

RECORDING MEMO

Urban Growth Management Agreement with City of Sherwood

ORIGINATING COUNTY

DEPARTMENT:

DTD – Department of Transportation and Development

OTHER PARTY TO

CONTRACT/AGREEMENT:

City of Sherwood

BOARD AGENDA DATE:

8-20-08

AGENDA ITEM NUMBER:

B.9

PURPOSE:

Urban growth management agreement between the County and the City of Sherwood to coordinate planning and management of an area that is of mutual interest to both the County and the City.

PLEASE NOTE: RETURN DOCUMENTS AFTER RECORDING TO :

John Borge, Principal Planner; Planning Division; Department of Transportation and Development

Clackamas County Official Records
Sherry Hall, County Clerk
Commissioners' Journals
Agreements & Contracts

2008-4193

08/22/2008 09:46:35 AM

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 17th day of July, 2008.

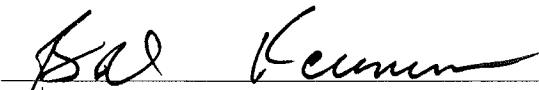
CITY OF SHERWOOD

By: 
City Manager

ATTEST:

By: 

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

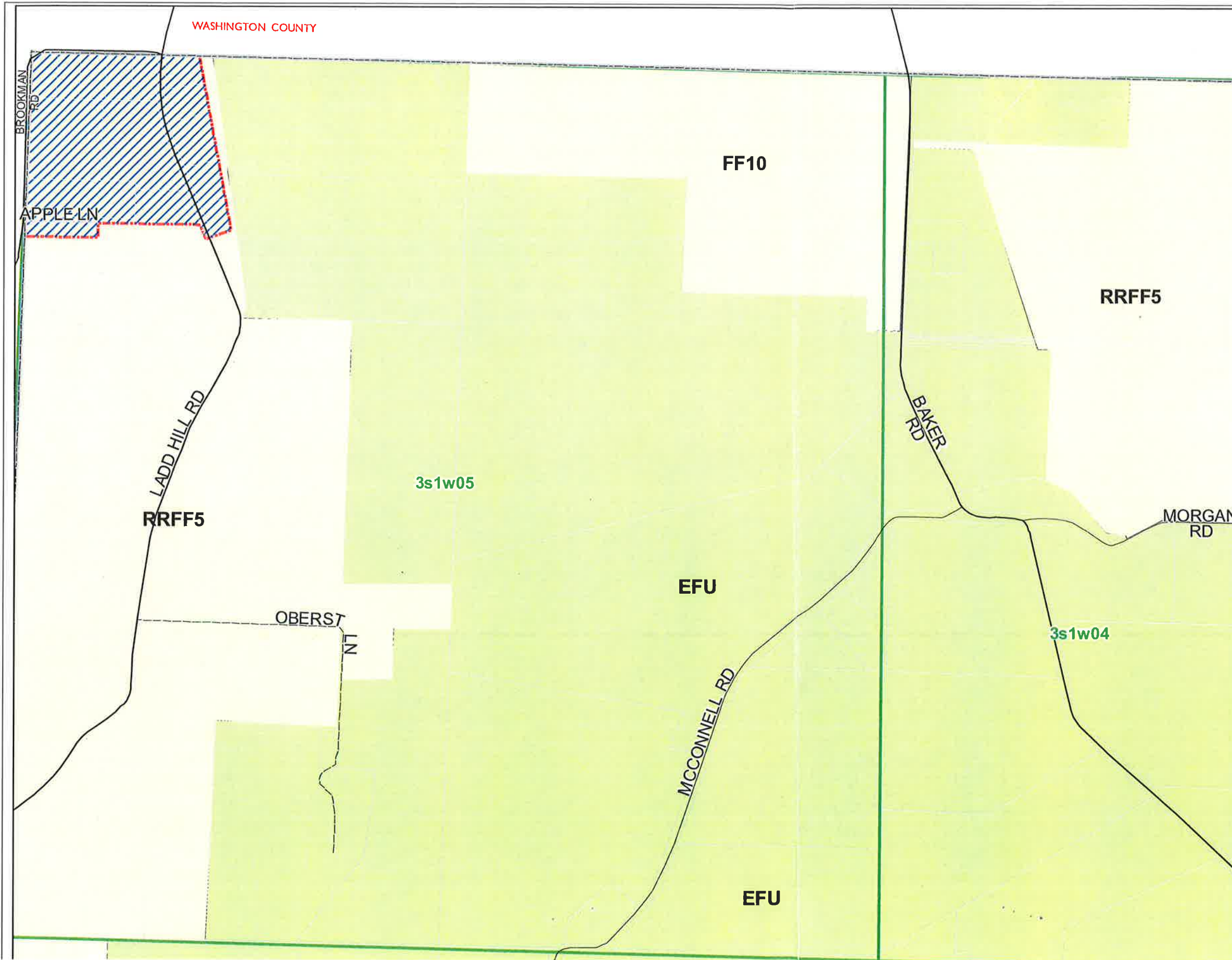

Chairperson, Clackamas County
Board of Commissioners

By: Bill Kenneuer

ATTEST:

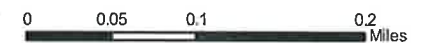
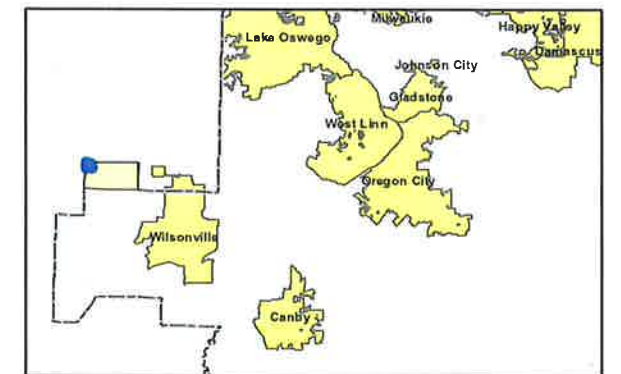
By: Mary Raetnke
Recording Secretary
8-20-08 B.9

Attachment "A"



City Of Sherwood Urban Growth Management Area

-  Urban Growth Boundary
-  Urban Growth Management Boundary
-  Tax Lots
-  County Boundary
-  Sections



GEOGRAPHIC INFORMATION SYSTEMS

DEPARTMENT OF INFORMATION SERVICES/GEOGRAPHIC INFORMATION SYSTEMS
121 LIBRARY COURT
OREGON CITY, OREGON 97045

This information on this map was derived from digital databases from Clackamas County's GIS. Care was taken in the creation of this map but is not guaranteed to be 100% accurate. Clackamas County cannot be held responsible for any errors or omissions.