

## APPENDIX F

### URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties to this Joint Management Agreement shall be the City of Heppner, Oregon, hereinafter referred to as the City, and Morrow County, Oregon, hereinafter referred to as the County.

The terms of this Joint Management Agreement shall be applicable to the City's urban growth area. For the purposes of this Agreement, the urban growth area shall be defined as that area of land extending from the City's corporated limits to the City's urban growth boundary as referenced and mapped in the City's Comprehensive Plan on July 3, 1978 and amended on July 2, 1979 are hereby incorporated into and made a part of this document (see Attachment A).

This Joint Management Agreement is entered into pursuant to ORS Chapter 190 and 197 and the Oregon State Planning Goals for the purpose of facilitating the orderly transition from rural to urban land uses within the City's urban growth area.

Words and phrases used in this Joint Management Agreement shall be construed in accordance with ORS Chapters 92, 197, 215, and 227 and applicable Oregon Statewide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

#### 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 rural to urbanizable to urban land uses within the urban growth area. Such actions include the preparation of a city comprehensive plan, the cooperative establishment of an urban growth area (see Attachments A, B-1, and B-2), coordination with affected governmental units, and county review of the city comprehensive plan.
- B. The City Council has adopted by ordinance a comprehensive plan which includes an urban growth boundary and planning goals, objectives, and policies (see Attachment A).

#### II. General Comprehensive Plan Provisions

- A. The County shall retain responsibility for land use decisions and actions affecting the City's urban growth area, such responsibility to be relinquished over any land within this area upon its annexation to the City subject to provisions of ORS 215.130(2)(a).
- B. The City's 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 City's planning effort and County land use decisions and actions affecting the urban growth area, the County shall incorporate that portion of the City's Comprehensive Plan which addresses the urban growth area into the County Comprehensive Plan.

- C. After the City's Comprehensive Plan has been reviewed by the County and after County concurrence with and approval of the Plan for the area within corporate city limits and adoption of the Plan for the urban growth area, all public sector actions which fall within the scope of the City's Comprehensive Plan shall be consistent with the Plan.
- D. Land within the urban growth area presently zoned for Farm Use shall remain in Farm Use until rezoning is requested, and such rezoning shall be consistent with the City's Comprehensive Plan.
- E. It is the policy of the City and County to maintain a rapid exchange of information relating to their respective land use decisions which affect the City's urban growth area.

### III. Zoning and Subdivision Ordinances

- A. The substantive, as opposed to procedural, portions of the City's Zoning and Subdivision Ordinances (see Attachments C-1 and C-2) shall be incorporated by reference into and made a part of the County Zoning and Subdivision Ordinances with exceptions as necessary and as agreed upon in writing by both parties to this Joint Management Agreement no later than thirty (30) days after this agreement has been signed by both the City and County.
- B. For the purposes of this Joint Management Agreement:
  - 1. Substantive provisions of a zoning ordinance shall be those sections of the ordinance which establish outright uses, conditional uses, and zone requirements (e.g., minimum lot sizes, setback requirements, etc.) and the zoning map; and
  - 2. Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.
- C. The City Zoning Map, when adopted as part of the City Zoning Ordinance shall include the urban growth area and shall:
  - 1. Apply to land within the city limits upon adoption by the City;
  - 2. Apply to land within the urban growth area upon annexation to the City;
  - 3. Be a recommendation to the County for rezoning all lands within the urban growth area where existing zoning is inconsistent with the City Comprehensive Plan by type of use allowed except:
    - a. Land zoned for farm use pursuant to Section II(D) above; and
    - b. Land may be rezoned to a lesser density or intensity of use (i.e. low-density versus medium-density residential).

4. After action is taken by the County pursuant to Section III(C)(3) above all subsequent rezoning by the County shall be consistent with the City Comprehensive Plan and Zoning Map except that:
  - a. Adequate findings for the need to rezone land shall be required, and;
  - b. Land may be rezoned to a lesser density of intensity of use (i.e., low-density versus medium-density residential).
- D. The above mentioned incorporated Ordinances shall only be applied to zone change, conditional use, variance, subdivision, major partition, minor partition, and outright use permit requests within or affecting the City's urban growth area.

#### VI. Referred Applications/Situations

- A. The County Planning Department shall refer each request affecting the City urban growth area to the City for its review and comment within three days of the date the request was filed with the County Planning Department.
- B. The City shall review the request and submit its recommendation to the County Planning Department within thirty (30) days of the date the request was received by the City.
- C. It is agreed that the County will refer any proposed discretionary action back to the city for its review and comment in the event such action was not addressed in the original request for review. The same time limitations imposed by Section IV A and B above shall be applicable.
- D. The County shall retain final decision-making responsibility for all land use actions affecting the City urban growth area, but such decisions shall only be made after the receipt of timely recommendations from the City.
- E. Should no recommendations be forthcoming within established response times, absent a request for an extension, the City shall be presumed to have no negative comment regarding the application.
- F. After the County makes a decision on the application, the City shall be promptly informed of the action taken by the County.

#### V. City Services

- A. City services shall be extended only after the area to be served has been annexed to the city or at the discretion of the city council.
- B. For the purposes of this Joint Management Agreement, expenses to be incurred by the affected property owner shall be in accordance with City Policy.

C. Service and hood-on charges shall be established by the City Council.

VI. Annexation

A. Annexation of sites within the City urban growth area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes, Oregon case law, and City Ordinances (see Attachment E) and shall not occur until such sites become contiguous to the City as required by the Oregon Revised Statutes.

B. For the purpose of this Joint Management Agreement, contiguous shall be defined as touching or adjoining, or adjacent to the City for a minimum distance of 70 feet plus any additional footage necessary to provide adequate access.

VII. Roads

The County and City shall cooperatively develop an implementation policy regarding streets and roads within the City urban growth area and corporate limits which is consistent with the City Comprehensive Plan. Such policy shall include, but not be limited to, the following:

- A. The circumstances under which the City will assume ownership of and maintenance responsibility for County Roads within the corporate limits.
- B. The conditions under which new streets and roads will be developed in conjunction with subdivision within the City urban growth area.
- C. The conditions under which new public streets and roads will be developed with the City urban growth area.
- D. The conditions under which existing roads designated as future arterials in the City Comprehensive Plan will be improved.
- E. See Attachments F-1 and F-2 for existing county roads within the corporate limits and the City urban growth area.

VIII. Appeals

A. As the County retains responsibility for land use decisions and actions affecting the urban growth area, appeals from such decisions and actions shall be in accordance with the appeals process specified in the County Zoning or Subdivision Ordinances, applicable state statute or administrative rule.

B. In the event that either the County Planning Commission or the County Court disagrees with the City comment and recommendation provided for in Section III of this Joint Management Agreement, the City shall have standing to appeal as provided in Section VIII A above.

IX. Comprehensive Plan and Implementation Measure Review and Amendment

A. The City Comprehensive Plan, including this Joint Management Agreement and the zoning, subdivision, and other implementation ordinances or measures shall be reviewed at least annually to determine conformity with changes in:

1. The Oregon Revised Statutes;
2. Oregon Case Law;
3. Oregon Statewide Planning Goals;
4. Requirements of the City;
5. Needs of residents or landowners within the City urban growth area;
6. Concerns of affected governmental units; and
7. County administration of land use regulation within urban growth areas.

B. If the City Comprehensive Plan, implementation measures, or both fail to conform to any or all of the above-mentioned criteria, the non-conforming document shall be amended as soon as practicable. Such amendments shall be adopted:

By a majority of both the full City Council and the County Court after recommendations have been received from the planning commissions of the County and City.

X. Severability

The provisions of this Joint Management 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.

IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agreement is signed and executed this 3rd day of July, 1978.

COUNTY COURT

CITY COUNCIL

Delvin O. Nelson  
Horner W. Hughes  
Warren H. Jones

Art Jennings, Mayor  
Clifford W. Green  
Hubert C. Wilson  
Raymond A. Pyle  
John Hill

ATTACHMENTS

- A \* City Comprehensive Plan (including growth area).
- B-1 \* City ordinance adopting the City Comprehensive Plan (If different from A)
- B-2 \* County Ordinance No. \_\_\_\_\_ amending the County Comprehensive Plan by its adoption of the City Comprehensive Plan for the urban growth area.
- C-1 \* Substantive portion of the City Zoning Ordinance (#\_\_\_\_\_).
- C-2 \* Substantive portion of the City Subdivision Ordinance (#\_\_\_\_\_).
- D \* City ordinance relating to the extension of city services (#\_\_\_\_\_).
- E \* City ordinance relating to the annexation (#\_\_\_\_\_).
- F-1 \* List of existing county roads within the City urban growth boundary.
- F-2 \* Map of existing county roads within the City urban growth boundary.

Amendments to the Heppner Comprehensive Plan map and policies are incorporated in City Ordinance No. 419, the Comprehensive Plan Map and the Heppner Comprehensive Plan Technical Report and are hereby approved and co-adopted this 6th day of **August** 1979.

County Court

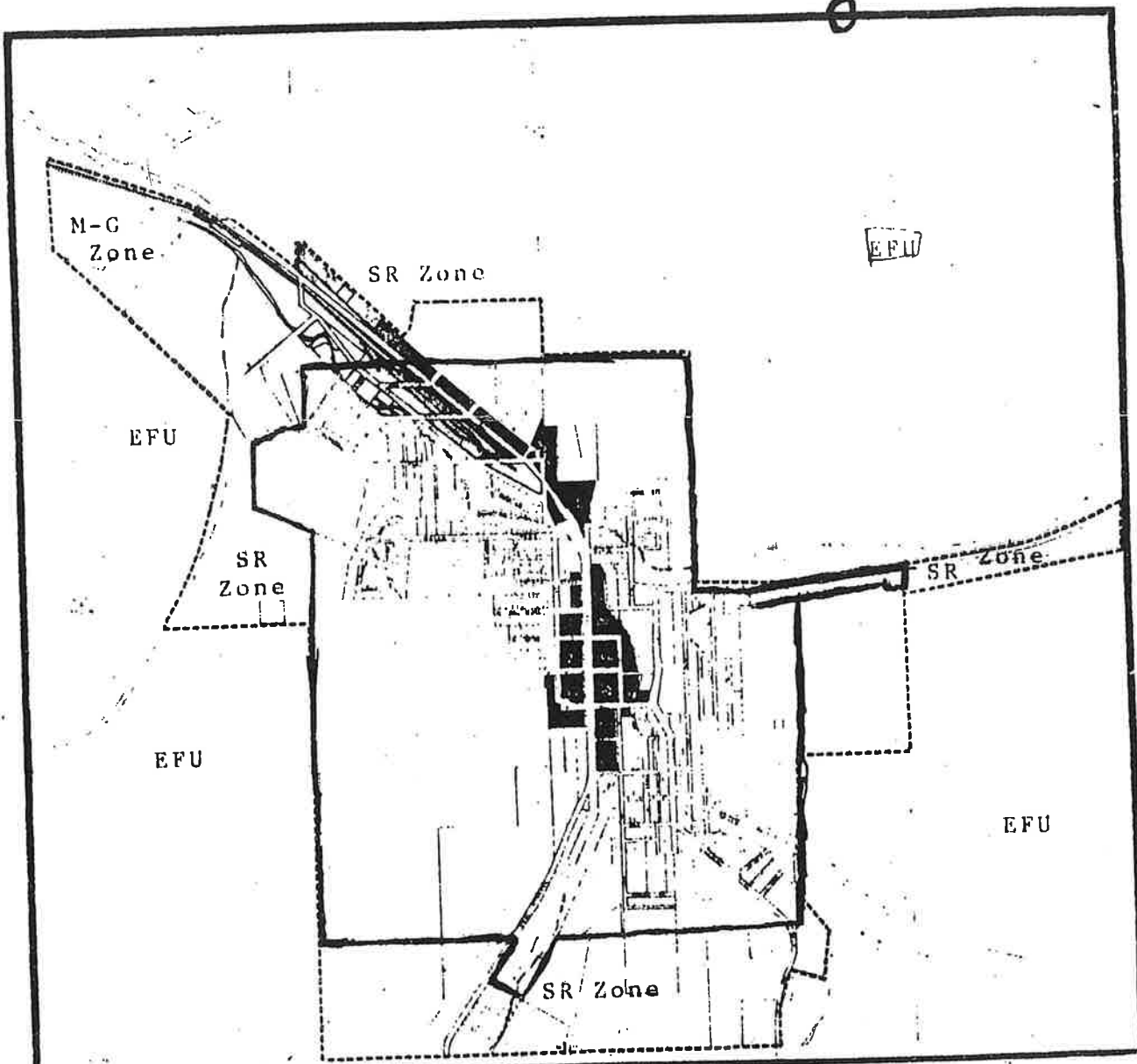
William O. Nelson  
Warren H. McCoy  
\_\_\_\_\_

City Council

Clifford W. Green  
Jack E. Smith  
Donald H. Jones  
Frank Pearson  
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Policy - Planning Comm. 4/10/81 1 Re Min 15  
our zone.

Suburban Residential

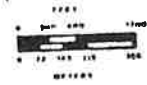


- R-1 LIMITED RESIDENTIAL
- R-2 GENERAL RESIDENTIAL
- R-3 RESIDENTIAL
- C COMMERCIAL
- M INDUSTRIAL
- FARM (COUNTY)

NOTE: This Zoning Map, when adopted by the City of Heppner and incorporated into the Morrow County Zoning Ordinance by reference, shall:

1. Apply to land within the City Limits upon adoption by the City;
2. Apply to land within the Urban Growth Area upon annexation to the city;
3. Be a recommendation to Morrow County for use of rezoning land as specified in the Urban Growth Area Joint Management Agreement of July 3, 1979.

**ZONING MAP**  
CITY OF HEPPNER, OREGON



COUNTY ZONING MAP DETAIL FOR HEPPNER URBAN GROWTH BOUNDARY

Approved this 25 day of June, 1980

*[Signature]*

*Warren A. McCoy*  
Commissioner

*Carole K. Kneels*  
Commissioner