

# CITY OF TUALATIN

PO BOX 369  
TUALATIN, OREGON 97062-0369  
(503) 692-2000

October 12, 1992

City Council  
City of Tualatin

## CITY OF TUALATIN-CLACKAMAS COUNTY URBAN GROWTH MANAGEMENT AGREEMENT 1992

Attached is a proposed Urban Growth Management Agreement between Clackamas County and City of Tualatin.

### REASONS FOR THE AGREEMENT

The proposed agreement furthers coordination in land use planning between the County and City, as required by Statewide Planning Goal 2. It ensures that development actions or public service extensions that conflict with Tualatin's Comprehensive Plan will not be allowed in unincorporated areas inside the UGB.

The proposed Agreement recognizes the City's authority for public facilities planning within the UGB and provides for coordination with the County, in accordance with Oregon Administrative Rule 660-11-015.

The proposed Agreement provides for the City's planning district designation to apply to an annexed area automatically on the effective date of the annexation. This will eliminate the need for a plan map amendment to accompany each annexation in Clackamas County.

### RECOMMENDATION

Staff recommends that Council adopt the attached resolution authorizing the Mayor and City Recorder to execute the attached Urban Growth Management Agreement.

Submitted by:

Lee D. Leighton  
Associate Planner

Approved By Tualatin City Council

Date 10/12/92

Recording Secretary J.E.

f: Comp Plan/Clackamas County UGMA

RESOLUTION NO. 2766-92

ADOPTING CITY OF TUALATIN - CLACKAMAS COUNTY  
URBAN GROWTH MANAGEMENT AGREEMENT 1992

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

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN:

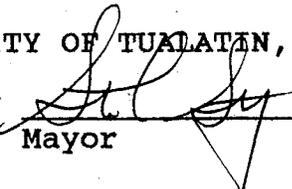
Section 1. The Urban Growth Management Agreement (UGMA) as shown in Exhibit A attached to this resolution is hereby adopted.

Section 2. The Mayor of the City of Tualatin is hereby authorized to sign and date the UGMA in Exhibit A.

Section 3. After signing by the Mayor, the Planning Director shall forward the UGMA to Clackamas County for signing by the Chair and designated members of the Clackamas County Board of Commissioners.

INTRODUCED AND ADOPTED THIS 12th day of October, 1992.

CITY OF TUALATIN, OREGON

BY   
Mayor

ATTEST:

BY   
City Recorder

CITY OF TUALATIN - CLACKAMAS COUNTY  
URBAN GROWTH MANAGEMENT AGREEMENT 1992

WHEREAS, the CITY and the 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 a good faith effort to reconcile any differences 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 (LDCD) 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 CITY and COUNTY in comprehensive planning; and

WHEREAS, the Tualatin Comprehensive Plan and Development Code employs a one-map system wherein the Plan Map fulfills a dual role acting as the Plan Map and the Zone Map, thus there is a no separate Zone Map.

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

1. Boundary

- A. The Urban Growth Management Boundary (UGMB) shall include unincorporated land within the Urban Growth Boundary (UGB) as shown on map Attachment "A" to this agreement. Any amendments to the Metro UGB, shown on map Attachment "A" will automatically be reflected in the UGMB.

2. Comprehensive Planning, Plan Amendments and Public Facilities Planning

- A. The development of a comprehensive plan and comprehensive plan changes for the area within the UGMB shall be a coordinated CITY-COUNTY planning effort.

CITY shall be responsible for preparing all legislative comprehensive plan amendments in the UGMB. COUNTY shall adopt CITY land use plan designations for all unincorporated lands within the UGMB. COUNTY shall adopt no comprehensive plan amendments for lands within the UGMB, except those which may be needed for consistency with comprehensive plan amendments adopted by CITY.

*City do Pub.  
Facil. Plan*

- B. CITY shall be responsible for the preparation, adoption, and amendment of the public facility plan within the UGMB required by OAR Chapter 660, Division 11, Public Facilities Planning. Preparation and amendment of such public facility plan shall provide for coordination with and participation by COUNTY. No County service or other special districts exist within the UGMB.

3. Development Proposals in UGMB

*County zoning*

- A. COUNTY's zoning shall apply to all unincorporated lands within the UGMB. COUNTY shall zone all unincorporated lands within the UGMB as Future Urbanizable (FU-10). Subject to the terms of this Agreement, COUNTY shall retain responsibility and authority for all implementing regulations and land use actions on all unincorporated lands within the UGMB.

*County issue  
no serv  
permits.*

- B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. Within the UGMB, COUNTY shall issue no permits or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 zone.

*No new  
serv. dists.*

- C. COUNTY shall not form any new County service districts or support the annexation of land within the unincorporated UGMB to such districts or to other service districts unless agreed to by CITY.

4. City and County Notice and Coordination

- A. The COUNTY shall provide notification to the CITY at least 35 days prior to the first scheduled public hearing open all quasi-judicial actions, proposed legislative changes to the COUNTY comprehensive plan 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, planned unit developments, mobile home parks, 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. If CITY chooses to attend pre-application meeting, the meeting shall occur at a mutually agreeable time. In the event that a mutually agreeable time cannot be achieved, or in the event CITY informs COUNTY that it does not wish to attend a pre-application meeting, such meeting shall occur at COUNTY's convenience within 30 days from the date the CITY is contacted.
- D. The CITY shall provide notification to the COUNTY at least 20 days prior to the first public hearing held by CITY on all proposed annexations, public facilities plans or amendments, or extra-territorial service extensions into unincorporated areas. In the case of a CITY initiated annexation or extra-territorial service application to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC), the CITY shall notify the COUNTY and provide an opportunity to comment prior to submitting the application. In the case of a private party annexation or extra-territorial service application to the PMALGBC, notice to the COUNTY shall be in accordance with PMALGBC procedures.
- E. 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.
- F. Any amendments proposed by the COUNTY or CITY to the UGB as shown on Attachment "A" shall be reviewed by CITY and COUNTY prior to submission to METRO. If and when CITY and COUNTY find it necessary to undertake a change of the UGB, the parties shall follow the procedures and requirements set forth in State statutes and Oregon administrative rules.

- G. 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. The CITY shall enter all written comments of the COUNTY into the public record and shall consider the same in its exercise of its planning and plan implementation responsibilities.

5. City Annexations

- A. The CITY and the COUNTY recognize the final annexation decision making authority of the PMALGBC as set forth in applicable State law.

*City Plan  
desig. auto.  
applies.*

- B. Due to the CITY's one-map Comprehensive Plan System, the CITY Planning District already applying to an unincorporated property is automatically redesignated and effective upon the effective date of the annexation. The Tualatin Development Code, Section 1.080(6), sets forth the automatic affirmation of existing Planning Districts upon annexation. This automatic redesignation complies with ORS 215.130(2)(a). If a property owner, developer, or the CITY desire a Planning District designation other than that already applying to the property, an application for a Plan Map Amendment may be requested at the time of or following annexation.

*City assume  
Juris. of  
County Roads*

- C. Upon annexation, the CITY shall assume jurisdiction of COUNTY roads and local access roads that are within or abutting the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, the COUNTY agrees to pay the CITY a sum of money equal to the cost of constructing, including labor and materials, a 2-inch asphaltic concrete overlay over the width of the then existing pavement; however, if the width of the pavement is less than 20 feet, the sum shall be calculated for an overlay 20-foot wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each CITY and COUNTY. Arterial roads will be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

*Arts. case  
by case*

6. Development in Unincorporated Areas

A. Development within UGMB may occur pursuant to the COUNTY's Future Urbanizable - 10 acre minimum zoning. The COUNTY shall not form any new COUNTY service districts for sanitary sewer or water services in the UGMB unless agreed to by the CITY.

*No new  
sew. dists.*

B. Public water and/or sanitary sewer shall be provided by the CITY to health hazard areas in the UGMB when the appropriate authority has determined that a health hazard exists and the health hazard area must be serviced. If the health hazard exists on a tax lot or tax lots contiguous to the CITY limits, such tax lots shall be annexed to the CITY as a condition to the CITY providing public water and/or sanitary sewer service.

*City water  
& Sew.*

C. The CITY shall not extend public water and/or sanitary sewer to the UGMB, except for health hazard situations as in 6B above and extra-territorial approvals by the PMALGBC. In the case of a CITY initiated extra-territorial service application to the PMALGBC, the CITY shall notify the COUNTY and provide an opportunity to comment prior to submitting the application. In the case of a private party extra-territorial service application to the PMALGBC, notice to the COUNTY shall be in accordance with PMALGBC procedures.

*City won't  
extend*

7. Terms of Agreement

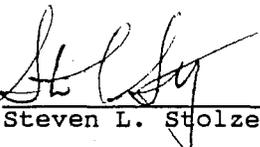
A. It is hereby understood that this agreement may be amended in writing at any time by the concurrence of both the CITY and COUNTY. The parties shall review this Agreement at each periodic review and make any necessary changes.

B. This agreement may not be terminated except during either jurisdiction's Periodic Review. At such time, either party may terminate this Agreement after one hundred twenty (120) days written notice to the other party, provide, however, that in the event this action is taken, termination shall not occur until after a representative of the Department of Land Conservation and Development (DLCD) reviews this Agreement and the concerns of both jurisdictions regarding this successful operation.

C. This agreement supersedes the Clackamas County-Tualatin Dual Interest Area Agreement, which was entered into on the 10th day of January, 1980. No other agreements concerning planning and land use jurisdiction in the UGMA exist between Clackamas County and the City of Tualatin.

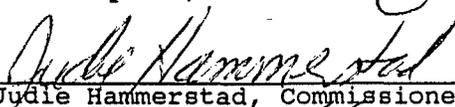
IN WITNESS WHEREOF, the respective parties have caused to be signed in their behalf to make and enter into this agreement this 3rd day of December, 1992.

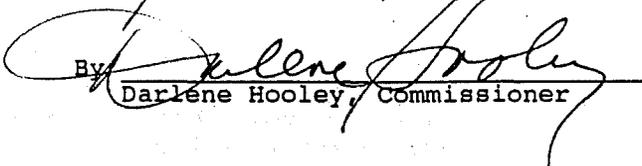
CITY OF TUALATIN

By   
Steven L. Stolze, Mayor

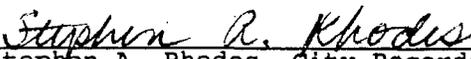
CLACKAMAS COUNTY BOARD OF COMMISSIONERS

By   
Ed Lindquist, ~~Chair~~

By   
Julie Hammerstad, Commissioner

By   
Darlene Hooley, Commissioner

ATTEST:

By   
Stephen A. Rhodes, City Recorder

Attachment ("A")  
clugma.agr



D T D      Comp Plan, Ch. 6 UGMA

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Approving an  
Urban Growth Management Agreement  
Between the City of Tualatin and  
Clackamas County

ORDER NO. 92-1129

This matter coming on at this time  
and it appearing to the Board that agreements for the coordination of  
land use actions within the Clackamas County unincorporated area  
adjacent to cities are needed; and

It further appearing to this Board  
that this Urban Growth Management Agreement replaces the previous  
agreement signed by the Board in January of 1980; and

It further appearing to this Board  
that the City of Tualatin has agreed to the language in this agreement,  
and

It further appearing to this Board  
that said agreement is in the best interests of Clackamas County.

NOW, THEREFORE, IT IS HEREBY ORDERED  
that the within mentioned agreement with the City of Tualatin, a copy of  
which is on file in the Department of Transportation and Development, be  
and the same is approved.

DATED this 3rd day of December, 1992

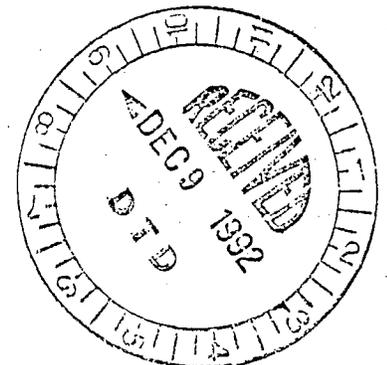
BOARD OF COUNTY COMMISSIONERS

Judie Hammerstad  
Judie Hammerstad, Chair

Darlene Hooley  
Darlene Hooley, Commissioner

Ed Lindquist  
Ed Lindquist, Commissioner  
CITY OF TUALATIN

DEC 16 1992



MAYOR \_\_\_\_\_ COUNCIL \_\_\_\_\_ POLICE \_\_\_\_\_ ADM \_\_\_\_\_  
FINANCE \_\_\_\_\_ PLANNING \_\_\_\_\_ LEGAL \_\_\_\_\_ OPER \_\_\_\_\_  
ASST ADM \_\_\_\_\_ PARK & REC \_\_\_\_\_ ENG & BLDG \_\_\_\_\_  
LIBRARY \_\_\_\_\_ ECO DEV \_\_\_\_\_ COURT \_\_\_\_\_ FILE \_\_\_\_\_