



RESOLUTION 2008-045

A RESOLUTION AUTHORIZING ENTERING INTO AN URBAN GROWTH MANAGEMENT AREA AGREEMENT BETWEEN THE CITY OF SHERWOOD AND CLACKAMAS COUNTY

WHEREAS, Clackamas County and the City of Sherwood have not historically had an Urban Growth Management Area Agreement outlining procedures to be used to coordinate the comprehensive planning activities of the COUNTY and the City because there was never any portion of Clackamas County within the Urban Growth Boundary within the vicinity of the City of Sherwood; and

WHEREAS, a portion of Clackamas County was brought into the Urban Growth Boundary through Metro Ordinance 02-969B; and

WHEREAS, the City of Sherwood has considered that area in the development of the Brookman Addition Concept plan and believes Sherwood to be the most logical provider of urban services to this area; and

WHEREAS, ORS 190.010 provides that units of local governments may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers and agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 requires that the plans and actions of city, county, state, and federal agencies and special districts shall be consistent with the comprehensive plans of cities and counties as adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgement 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 COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Growth Management Area within the Regional Urban Growth Boundary within which both the COUNTY and the CITY maintain an interest in comprehensive planning;

2. A process for coordinating comprehensive planning and development in the Urban Growth Management Area;
3. Policies regarding comprehensive planning and development in the Urban Growth Management Area; and
4. A process to amend the Urban Growth Management Area; and

WHEREAS, the CITY and Washington County have had a substantially similar agreement for many years.

NOW, THEREFORE THE CITY OF SHERWOOD RESOLVES AS FOLLOWS;

Section 1. The Sherwood City Council supports the Urban Growth Management Area agreement and map attached as "Exhibit A".

Section 2. The City Council authorizes the City Manager to sign the agreement.

Section 3. Upon approval and signature of this agreement, an original copy shall be forwarded to the Clackamas County Board of Commissioners for review, approval, and signature.

Section 4. This Resolution shall become effective upon passage and adoption.

Duly passed by the City Council on the 15th day of July 2008.



Keith S. Mays, Mayor

ATTEST:



Sylvia Murphy, City Recorder

CLACKAMAS COUNTY – CITY OF SHERWOOD
URBAN GROWTH MANAGEMENT AGREEMENT
(Draft: May 19, 2008)

WHEREAS, the City of Sherwood (CITY) and Clackamas County (COUNTY) have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban facilities; and

WHEREAS, the CITY and the COUNTY will make good a faith to reconcile any difference that may emerge from the above mutual interests; 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 acknowledgement 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 the CITY and COUNTY in comprehensive planning.

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

1. The Urban Growth Management Boundary (UGMB)
 - 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.

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 CITY comprehensive plan amendments for the unincorporated areas within the UGMB. All 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 and other special districts located near or within the UGMB.
 - C. As required by OAR 660-11-0010, the City is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the UGMB.
3. Development Proposals for Unincorporated UGMB Areas
 - A. The COUNTY's zoning shall apply to all unincorporated lands within the UGMB. 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. The CITY and COUNTY acknowledge the CITY has an interest in assuming responsibility for all implementing regulations and land use actions within the UGMB. The parties may in the future agree the CITY may assume all responsibility.

- B. The COUNTY is supportive of lands within the UGB being developed at urban densities, but will not approve land use applications or issue permits for development at urban densities.
 - C. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. The COUNTY shall issue no permit or otherwise authorize extension or connection to public facilities and/or services without CITY consent.
 - D. The COUNTY shall not form any new County service districts without CITY approval, with the exception of local improvement districts for the purpose of road maintenance and/or street lights.
4. County Notice to and Coordination with the CITY
- A. The COUNTY shall provide notification to the CITY at least 35 days prior to the first scheduled public hearing on all quasi-judicial actions, proposed legislative changes to the COUNTY comprehensive plan text or its implementing ordinances affecting land within the UGMB.
 - B. The COUNTY shall provide notification to the CITY at least 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 30 days from the date the CITY is contacted unless agreed otherwise.
 - D. Any amendments proposed by the COUNTY to the UGB within one mile of the UGMB as shown on Attachment A will

be jointly reviewed by the CITY and the COUNTY prior to submission to METRO.

- 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 20 days prior to the first public hearing on all proposed annexations, capital improvement plans or extraterritorial service extensions into unincorporated areas.
- B. The CITY shall provide notification to the COUNTY at least 20 days prior to the first public hearing on all proposed legislative changes to the CITY comprehensive plan or quasi-judicial actions adjacent to unincorporated areas.
- C. Any amendments proposed by the CITY to the UGB within one mile of the UGMB as shown on Attachment A will be jointly reviewed by the CITY and the COUNTY prior to submission to METRO.

6. City Annexations and UGB Amendments

- A. The Metropolitan Service District (METRO) is recognized as the agency responsible for the management of the UGB and, as such, holds the authority to approve or disapprove proposals to amend the UGB.
- B. 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.

- C. Upon annexation, the CITY shall assume jurisdiction of COUNTY roads and local access roads, including arterials that are within or abutting the area annexed.
- D. Public sewer and water shall only be provided to unincorporated areas by the CITY to abate a health hazard area when the appropriate authority determines a health hazard exists.
- E. The CITY shall not extend sewers or water to any unincorporated areas within the UGMB without annexation to the CITY, except for "D" above or unless mutually agreed otherwise by the CITY and COUNTY.

7. Terms of Agreement

- A. 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. Terms of this agreement may be reviewed during either jurisdiction's Comprehensive Plan update and/or periodic review.
- B. This agreement supersedes previous agreements, if any.

IN WITNESS WHEREOF, the respective parties have cause to be signed in their behalf to make and enter into this Agreement this _____ day of _____, 2008.

CITY OF SHERWOOD

By: _____
 City Manager

ATTEST:

By: _____

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chairperson, Clackamas County
Board of Commissioners

By: _____

ATTEST:

By: _____
Recording Secretary

Attachment "A"

