meeting time. All meetings shall occur within thirty (30) days from the date the city is contacted unless agreed otherwise.

- D. Any amendments proposed by the County to the UGB, as shown on Attachment "A", will be jointly reviewed by the City and the County prior to submission to the State (DLCD).
- E. 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.

**5. City Notice to and Coordination with the County**

- A. The City shall provide notification to the County at least twenty (20) days prior to the first public hearing on all proposed annexations, capital improvement plans or extraterritorial service extension into unincorporated areas.
- B. The City shall provide notification to the County at least twenty (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.

- C. Any amendments proposed by the City to the UGB, as shown on Attachment "A", will be jointly reviewed by the City and the County prior to submission to the State (DLCD).

**6. City Annexations and Sewer, Water and Road Service**

- A. The 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. The County shall not oppose such annexations.

- B. For newly annexed areas, upon annexation, the City shall assume jurisdiction of County roads and local access roads except arterials that are within or abutting the area annexed.

As a condition of jurisdiction transfer for County roads and local access roads not built to City street standards on the date of the final decision on the annexation, the County agrees to pay to the City a sum of money equal to the cost of a two (2") inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than twenty (20') feet, the sum shall be calculated for an overlay twenty (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 the City and County. In the case of a large area, annexation or multiple annexations, within a one (1) year period, the County may spread payment to the City over several years not to exceed five (5) years. 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. The above described provisions are not intended to prevent alternative arrangements where mutually agreed to by the City and County.

- C. If the City adopts a Transportation System Development Charge (SDC) and if the SDC is to be used by the City in conjunction with annexation, or where annexation occurs through delayed annexation, the parties will renegotiate this agreement particularly regarding County payment to the City for roads specified in 5B above.
- D. 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, the County shall issue no permit or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 Zone.

- E. The City shall not extend sewers or water to any unincorporated areas within the UGMB without annexation to the City, or unless mutually agreed to otherwise by the City and County.
- F. City and County planning officials shall attempt to informally resolve any disputes regarding either party's performance or decisions under this agreement, or regarding the terms, conditions or meaning of this agreement. Disputes which are not resolved through this informal process shall be resolved by participation in the dispute resolution process administered by the Department of Land Conservation and Development (DLCD). Either party may request participation in the dispute resolution process upon ten (10) days prior written notice. DLCD shall conduct the dispute resolution process in accordance with its established process or the future provisions of any such process. Any and all cost of dispute resolution shall be assessed equally to both parties.

7. **Terms of Agreement**

It is hereby understood that this agreement may be amended in writing by the concurrence of both the City and County. Either party may terminate this agreement at any time after one-hundred twenty (120) days written notice to the other party.

IN WITNESS WHEREFORE, the respective parties have caused to be signed in their behalf to make and enter into this agreement this 4th day of November, 1992.

**CITY OF CANBY**

By Shawn Powell

**CLACKAMAS COUNTY  
BOARD OF COMMISSIONERS**

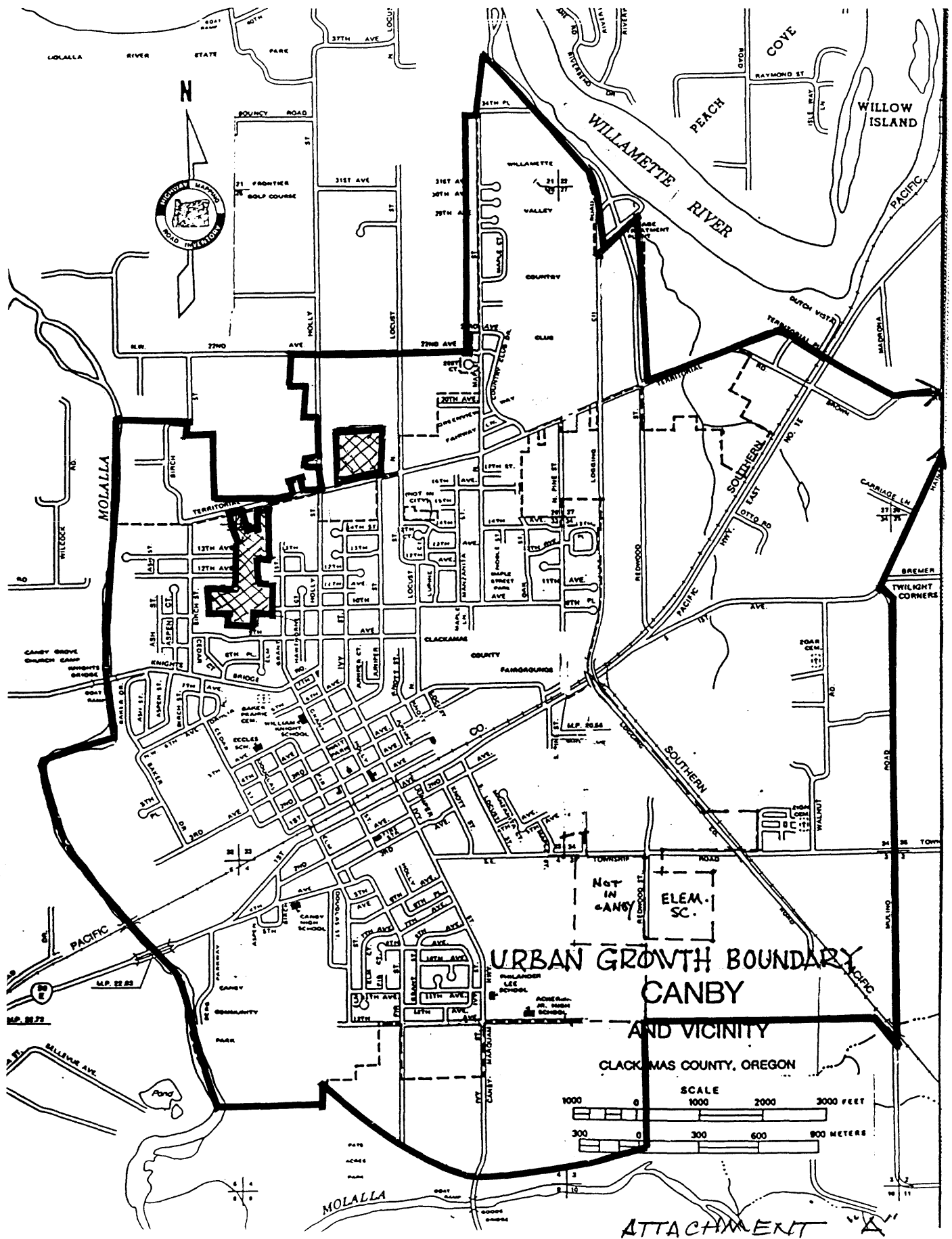
By \_\_\_\_\_

ATTEST:

By Marilyn Roberts

By \_\_\_\_\_

By \_\_\_\_\_



**CLACKAMAS COUNTY - CITY OF CANBY**  
**URBAN GROWTH MANAGEMENT AGREEMENT**

Whereas, the City of Canby and Clackamas County have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban public facilities; and

Whereas, the City and the County will make a good faith effort to reconcile any differences that may emerge from the above mutual interest; and

Whereas, information exchanges should concentrate on issues that may have a significant impact on either party and should not entail cumbersome procedural requirements that may increase the time necessary to expedite decision-making; and

Whereas, OAR 660-03-010 requires management of unincorporated areas within an urban growth boundary to be set forth in a statement submitted to the Land Conservation and Development Commission (LCDC) at the time of acknowledgment request; and

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

Whereas, Statewide Planning Goal 2 requires coordination between City and County in comprehensive planning,

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- F. City and County planning officials shall attempt to informally resolve any disputes regarding either party's performance or decisions under this agreement, or regarding the terms, conditions or meaning of this agreement. Disputes which are not resolved through this informal process shall be resolved by participation in the dispute resolution process administered by the Department of Land Conservation and Development (DLCD). Either party may request participation in the dispute resolution process upon ten (10) days prior written notice. DLCD shall conduct the dispute resolution process in accordance with its established process or the future provisions of any such process. Any and all cost of dispute resolution shall be assessed equally to both parties.

7. **Terms of Agreement**

It is hereby understood that this agreement may be amended in writing by the concurrence of both the City and County. Either party may terminate this agreement at any time after one-hundred twenty (120) days written notice to the other party.

IN WITNESS WHEREFORE, the respective parties have caused to be signed in their behalf to make and enter into this agreement this 4<sup>th</sup> day of December, 1992.

**CITY OF CANBY**

By Shawn P. Small

ATTEST:

By Marilyn K. Buckert

**CLACKAMAS COUNTY  
BOARD OF COMMISSIONERS**

By Judith K. Korman

By Debra J. Foley

By Robert J. Korman

**RESOLUTION NO. 522**

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WHEREAS, the 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) with the Urban Growth Boundary (UGB) within which both the 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**, 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**, Statewide Planning Goal #11, Public Facilities and Services, requires that each city in the State of Oregon assess its long-term needs for public facilities; and

**WHEREAS**, the City of Canby and Clackamas County propose that the City be responsible for the preparation, adoption and amendment of the public facility plan within the City's urban growth management boundary; and

**WHEREAS**, the City will coordinate the preparation of its Public Facilities Plan with Clackamas County; and


**CANBY CITY COUNCIL RESOLVES AS FOLLOWS:**

That the Clackamas County-Canby City Urban Growth Management Agreement, which is attached to this Ordinance as Exhibit 1, is hereby approved and adopted; provided, however, that such adoption shall not be effective until after Clackamas County has adopted the same Agreement, and the Mayor is authorized to sign such agreement.

**ADOPTED BY THE CANBY CITY COUNCIL** at a regular meeting thereof on November 4, 1992.

  
Shawn Carroll, Mayor

ATTEST:

  
Marilyn K. Perkett  
City Recorder

