

RESOLUTION NO. 684

A RESOLUTION ADOPTING AN UPDATED URBAN PLANNING AREA AGREEMENT (UPAA) BETWEEN THE CITY OF WILSONVILLE AND WASHINGTON COUNTY AND REPEALING THE PRIOR AGREEMENT.

WHEREAS, the City of Wilsonville and Washington County previously entered into an Urban Planning Area Agreement (UPAA) on September 9, 1986; and

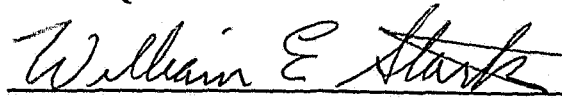
WHEREAS, the existing agreement required that the parties jointly review the Agreement every two years to evaluate the effectiveness of the processes set forth therein and to make any necessary amendments; and

WHEREAS, the existing Agreement has worked well for the parties and the only changes that have been made at this time are to the dates referenced in the document; and

WHEREAS, the Wilsonville Planning commission held a public hearing on the Agreement on August 8, 1988, and voted unanimously to recommend to the City Council that the new Agreement be adopted as proposed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the new Urban Planning Area Agreement as presented by Washington County.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 19th day of September, 1988, and filed with the Wilsonville City Recorder this same date.



WILLIAM E. STARK, Mayor

ATTEST:



VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>

CITY

OF

Wilsonville

30000 S.W. Town Center Loop E. • P.O. Box 220 • 503-682-1011

Wilsonville, Oregon 97070

MEMORANDUM

TO: Wilsonville City Council
FROM: Wayne C. Sorensen, Planning Director *WCS*
DATE: September 19, 1988
RE: Urban Planning Area Agreement (UPAA) -
Washington County

Washington County is in the process of updating the Urban Planning Area Agreements with all the cities located within the County. As part of that process, they will adopt (Washington County) Ordinance No. 332 which repeals our current Agreement and adopts a new Agreement (attached). The only changes that have been made are to the dates that are referenced in the document.

The Wilsonville Planning Commission held a public hearing regarding the new Agreement on August 8, 1988, and voted 5-0 to recommend to the City Council that the new Agreement be adopted as proposed.

wcs:jme

CITY

OF

Wilsonville

30000 S.W. Town Center Loop E. • P.O. Box 220 • 503-682-1011

MEMORANDUM

Wilsonville, Oregon 97070

TO: Wilsonville Planning Commission
FROM: Wayne C. Sorensen, Planning Director *WCS*
DATE: August 8, 1988
RE: Urban Planning Area Agreement - Washington County

Washington County is in the process of updating the Urban Planning Area Agreement with all the cities located within the County. As part of that process, they will adopt (Washington County) Ordinance No. 332 which repeals our current agreement and adopts a new agreement (attached).

I have reviewed the proposed agreement and found that it is exactly the same as the agreement that is currently in effect. The current agreement has worked well for the City and I would recommend that we adopt the new agreement with no changes.

RECOMMENDATION: The Planning Commission should forward a recommendation to the City Council that the new agreement with Washington County be adopted as proposed.

Approved 5-0 8-8-88 *WCS*

NOTICE TO PERSONS ON GENERAL NOTIFICATION LIST

In response to your request to receive notification of proposed Washington County land use ordinance updates (for which you paid a \$10.00 fee), the Land Use Ordinance Advisory Committee provides the following information.

Two ordinances (#332 and #333) have been filed which will change the County's Transportation Plan, modify all urban planning area agreements and make a change in two rural exception areas.

Obviously, the location of mass transit lines, bypasses and the designation of certain roads or streets as major collectors, minor collectors, etc. will have an impact on adjacent property.

Similar changes are reflected in both ordinances. Ordinance #332 applies to urban areas and Ordinance #333 applies the changes to rural areas. The ordinances repeal certain policies and strategies in the Rural and Urban Comprehensive Plans and repeal the current Transportation Plan. The ordinances will adopt a new Transportation Plan for the County.

The ordinances will repeal and replace all urban planning area agreements with all cities in the County.

A portion of Ordinance #333 applies directly to only seven (7) parcels of land in the southern part of the County near Bald Peak. This part of Ordinance #333 will amend two "exception-area statements" by providing additional findings to justify the current AF-5 and AF-10 designations on six parcels and will change the designation on one parcel (tax lot #800, 2S3 10D) from AF-10 to AF-20.

The ordinance review and adoption process begins with a public hearing before the Washington County Planning Commission, which advises the Board on planning matters. After the hearing, the Planning Commission will make a recommendation to the Board, which will hold a separate public hearing on the ordinances before making a final decision.

Initial public hearings are scheduled as follows:

Washington County
Planning Commission
7:30 P.M. Wednesday
July 27, 1988

Washington County
Board of Commissioners
10:00 A.M. Tuesday
September 13, 1988

The public hearings will be held in the Board Hearing Room, Room 402, at the County Administration Building, 150 North First, Hillsboro, Oregon. If you would like more information about these ordinances before the hearings, please contact the Planning Division of the Washington County Department of Land Use and Transportation at 640-3519 or by writing:

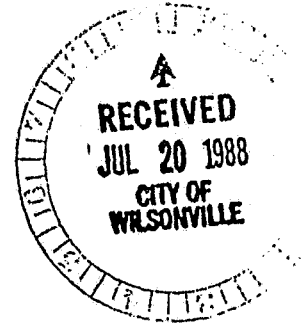
Planning Division
Department of Land Use and Transportation
150 North First
Hillsboro, Oregon 97124

If you would like to propose amendments to either ordinance, we suggest that you be prepared to submit them to the Planning Commission in writing at its first hearing.



WASHINGTON
COUNTY,
OREGON

Date : July 15, 1988
To : City Planning Directors
From : Brent Curtis, Planning Manager *BC*
Subject : ORDINANCE NOS. 332 AND 333



Pursuant to the coordination requirements of the Urban Planning Area Agreement, the following items are enclosed for your information/review:

1. Copies of land use Ordinances 332 and 333 filed with the County Recording Section on June 17, 1988;
2. Attachments to Ordinance 332:
 - Exhibit "A" - Amendments to the Comprehensive Framework Plan.
 - Exhibit "B" - Urban Planning Area Agreement. The only changes that have been made at this time are to the dates referenced in the documents and to the maps that are part of the agreements.
 - Exhibit "C" - Public Hearing draft of the new Transportation Plan
3. Attachments to Ordinance 333:
 - Exhibit "A" - Amendments to the Rural/Natural Resource Plan.
 - Exhibits "C" and "D"- Amendments to the Exception Statement Document of the Rural/Natural Resource Plan.
4. Notice of public hearing mailed to property owners.

If you have any questions or comments regarding the Transportation Plan, please call Mark Brown. If you have questions or comments about the other exhibits, please call Kevin Martin. The phone number is 640-3519.

BC:KJM:mb

Enclosures

FILED
JUN 17 1988

Washington County
County Clerk

1 IN THE BOARD OF COUNTY COMMISSIONERS
2
3 FOR WASHINGTON COUNTY, OREGON

4
5 Ordinance No. 332

(An Ordinance Amending the Washington
(County Comprehensive Framework
(Plan for the Urban Area; Adopting New
(Urban Planning Area Agreements With
(Cities in the Urban Area and Repealing
(the Prior Agreements; and Adopting
(and Adopting a New Transportation
(Plan for the Urban Area and Repealing
(the Prior Transportation Plan

6
7
8
9 The Board of County Commissioners of Washington County,
10 Oregon ordains:

11 SECTION 1.

12 A. The Board of County Commissioners of Washington County,
13 Oregon, recognizes that the "Comprehensive Framework Plan for
14 the Urban Area" was readopted with amendments on September 9,
15 1986, by way of Ordinance No. 307 (entitled "An Ordinance
16 Amending the Washington County Comprehensive Framework Plans and
17 Elements thereof by Making Amendments to Conform with State
18 Law, Readopting the Provisions of Ordinance No. 292 as Amended
19 Herein; and Making Such Other Amendments as Needed), and
20 including documents published as "Comprehensive Framework Plan
21 for the Urban Area" (Volume II); and the "Urban Planning Area
22 Agreements" (XIV) and the "Transportation Plan" (Volume XV).
23 The Board further recognizes that the "Transportation Plan"
24 (Volume XV) was originally adopted by way of Ordinance Nos. 263
25 and 265, and was subsequently readopted and/or amended by way of

5
//////////

RECEIVED
CLERK'S OFFICE
WASHINGTON COUNTY
JUN 17 1988

1 Ordinance Nos. 278 and 280, 292 and 294, and 307 and 309,
2 including textual materials and maps.

3 B. Subsequently, ongoing planning efforts of the County
4 indicate a need for changes to certain planning documents
5 pertaining to the urban area. Under Washington County Charter
6 Chapter X and for the purposes of this Ordinance, urban area
7 shall include all land inside the Metropolitan Regional Urban
8 Growth Boundary as of the effective date of this Ordinance. The
9 Board takes note that changes to the planning documents are
10 necessary to the planning documents for the benefit of the
11 health, safety and general welfare of the residents of
12 Washington County, Oregon.

13 C. Under the provisions of Washington County Charter
14 Chapter X, the Land Use Ordinance Advisory Commission has
15 carried out its responsibilities, including preparation of
16 notices, and the Planning Commission has conducted a public
17 hearings process on the proposed amendments to certain planning
18 documents pertaining to the urban area, and has submitted its
19 recommendations to the Board on _____. The Board finds
20 that this Ordinance is based on that recommendation, and any
21 modifications made by the Board as a result of the public
22 hearings process.

23 D. The Board finds and takes public notice that it is in
24 receipt of all matters and information necessary to consider in
25 an adequate manner this Ordinance, and that this Ordinance
26 complies with the Statewide Planning Goals authorized and

1 adopted pursuant to ORS 197.255, and the standards for
2 legislative plan adoption as set forth in Chapters 197 and 215
3 of the Oregon Revised Statutes, the Washington County Charter,
4 and the current Community Development Code.

5 SECTION 2.

6 A. The following Exhibits, each of which are on file with
7 the County Clerk and incorporated herein by reference, are
8 hereby adopted as changes to the designated planning documents
9 pertaining to the urban area:

10 1. Exhibit "A" (2 pages), amending the "Comprehensive
11 Framework Plan for the Urban Area" (Volume II) as it pertains to
12 transportation policies;

13 2. Exhibit "B" (96 pages), adopting new Urban
14 Planning Area Agreements with those cities within the urban
15 area. The existing Urban Planning Area Agreements with those
16 cities within the urban area. The existing Urban Planning Area
17 Agreements with those cities within the urban area (Volume XIV)
18 are hereby repealed.

19 3. Exhibit "C", adopting a new Transportation Plan
20 for the urban area. Those portions of Exhibit "C" designated
21 "Policies" and "Implementing Strategies", and six designated
22 maps (Through Truck Routes, Proposed County wide Road System,
23 Existing and Proposed Transit Routes, Bicycle Route System,
24 Functional Classification System, and Recommended Roadway
25 Improvement Projects) are adopted as the Transportation Plan for
20 the Urban area. The remaining background information, summary

1 findings and conclusions, other textual material and remaining
2 maps contained in Exhibit "C" are not adopted by this Ordinance,
3 but may be later adopted, all or in part, by Resolution and
4 Order. The existing Transportation Plan (Volume XV) as it
5 pertains to the urban area is hereby repealed.

6 SECTION 3.

7 All other planning documents pertaining to the urban area
8 which have been adopted by prior ordinance and provisions of
9 such prior land use ordinances which are not expressly amended
10 or repealed herein shall remain in full force and effect.

11 SECTION 4.

12 All applications filed under former land use ordinances
13 shall continue to be processed pursuant to the provisions of the
14 former ordinance, except procedures, until a final decision is
15 rendered by the County or the application is withdrawn.

16 SECTION 5.

17 If any portion of this Ordinance, including exhibits, shall
18 for any reason be held invalid or unconstitutional by a body of
19 competent jurisdiction, the remainder shall not be affected
20 thereby and shall remain in full force and effect.

21 SECTION 6.

22 The Office of County Counsel and Department of Land Use and
23 Transportation are authorized to prepare planning documents to
24 reflect the changes adopted under Section 2 of this Ordinance,
25 including deleting and adding textual material and maps,
26 renumbering pages or sections, and making any technical changes

not affecting the substance of the changes as necessary to conform to the Washington County Comprehensive Plan format.

SECTION 7.

This Ordinance shall take effect 30 days after the date of its enactment.

ENACTED this ____ day of _____, 1988, being the ____ reading and ____ public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

CHAIRMAN

RECORDING SECRETARY

	<u>READING</u>	<u>PUBLIC HEARING</u>
FIRST	_____	_____
SECOND	_____	_____
THIRD	_____	_____
FOURTH	_____	_____

VOTE Aye _____ Nay _____

Recording Secretary: _____

Date: _____

EXHIBIT "A"
ORDINANCE NO. 332
URBAN AREA
(2 pages)

The Comprehensive Framework Plan (Volume II) shall be amended as follows:

A. Policy No. 1, Strategy 1 (pg 3.1.7)

The existing strategy is deleted and replaced with the following:

1. Provide for amendments to the Transportation Plan based upon the implementing strategies under the Plan Monitoring Policy of the Transportation Plan.

B. Policy No. 32 to 37 (pg. 3.7.1 to 3.7.21)

The existing policies and strategies are deleted and replaced with the following:

TRANSPORTATION

It is the policy of Washington County to regulate the existing transportation system and to provide for the future transportation needs of the County through the development of a Transportation Plan as an element of the Comprehensive Plan.

Implementing Strategies:

The County will:

- a. Combine the transportation features of the urban and rural areas in a single countywide Transportation Plan;
- b. Specify the necessary transportation improvements, maintenance, and reconstruction activities needed to carry out the Comprehensive Plan in the Transportation Plan;
- c. Implement the Transportation Plan capital improvements and maintenance programs through a combination of public expenditures, private development actions and the assessment of impact fees;

- d. In cases of direct conflict between the Transportation Plan and a Community Plan or the Rural/Natural Resources Plan regarding functional classification and/or location of a proposed road, the Transportation Plan shall take precedence.

Summary Findings and Conclusions

The transportation system and planning for that system must go beyond meeting daily travel demands. Transportation planning must recognize that transportation systems have significant impacts on the physical, social and economic characteristics of the areas they serve. In order to have an integrated and consistent plan for transportation, the transportation needs for the urban and rural areas are combined in a single document.

The Comprehensive Framework Plan, in combination with the Community Plans, will define the location and level of demand the transportation system will be expected to accommodate. The policies and strategies of the Transportation Plan are aimed at defining the role transportation services will play in shaping the County's urban and rural areas. A major factor in determining the timing and sequence of growth will be the availability of an adequate transportation system.

MB:pf

(doc:MB-3June)

EXHIBIT "B"
ORDINANCE NO. 332
URBAN AREA
(96 pages)

Urban Planning Area Agreements with the following cities within
the urban area:

1.	Beaverton	12 pages
2.	Cornelius	9 pages
3.	Durham	7 pages
4.	Forest Grove	9 pages
5.	Hillsboro	10 pages
6.	King City	7 pages
7.	Portland	6 pages
8.	Sherwood	8 pages
9.	Tigard	12 pages
10.	Tualatin	8 pages
11.	Wilsonville	8 pages

WASHINGTON COUNTY - WILSONVILLE
URBAN PLANNING AREA AGREEMENT

THIS AGREEMENT is entered into this ___ day of _____, 19___ by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF WILSONVILLE, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Planning Area within the Regional Urban Growth Boundary within which both the COUNTY and the CITY maintain an interest in comprehensive planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area;
3. A process to amend the Urban Planning Agreement.

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

I. Location of the Urban Planning Area

The Urban Planning Area mutually defined by the COUNTY and the CITY includes the area designated on Exhibit "A" to this agreement.

In addition, the CITY and the COUNTY have identified a coordination area in which development may cause an impact on the CITY. This area, defined as that portion of the Willamette River Drainage Basin located in the COUNTY, is identified on Exhibit "A" as the Wilsonville Drainage Area. Comprehensive planning and development shall be coordinated in this area in the same manner as in the Urban Planning Area.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approval or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The County shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:
- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than 45 days prior to the final hearing on adoption. The specific method and level of involvement shall be finalized by "Memorandums of Understanding" negotiated and signed by the planning directors of the CITY and

the COUNTY. The "Memorandums of Understanding" shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of being notified of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a "Memorandum of Understanding".

- b. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to small tract zoning or comprehensive

plan map amendments, conditional or special use permits, individual subdivisions, partitionings or planned unit developments, variances, and other similar actions requiring a hearings process which is quasi-judicial in nature.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an affect on unincorporated portions of the designated Urban Planning Area.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail a copy of the public hearing notice which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency, to notify the responding agency.
 - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Special Policies

- A. Annexations to the CITY of land outside of the Urban Growth Boundary and the Urban Planning Area will not be supported by the COUNTY or CITY.
- B. The CITY shall be responsible for the preparation, adoption and amendment of the Public Facility Plan required by OAR 660-11 within the Urban Planning Area.
- C. As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any inter-governmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

IV. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
 2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.
 3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 days of the date the request is received.
 4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section IV (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 90 days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 90 days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties will jointly review this Agreement every two (2) years, or more frequently if mutually needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. The review process shall commence two (2) years from the date of execution and shall be completed within 60 days. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of the 60 day review period inconsistencies still remain, either party may terminate this Agreement.

V. This Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated September 9, 1986.

This Agreement commences on _____, 19 ____.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF WILSONVILLE

By William E. Starks Date 9-20-88
Mayor

WASHINGTON COUNTY

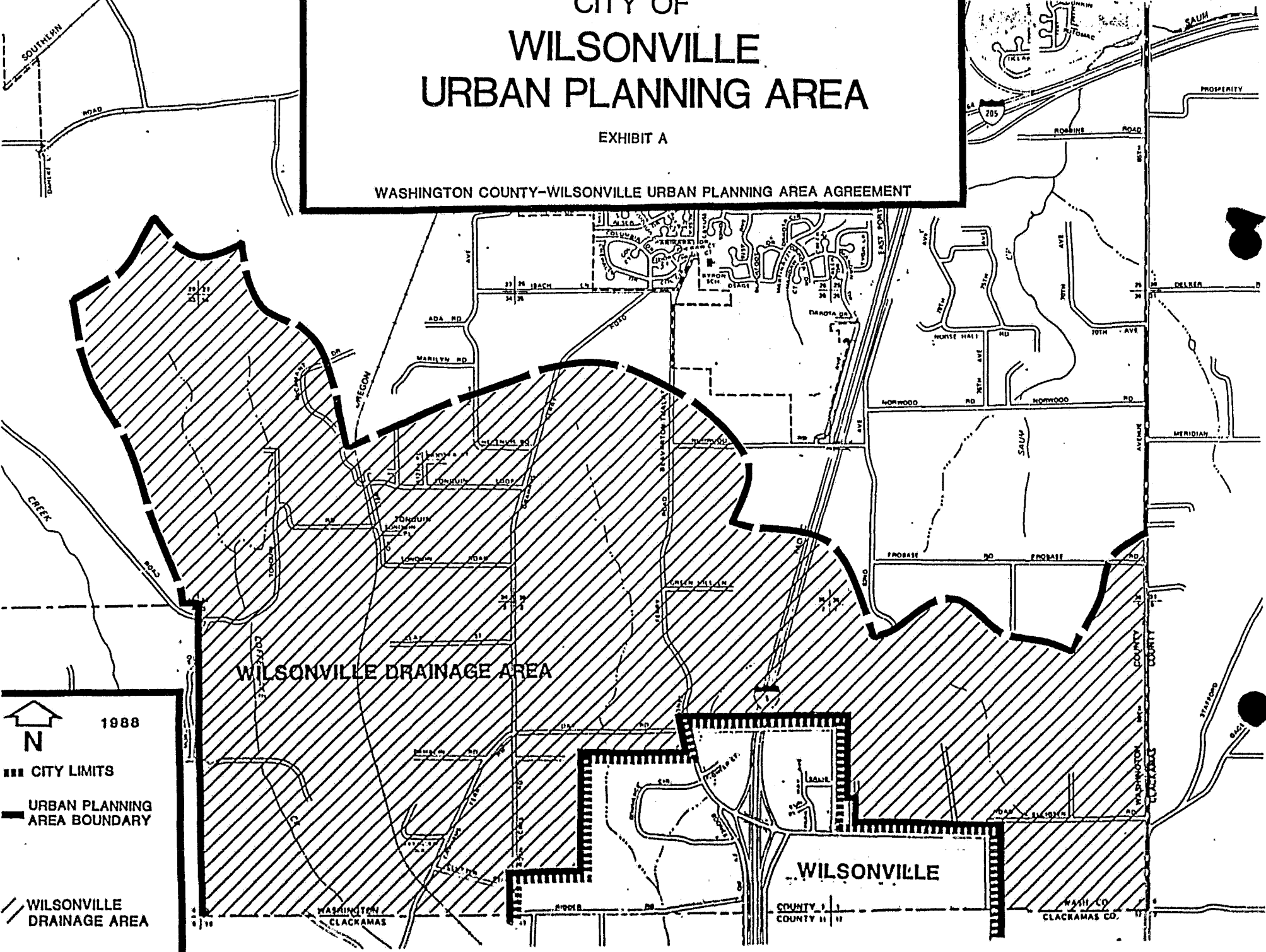
By _____ Date _____
Chairman, Board of County Commissioners

Recording Secretary Date _____

CITY OF WILSONVILLE URBAN PLANNING AREA

EXHIBIT A

WASHINGTON COUNTY-WILSONVILLE URBAN PLANNING AREA AGREEMENT



1988

N

--- CITY LIMITS

— URBAN PLANNING AREA BOUNDARY

/// WILSONVILLE DRAINAGE AREA

WILSONVILLE DRAINAGE AREA

WILSONVILLE

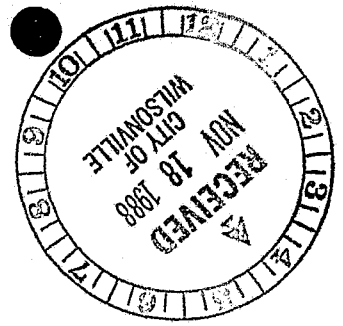
WASHINGTON
CLACKAMAS

COUNTY I
COUNTY II

WASH CO
CLACKAMAS CO.



WASHINGTON
COUNTY,
OREGON



November 16, 1988

Vera Rojas, City Recorder
City of Wilsonville
P.O. Box 220
Wilsonville, OR 97070

RE: ADOPTION OF THE URBAN PLANNING AREA AGREEMENT

On October 25, 1988, the Washington County Board of Commissioners adopted Ordinance Nos. 332 and 333, amending the Washington County Comprehensive Plan. Ordinance No. 332 officially adopted the Urban Planning Area Agreement with your city. A final signed copy of the Agreement is enclosed for your records.

Thank you for your assistance and cooperation in the process to update the Urban Planning Area Agreements. If you have any further questions, please give me a call.

Kevin J. Martin
Senior Planner

KJM:mb

enclosure

WASHINGTON COUNTY - WILSONVILLE
URBAN PLANNING AREA AGREEMENT

THIS AGREEMENT is entered into this 25th day of October, 1988 by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF WILSONVILLE, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Planning Area within the Regional Urban Growth Boundary within which both the COUNTY and the CITY maintain an interest in comprehensive planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area;
3. A process to amend the Urban Planning Agreement.

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

I. Location of the Urban Planning Area

The Urban Planning Area mutually defined by the COUNTY and the CITY includes the area designated on Exhibit "A" to this agreement.

In addition, the CITY and the COUNTY have identified a coordination area in which development may cause an impact on the CITY. This area, defined as that portion of the Willamette River Drainage Basin located in the COUNTY, is identified on Exhibit "A" as the Wilsonville Drainage Area. Comprehensive planning and development shall be coordinated in this area in the same manner as in the Urban Planning Area.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approval or denials, annexations, variances, building permits and similar administrative-type decisions.

2. The County shall provide the CITY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:
- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than 45 days prior to the final hearing on adoption. The specific method and level of involvement shall be finalized by "Memorandums of Understanding" negotiated and signed by the planning directors of the CITY and

the COUNTY. The "Memorandums of Understanding" shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of being notified of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a "Memorandum of Understanding".

- b. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to small tract zoning or comprehensive

plan map amendments, conditional or special use permits, individual subdivisions, partitionings or planned unit developments, variances, and other similar actions requiring a hearings process which is quasi-judicial in nature.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an affect on unincorporated portions of the designated Urban Planning Area.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail a copy of the public hearing notice which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail a copy of all public hearing agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Special Policies

- A. Annexations to the CITY of land outside of the Urban Growth Boundary and the Urban Planning Area will not be supported by the COUNTY or CITY.
- B. The CITY shall be responsible for the preparation, adoption and amendment of the Public Facility Plan required by OAR 660-11 within the Urban Planning Area.
- C. As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any inter-governmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

IV. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
 2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.
 3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 days of the date the request is received.
 4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section IV (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 90 days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 90 days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties will jointly review this Agreement every two (2) years, or more frequently if mutually needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. The review process shall commence two (2) years from the date of execution and shall be completed within 60 days. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of the 60 day review period inconsistencies still remain, either party may terminate this Agreement.

V. This Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated September 9, 1986.

This Agreement commences on November 24, 19 88.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF WILSONVILLE

By William E. Starks Date 9-20-88
Mayor

WASHINGTON COUNTY

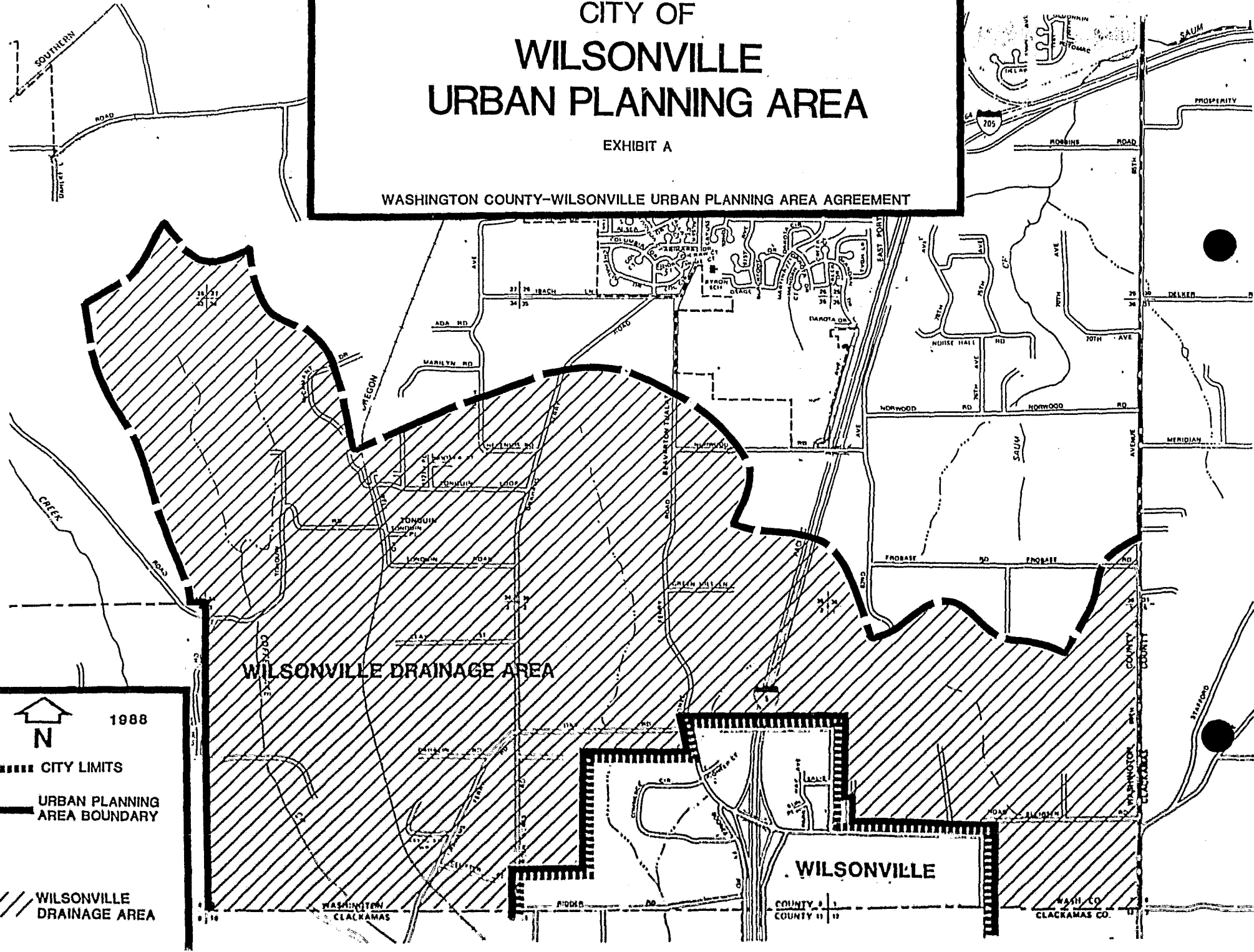
By Donnie L. Hays Date 11-9-88
Chairman, Board of County Commissioners

Pam Richard Date 11-9-88
Recording Secretary

CITY OF WILSONVILLE URBAN PLANNING AREA

EXHIBIT A

WASHINGTON COUNTY-WILSONVILLE URBAN PLANNING AREA AGREEMENT



1988
N

- CITY LIMITS
- URBAN PLANNING AREA BOUNDARY
- //// WILSONVILLE DRAINAGE AREA