



RESOLUTION 2007-005

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) AMONG WASHINGTON COUNTY JURISDICTIONS THAT ESTABLISHES A UNIFIED POLICY ON EXTENSION OF PUBLIC FACILITIES OUTSIDE THE URBAN GROWTH BOUNDARY

WHEREAS, the City has an existing policy in Chapter 3 of the Comprehensive Plan (Part 2) that only allows extensions of water and sewer outside the urban growth boundary under strict conditions; and

WHEREAS, Metro does not allow extension of public facilities outside the UGB; and

WHEREAS, the passage of Measure 37 in 2004 has allowed property owners to develop certain types of uses to occur outside the UGB based on valid claims, but those claims do not include connections to City water and sewer; and

WHEREAS, Washington County Mayors were briefed on the matter on October 12, 2006; and

WHEREAS, the Washington County Planning Directors developed a Memorandum of Understanding (MOU) to memorialize the policy discussions and unify the affected cities around a policy for public facility extensions.


NOW, THEREFORE, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The attached Exhibit A is hereby approved:

Section 2: The Mayor is hereby authorized to sign the MOU in the attached Exhibit.

Section 3. This Resolution shall take effect upon its passage by the Council and execution by the Mayor.

Duly passed by the City Council this 6th day of February 2007.


Keith S. Mays, Mayor

ATTEST:


Sylvia Murphy, City Recorder

MEMORANDUM OF UNDERSTANDING

September 9, 2006

EXTENSIONS OF PUBLIC WATER AND SEWER SERVICES TO MEASURE 37-RELATED URBAN DEVELOPMENTS IN RURAL WASHINGTON COUNTY

This Memorandum of Understanding (MOU) is entered into between Metro, Washington County, cities and service districts as evidenced by the signatures provided below.

Recitals.

1. Measure 37 has potentially increased the demand for the extension of public water and sewer services to rural land in Washington County.
2. The existing regulations governing the extension of public water and sewer service do not consider the impact of Measure 37 on development of rural land.
3. Metro, Washington County, cities and special districts are concerned that without adequate planning, the increase in demand for the extension of public water and sewer services to rural lands outside of an Urban Growth Boundary (UGB) may have adverse impacts on the level of service being provided to their urban customers and on the orderly and efficient transition from rural to urban land uses.
4. This MOU does not apply to the construction of public water or sewer facilities across lands located outside of UGB's in order to provide water or sewer services to urban areas located inside UGB's.
5. The affected jurisdictions wish to provide a coordinated framework for implementing existing law and developing new policy to address these concerns.

Terms.

The parties to this MOU understand as follows:

1. In Washington County there are a variety of regulations governing the extension of public sewer and water service provided under state, regional and local law including but not limited to the following:
 - A. Under the Metro Code, extraterritorial extensions of public sewer and water from inside the Metro UGB to serve lands outside of the Metro UGB are prohibited.
 - B. Outside of the Metro area state law prohibits, with limited exceptions, extensions of public sewer from inside a UGB to serve lands outside a UGB.
 - C. State law also prohibits, with limited exceptions, extensions of public sewer outside of a UGB to serve lands outside of a UGB.

- D. The Washington County Comprehensive Plan prohibits, with limited exceptions, extensions of public sewer or water to serve resource lands.
2. Existing regulations restricting public sewer and water service extensions that apply to the service provider rather than restricting the private use of real property are not subject to compensation or waiver under Measure 37.
 3. Service providers and the jurisdictions responsible for approving a request for an extension of service are required to comply with these existing regulations that cannot be waived under Measure 37.

Agreement:

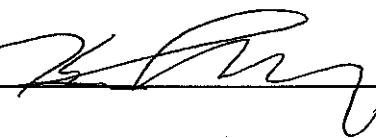
Therefore, due to the potential impact of extending public sewer and water service to new development on rural land, the parties to this MOU agree to:

1. Assure ongoing compliance with existing law by prohibiting:
 - (a) extraterritorial extensions of public sewer or water service outside of the Metro UGB consistent with the Metro Code;
 - (b) extensions of public sewer outside of a UGB not in the Metro area except as otherwise provided under the Oregon Administrative Rules;
 - (c) extensions of public water service to serve new development located on resource land with limited exceptions, as otherwise provided in the Washington County Comprehensive Plan;
 - (d) connections to existing public sewer or water service lines located outside of a UGB designed to serve new development located on resource land except as otherwise provided in the Washington County Comprehensive Plan;
2. Permit reasonable exceptions as allowed by state or other laws including, but not limited to, extensions intended to resolve a public health hazard.
3. Coordinate the planning of future urban services by utilizing the results of Metro's 'Shape of the Region' element of the "New Look at Regional Choices", which will help determine the appropriate location(s) for future urban development.

Parties to this Agreement.

This MOU is executed by authorized representatives of the parties to this MOU as evidenced by their representative's signatures on the attached signature pages.

City of Sherwood:

By:  _____

Date: Feb. 06, 2007