

Appendix F

URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties to this Joint Management Agreement shall be the City of Lexington, 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 incorporated limits to the City's urban growth boundary as referenced and mapped in the City's Comprehensive Plan on July 11, 1978 and 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.

Urban Growth Area Joint Management Agreement
Page 2

- 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 Agricultural Use shall remain in Agricultural 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 is signed by both the City and the 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 Agricultural 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).

Urban Growth Area Joint Management Agreement

Page 3

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 or 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. The City may extend city services to any site or subdivision located within the City urban growth area at the affected property owner's request and expense. Such extension of city services to sites outside of the City's corporate limits shall be conditioned upon annexation, or upon an unlimited agreement signed by the affected property owner that the site may be annexed by City Council action as soon as the site becomes contiguous to the city, or upon discretionary action 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.

Urban Growth Area Joint Management Agreement

Page 4

C. Services and hook-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. If the area to be annexed is bordered by a county road, then the property must be contiguous to the corporate City Limits for a minimum distance of 100 feet.

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 subdivisions within the City urban growth area.

C. The conditions under which new public streets and roads will be developed within 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.

Urban Growth Area Joint Management Agreement
Page 5

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. Requirements of the City;
2. Needs of residents or landowners within the City urban growth area;
3. Concerns of affected governmental units; and
4. County administration of land use regulation within urban growth areas

B. The City Comprehensive Plan, including this Joint Management Agreement, and the zoning, subdivision, and other implementation ordinances or measures shall be reviewed as the City Council determines necessary for conformity with changes in:

1. The Oregon Revised Statutes;
2. Oregon Case Law;
3. Oregon Statewide Planning Goals;

C. 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 practical be. Such amendments shall be adopted:

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

X. Severability

The provisions of this Joint Management Agreement are severable. If any 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 11th day of July, 1978.

COUNTY COURT

CITY COUNCIL

Delwin C. Nelson
Homer W. Hughes
William H. Taylor

Edward E. Burke
Richard W. Smith
Pat Wright
Lee Padberg

ATTACHMENTS

- A * City Comprehensive Plan Map (including growth area).
- B-1 * City ordinance adopting the City Comprehensive Plan, including the urban growth boundary.
- B-2 * County ordinance amending the City Comprehensive Plan by its adoption of the City Comprehensive Plan for the urban growth area.
- C-1 * Substantive portion of the City Zoning Ordinance (# 79-1).
- C-2 * Substantive portion of the City Subdivision Ordinance (# 79-2).
- D * City ordinance relating to the extension of city services (# 74-1).
- E * City ordinance relating to the annexation (none).
- 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 Lexington Comprehensive Plan policies are incorporated in City Ordinance No. 78-2 and the Lexington Comprehensive Plan Technical Report and are hereby approved and co-adopted this 5th day of June, 1979.

County Court

Delwin D. Nelson
Warren H. McCoy
Dorothy Krebs

City Council

Lee Cadney
Charlene Popineau
William S. Shadler
William K. Smith
Edward W. Feltner