

**JOINT MANAGEMENT AGREEMENT BETWEEN
CITY OF BOARDMAN AND MORROW COUNTY**

This agreement is entered into this 14th day of April, 1997 by the City of Boardman, an incorporated municipality of the State of Oregon, hereinafter referred to as the "City" and Morrow County, a political subdivision of the State of Oregon, hereinafter referred to as the "County".

RECITALS:

- A. The City and County are authorized under the provisions of Oregon Revised Statutes (ORS) 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform; and
- B. ORS 197.175, 197.190 and 197.250 require counties and cities to prepare and adopt comprehensive plans consistent with statewide planning goals, and to enact ordinances or regulations to implement the comprehensive plans; and
- C. Statewide Planning Goal 14 (Urbanization) requires that the establishment and change of an urban growth boundary (UGB) shall be through a cooperative process between the City and County; and
- D. The City and County share a common concern regarding development and use of lands within the Urban Growth Area (UGA) and other lands of mutual interest; and
- E. Statewide Planning Goal 2 (Land Use Planning) requires that City and County maintain a consistent and coordinated plan for the UGB and UGA when amending their respective comprehensive plans; and
- F. The City and County consider it mutually advantageous to establish this Joint Management Agreement (JMA) for the purpose of facilitating the orderly transition from rural to urban land uses within the City's UGA.

NOW THEREFORE, THE CITY AND COUNTY AGREE AS FOLLOWS:

1. Intent of Agreement

- 1.1. The City and County hereby establish a procedure to implement the County's comprehensive plan for the UGA. The UGA shall be defined as the unincorporated area within the UGB. The City's and County's comprehensive plans are incorporated in this agreement by reference.
- 1.2. The County's Comprehensive Plan and implementing ordinances, in conjunction with this agreement, shall establish the standards and procedures for review and action on comprehensive plan amendments, implementing ordinance changes, proposed land use actions, provision of services, public improvement projects, and other related matters which pertain to implementing the County's plan within the UGA.
- 1.3. The County shall have jurisdiction within the UGA to implement the County comprehensive plan and implementing ordinances, including but not limited to the County's zoning ordinance and zoning map and the subdivision ordinance.
- 1.4. The City shall have jurisdiction within the city limits to implement the City's comprehensive plan and implementing ordinances.

- 1.5. All actions as specified by this agreement shall be taken to assure that the City and County comprehensive plans remain consistent and coordinated with each other.
- 1.6. All land within the UGB may be subject to annexation by the City, at which time the land becomes subject to the City's comprehensive plan and implementing ordinances.
- 1.7. If inconsistencies between city and county plans and implementing ordinances are discovered, the City and County shall undertake a process to correct the inconsistencies at the time of Periodic Review or other appropriate time.
- 1.8. This JMA replaces all prior JMA or urban growth management agreements between the City and County.

2. Definitions:

- 2.1. Comprehensive Plan - A plan adopted by the City or County which meets the requirements of ORS 197.015; generally, a coordinated land use map and policy statements interrelating all functional and natural systems and activities relating to the use of lands.
- 2.2. Land Use Actions - Land Use and Limited Land Use Decisions defined by ORS 197.015; generally a decision by the City or County applying standards of the comprehensive plans or land use regulations to particular pieces of property. Examples include; variances, conditional use permits, partitions, subdivisions, planned unit developments, road dedications and vacations, and amendments to the zoning map for specific properties.
- 2.3. Land Use Board of Appeals (LUBA) - the appellate body designated by state statute to review land use actions on appeal by an affected party.
- 2.4. Land Use Regulation - County or City zoning ordinances, subdivision ordinances adopted under ORS 92.044 or 92.046, or similar ordinances establishing standards for implementing the comprehensive plan. For the purpose of this JMA, substantive provisions of land use regulations shall be those sections of the ordinance establishing outright uses, conditional uses and zone requirements such as minimum lot sizes, the zoning map, and design standards for required improvements.
- 2.5. Public Facilities Plan - A document developed pursuant to OAR-660-11-000 which is a part of the City and/or County's Comprehensive Plan and which describes the location of existing public facilities, such as water, sewer and transportation facilities, and their future extension to areas of new growth.
- 2.6. Urban Growth Area (UGA) - That unincorporated area between the City Limits and the Urban Growth Boundary in which urban services and facilities can be extended and development at urban intensity and density will occur.
- 2.7. Urban Growth Boundary (UGB) - A mutually agreed upon line, identified in both the City and County comprehensive plans, which delineates the outer extent of the UGA and the limits of urban growth. The UGB is shown on Exhibit A to this agreement.

3. Coordination of Comprehensive Planning and Land Use Regulations, Except Amendments to the UGB

- 3.1. Amendments to the County comprehensive plan or land use regulations, except the UGB, may be initiated by the County or by an applicant upon receipt of an application that meets the requirements of the County's land use regulations.
- 3.2. Amendments to the County's comprehensive plan or land use regulations shall be processed by the County with review and input by the City.
- 3.3. The County shall notify the City of proposed amendments at least 10 days prior to the County Planning Commission's initial public hearing on the amendment.

- 3.4. The City shall provide its comments in writing before the public hearing, or it may appear in person at the Planning Commission's public hearing.
- 3.5. The Planning Commission shall consider the City's comments in making its recommendation to the County Court, which shall make the final decision on the proposed amendment.
- 3.6. The City may participate in the County Court's public hearing on the proposed amendment. The County Court's action on the amendment shall be considered final unless appealed to the Land Use Board of Appeals (LUBA) or Land Conservation and Development Commission (LCDC) by a party with standing.

4. Amendments to the UGB

- 4.1. Amendments to the UGB may be initiated by the City or County. Requests shall be forwarded to the City.
- 4.2. The City shall have lead authority to process amendments to the UGB and shall be primarily responsible for developing the proposed findings required under Goal 14 and other statewide planning goals that pertain to UGB amendments.
- 4.3. The City shall establish a process for joint review and recommendation of UGB amendments by the City and County. Exhibit B to this agreement is a general description of the process that will be followed.
- 4.4. The City shall notify all special districts within or on the fringe of the UGB of the proposed amendment and invite them to participate in the review. The City and County shall consider the impact of UGB amendments on special districts.
- 4.5. Public hearings on UGB amendments shall be held by both the City and County planning commissions and elected bodies. Hearings shall be held jointly to facilitate a joint, coordinated decision.
- 4.6. A UGB amendment shall require approval by both governing bodies before it can be effective.
- 4.7. Appeals of UGB amendments to the appropriate appellate body shall be jointly defended by the City and County.
- 4.8. The City shall have the authority to accept or reject an application by a private party for a UGB amendment based on the need for additional land within the UGB, the appropriateness of timing of the request and the cost to the City for processing the amendment. The City may also negotiate with a private party any of the costs associated with preparing amendment and having it approved, including legal costs for defending the City's and County's decision in the event of appeal to LCDC, LUBA or the Oregon Court of Appeals.

5. Public Facility Planning

- 5.1. The City and County shall coordinate and cooperate in the preparation and amendment of a public facility plan for the UGA as required by OAR-11-015.
- 5.2. The City shall be responsible for preparation and amendment of sanitary sewer and municipal water planning for the City and UGA. The City shall provide the County with copies of sewer and water infrastructure maps so that the County may properly advise development applicants concerning availability of city facilities.
- 5.3. The City and County shall jointly prepare and amend the transportation and storm water management elements of the public facility plan, with the County having primary responsibility for the UGA, and the City for the area within the city limits. Transportation plans shall be coordinated and consistent in road classification and

construction standards.

6. Periodic Review

- 6.1. Periodic Review within the UGB shall be a joint process between the City and County.
- 6.2. After receiving its periodic review notice from the Department of Land Conservation and Development, the City shall convene a city-county periodic review committee to develop the work plan, budget and coordinate other matters related to periodic review, including work program and funding responsibilities of each party.
- 6.3. The City and County shall maintain a coordinating committee throughout the periodic review process to assure the completion of the periodic review process in a coordinated and consistent manner.
- 6.4. Amendments to the County's comprehensive plan for the UGA, in response to periodic review requirements, shall be processed by the County with the same notice as required in Section 3.3 or for UGB amendments, according to Section 4.

7. Processing Land Use Actions within the UGA

- 7.1. The County shall have responsibility for processing land use actions within the UGA but shall provide the opportunity for City review and comment. The City shall have responsibility for land use actions within the city limits.

7.2. Subdivisions

- 7.2.1. The County shall establish a Subdivision Review Committee (SRC) to facilitate the coordinated review of subdivision requests.
- 7.2.2. The County shall invite the City to attend all SRC meetings at which an application for a subdivision within the UGA will be reviewed and discussed.
- 7.2.3. The City must approve all requests to connect subdivision developments to city sewer and water facilities. The City may require conditions of approval for all service extensions, imposition of the City's system development charges, and annexation or a "consent to annex" at a future date, in exchange for the extension of sewer and water facilities.
- 7.2.4. In addition to SRC meetings, the County shall notify the City 10 days prior to the Planning Commission's public hearing on a subdivision application.
- 7.2.5. The City shall provide comments in writing prior to the Planning Commission's hearing or may appear in person to comment on the proposed subdivision. The Planning Commission shall consider the City's comments and recommendations in making its final decision on the application.
- 7.2.6. If the City participates in the Planning Commission's proceedings, the County shall notify the City if an appeal is filed with the County Court.
- 7.2.7. Final approval by the County on subdivision requests shall be sent to the City Clerk within 10 days of final action.

7.3. Other Land Use Actions

- 7.3.1. The County shall notify the City 10 days prior to the Planning Commission's public hearing on other applications for land use actions such as rezones and conditional uses.
- 7.3.2. The City shall provide comments in writing prior to the Planning Commission's hearing or may appear in person to comment on the proposed application. The Planning Commission shall consider the City's comments and recommendations

in making its final decision on the application.

7.3.3. If the City participates in the Planning Commission's proceedings, the County shall notify the City if an appeal is filed with the County Court.

7.3.4. Final approval by the County on land use actions shall be sent to the City Clerk within 10 days of final action.

8. City Annexation and Extension of Services

8.1. The City may annex any property within the UGA according to the methods and provisions of state law.

8.2. The City may extend services outside the City based on city policy. In exchange for such service extensions, it may require a "consent to annex" per ORS 222.115 for future annexation.

8.3. The City will notify the County and special districts of annexation proposals 10 days prior to the Council's public hearing. It will also notify the County and special districts after an annexation has been approved.

9. Road Jurisdiction and Standards

9.1. The City and County agree to adopt a joint standard for non-arterial roads equivalent to the County's Rural Collector II standard developed for the County's Transportation System Plan (TSP). All future non-arterial roads within the Urban Growth Boundary (UGB) will be constructed and maintained to this standard unless housing densities warrant a higher standard. In such cases, roads will be constructed and maintained to the County's Rural Collector I standard, also adopted by both the City and the County. Estimates of average daily traffic, based on number of proposed housing units served by a given road, will be used to determine whether the Rural Collector I or II standard will be required. Road standards subject to this agreement are shown in Exhibit C and the County Road Classification Map is shown as Exhibit D.

9.2. If any future arterials are constructed within the UGA the County and City will develop and adopt a joint arterial road standard for construction and maintenance.

9.3. Upon annexation, the City will assume jurisdiction and ownership of any county road improved to at least the minimum standards described above.

9.4. These provisions do not prevent the City or County from improving any road within the UGB to a higher standard, as needed or appropriate, subsequent or prior to annexation.

10. Road Naming and Rural Addressing

10.1. The County hereby accepts the authority and responsibility for assigning road/street names and addresses to properties within the UGA pursuant to County Ordinance MC-C-3-92.

11. Review, Amendment, Conflict Resolution, Severability, Termination of Agreement

11.1. The City and County agree to jointly review this agreement every five (5) years to evaluate the effectiveness of the processes set forth, address new matters of state law or changed conditions within the urban growth boundary.

11.2.

This agreement may be amended by initiation of either party to the agreement following the procedures outlined below.

- 11.2.1. The party which seeks the review or amendment shall submit a formal request, describing the issue or proposed change and why a review or change is necessary.
 - 11.2.2. The responding agency shall schedule a review of this request within 30 days of receipt.
- 11.3. Resolution, Modification and Mediation
 - 11.3.1. Both parties shall make good faith efforts to resolve requests to amend this agreement.
 - 11.3.2. The responding agency may approve, deny or suggest modifications to the amendment.
 - 11.3.3. Either party to the agreement may request the services of an outside mediator to help resolve disputes that may arise out of the implementation or amendment of this agreement.
- 11.4. The provisions of the agreement are severable. If an article, sentence, clause or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this agreement.
- 11.5. This agreement may be terminated by any of the parties following procedures provided.
 - 11.5.1. Public Hearing Notice and Public Comment
 - a. A public hearing shall be called by the party considering termination, giving the other party notice of hearing at least thirty (30) days prior to the scheduled hearing date. The thirty (30) day period shall be used by both parties to seek resolution of differences.
 - b. Public notice of the hearing shall be in accordance with applicable Oregon statutes and administrative rules, but not less than fifteen (15) days prior to the hearing.
 - c. The party moving for termination shall state, in the public notice and at the hearing, the reasons for termination and the affect of the action on the UGA.
 - d. Public comment shall be received regarding the action and considered by the party in its decision.
 - 11.5.2. Conflict Resolution. Prior to a final decision to terminate the agreement, the City and County shall agree to enter into a conflict resolution process which will be established by the Department of Land Conservation and Development.
 - 11.5.3. Final Decision
 - a. The governing body of the terminating party shall vote to decide on termination on the established date for termination. If the vote is to end the agreement, written notice of the decision shall be provided to all affected parties including the Director of the Oregon Department of Land Conservation and Development.
 - b. The established date of termination shall be at least thirty (30) days after the public hearing in order to provide an additional time period for resolution of differences.
 - c. If resolution cannot be reached, a replacement agreement shall be developed as required by ORS 195.020.

IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agreement is signed and executed by:

CITY COUNCIL
CITY OF BOARDMAN, OREGON

COUNTY COURT
MORROW COUNTY, OREGON

[Signature]
Mayor

[Signature]
Councilor

[Signature]
Councilor

[Signature]
Councilor

[Signature]
Councilor

[Signature]
Councilor

[Signature]
Councilor

[Signature]
Judge

[Signature]
County Commissioner

[Signature]
County Commissioner

APPROVED AS TO FORM:

[Signature]
COUNTY COUNSEL

Attest: [Signature]

 COUNTY CLERK

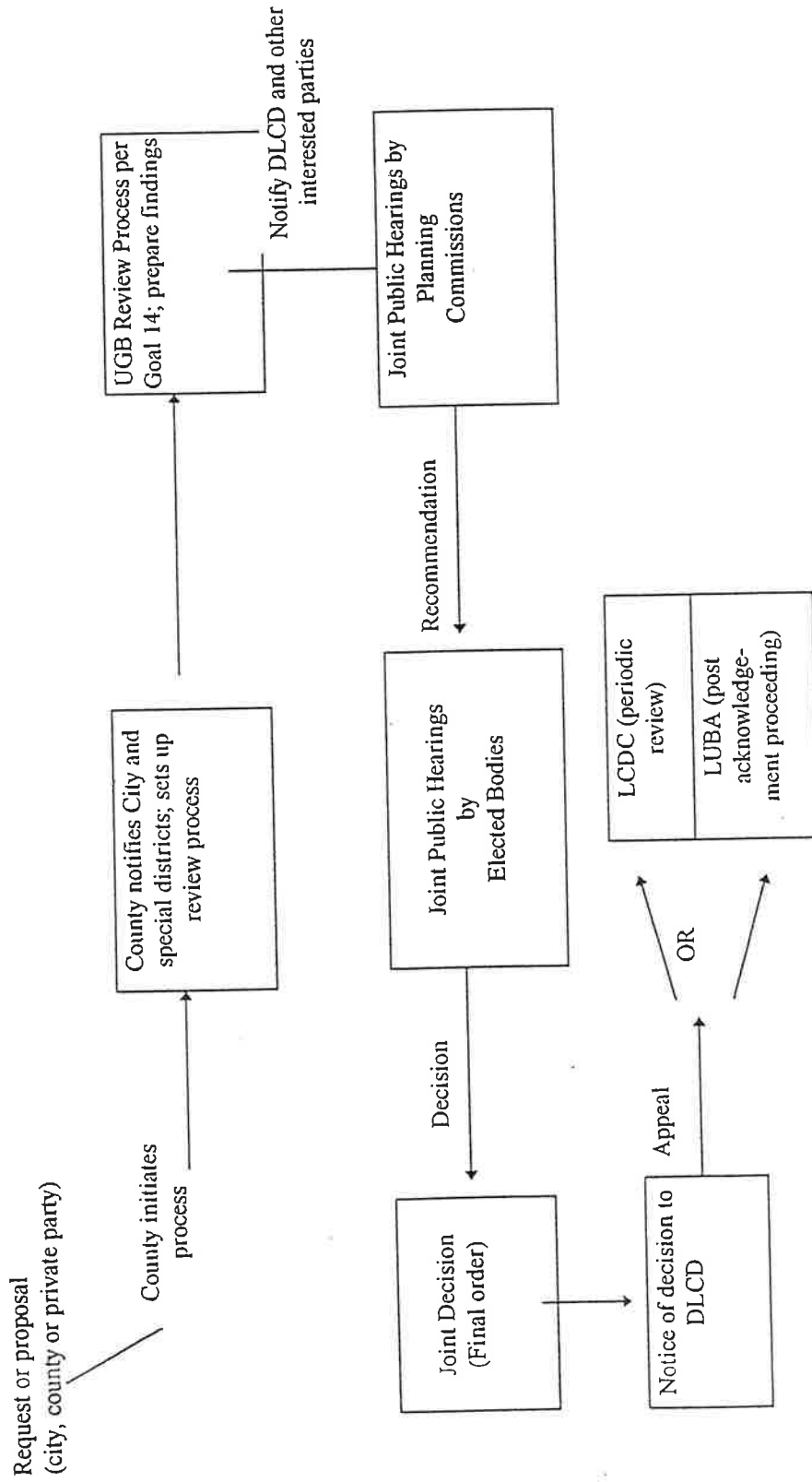
ATTACHMENTS TO THIS DOCUMENT INCLUDE:

1. Exhibit A. Map of City, UGA and UGB
2. Exhibit B. Flow chart of UGB process
3. Exhibit C. Road Standards
4. Exhibit D. Classification

Exhibit B

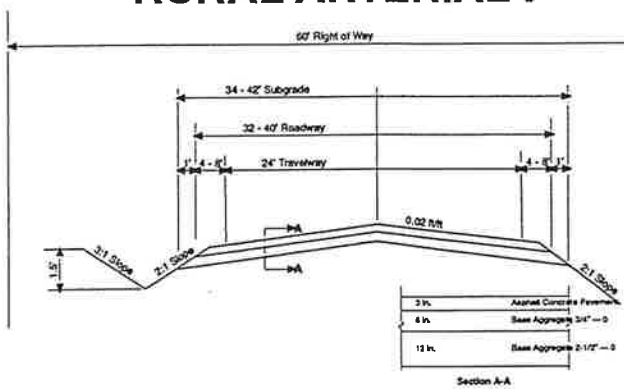
Flow Chart of UGB Amendment Process

City of Boardman/Morrow County

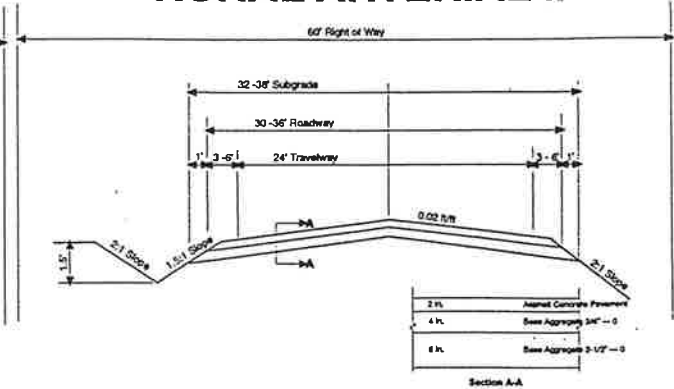


ROAD STANDARDS

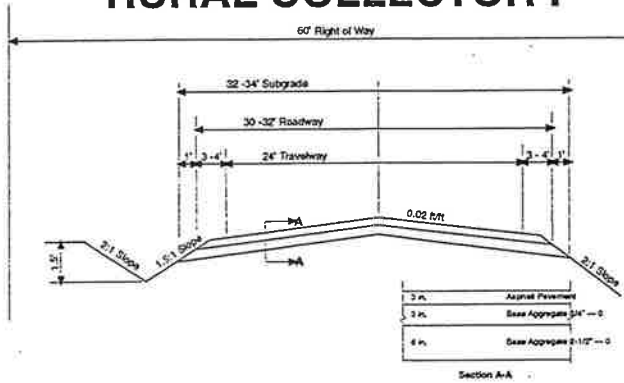
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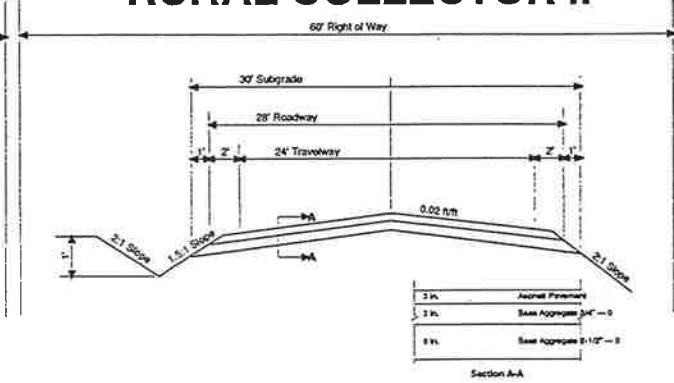
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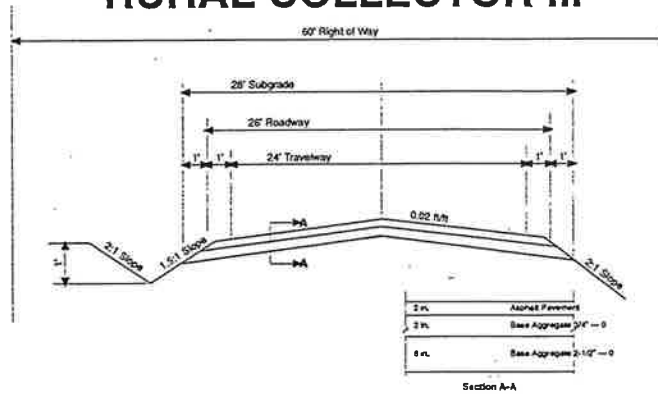
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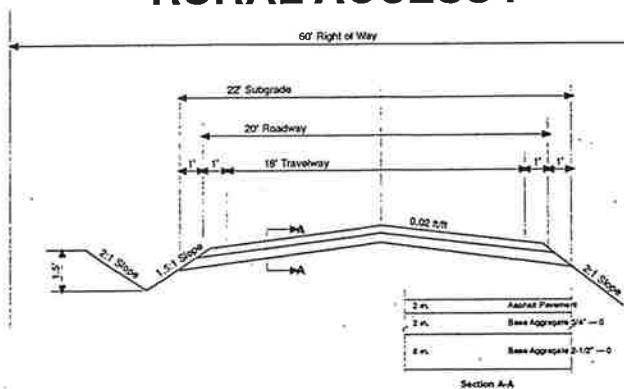
RURAL COLLECTOR II



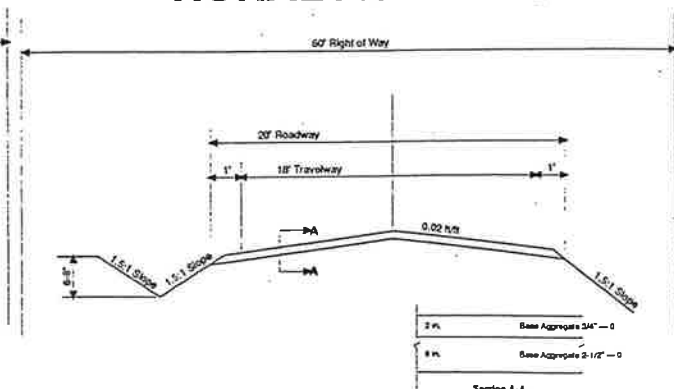
RURAL COLLECTOR III



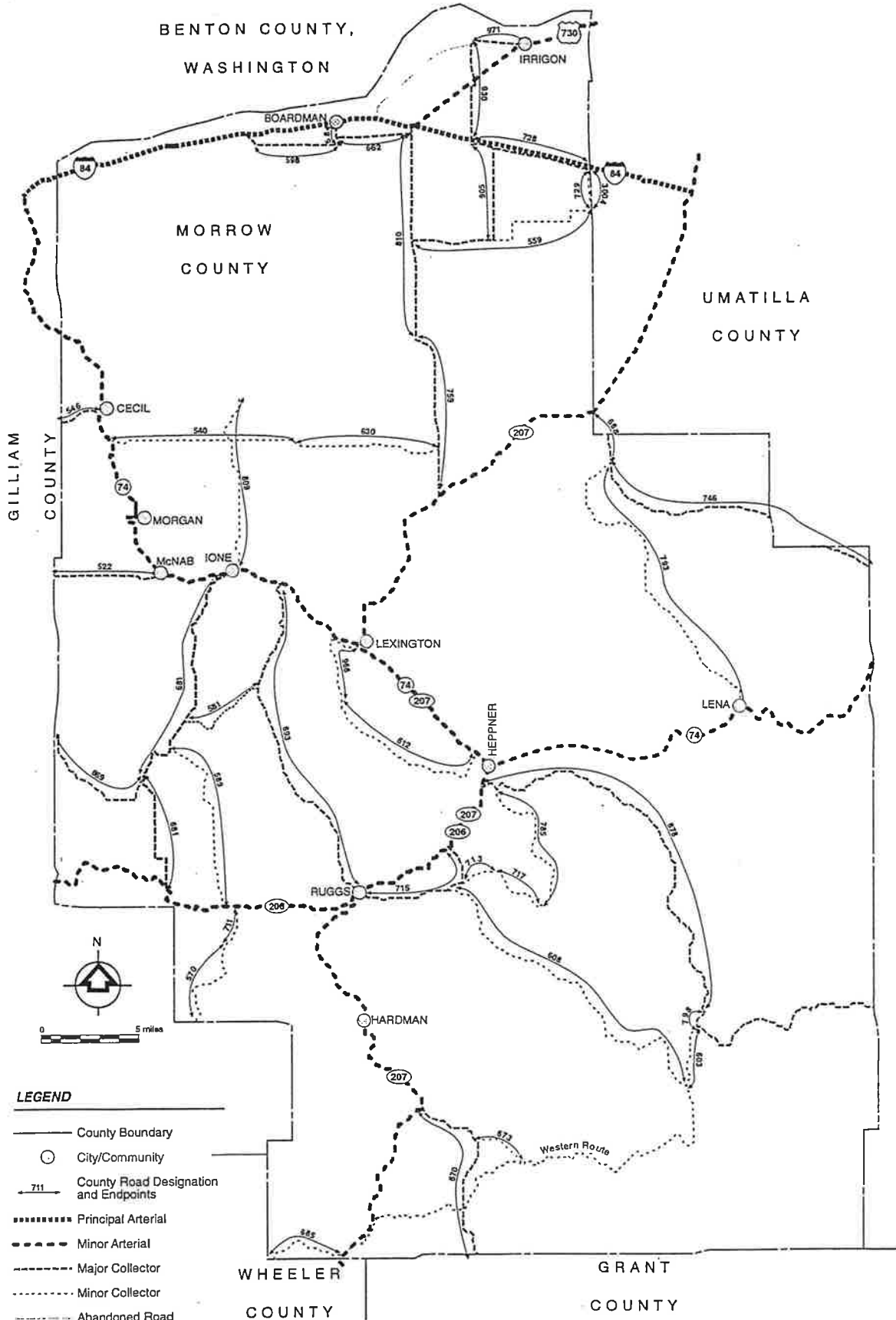
RURAL ACCESS I



RURAL ACCESS II



ROADWAY CLASSIFICATIONS



BOARDMAN URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties to this Joint Management Agreement shall be the City of Boardman, Port of Morrow and Morrow County, Oregon.

The terms of this Joint Management Agreement shall be applicable to the Boardman Urban Growth Area. The Boardman Urban Growth Area shall be defined as that area shown on the amended Morrow County and City of Boardman zoning maps and Comprehensive Plans and made a part hereto of this document.

This Joint Management Agreement is entered into pursuant to ORS Chapters 190 and 197 and the Oregon State-wide Planning Goals for the purpose of establishing policies to be used as the basis for all decisions and actions.

I. Introductory Information

- A. This Joint Management Agreement is the culmination of a series of actions intended, in part, to facilitate the orderly and efficient transition from urbanizable to urban land use within the Boardman Urban Growth Area.
- B. The Boardman City Council has adopted by resolution the Boardman Comprehensive Plan amendment and revised Urban Growth Boundary.
- C. The Morrow County Court has adopted by Ordinance the Boardman Urban Growth Boundary.

II. General Comprehensive Plan Provisions

The Boardman Urban Growth Area has been identified as urbanizable and is considered to be available over time for urban expansion. In order to promote consistency between the planning and development efforts in the City of Boardman, the Port of Morrow, and Morrow County land use decisions it is agreed the City of Boardman, Port of Morrow, and Morrow County shall maintain a timely exchange of information. Morrow County shall retain responsibility for land use decisions and actions affecting the Boardman Urban Growth Area.

III. Zoning and Subdivision

- A. Land use designations are those shown on the Morrow County Comprehensive Plan and Zoning maps. Discrepancies in land use designations shall be brought before the Morrow County Planning Commission.
- B. Copies of each zone change, conditional use, subdivision and major partition request within the Boardman Urban Growth Area received by Morrow County shall be forwarded to the Boardman Planning Commission, Port of Morrow Commission, and other government agencies for their comment and recommendation. Such comments and recommendations may be submitted to the Morrow County Planning Commission prior to its next regularly scheduled meeting.

- C. Copies of zoning sign-offs, minor partitions, variances or other land use actions within the Boardman Urban Growth Area which require no hearing or review and comment from the City or Port shall be forwarded to the City of Boardman or the Port of Morrow as information only.

IV. City Services

The City of Boardman may extend city services to any site within the Boardman Urban Growth Area at the affected property owner's request and expense.

V. Appeals

As Morrow County retains responsibility for land use decisions and actions affecting the Boardman Urban Growth Area, appeals from such decisions and actions shall be in accordance with the appeals process specified in the Morrow County Zoning or Subdivision Ordinances.

VI. Joint Management Agreement Review and Amendment

A. This Joint Management Agreement shall be reviewed in conjunction with the City or County periodic review schedule, and may be amended from time to time by mutual agreement of the parties involved.

B. All parties to this agreement may request earlier review and/or amendment upon thirty days notice to the other affected parties hereto.

IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agreement is signed and executed this 24 day of March, 1990.

MORROW COUNTY COURT

Law A. Carlson
Anna P. Packer

PORT OF MORROW COMMISSION

Daniel Peanier
Darryl Lindgren
W. P. Shattuck
Keith J. Gooden
John L. Butler

CITY OF BOARDMAN

Raymond D. Stetson
 Mayor
Shirley N. Mottley
 City Recorder Clerk