BCC 12-1091

Washington County – Banks
Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF BANKS, 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 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 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; and

3. A process to amend the Urban Planning Agreement; and

WHEREAS, the CITY'S urban growth boundary (UGB) was expanded and deemed acknowledged in 2011; and,

WHEREAS, the COUNTY and CITY desire to amend the UPAA to reflect the changes in the CITY boundary and the UGB and the need for urban planning of the new urban land; and

WHEREAS, the COUNTY and CITY desire to amend the UPAA to reflect the CITY'S Urban Reserve Study Area, within which Urban Reserves will be designated through a cooperative process between the COUNTY and CITY subject to Oregon Administrative Rule (OAR) 660, Division 21.

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.

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 or 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 notification 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 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 who 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 are not limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits, individual subdivisions, partitions or planned unit developments, variances, and other similar actions requiring a quasi-judicial hearing process.

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.

D. The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.

1. For land with COUNTY rural plan designations which have been included inside the UGB, or land with the FD-10 District designation, the CITY shall be responsible for comprehensive planning, including necessary work to comply with Statewide planning goals and associated administrative rules and requirements. The parties will apply the coordination provisions of Paragraph II.A.2. of this UPAA. The urban designations adopted by the CITY will not become effective and development of land pursuant to the designations will not occur until the land has been annexed to the CITY. As an interim measure, the COUNTY will adopt the FD-10 plan designation for lands which have been included inside the UGB.

III. Special Policies

A. Definitions

1. ***Urban Growth Boundary*** means the area within which urban development will occur as represented in the City of Banks' Comprehensive Plan. The CITY is responsible for comprehensive planning within the Urban Growth Boundary.

2. ***Area of Interest*** means the area adjacent to but outside of the existing Urban Growth Boundary which the CITY has identified as the most logical area for urban expansion should a need be demonstrated. The COUNTY is responsible for comprehensive planning and development actions within the area of interest until such time as the Urban Growth Boundary is expanded and the area is annexed to the CITY.

3. ***Urban Planning Area*** means the combined area of the Urban Growth Boundary and the Area of Interest. The CITY and the COUNTY shall notify one another of proposed comprehensive planning and development actions within the Urban Planning Area according to the provisions of this Agreement.

4. ***Urban Reserve Study Area*** means the undesignated rural lands surrounding the CITY as well as the Area of Interest. These lands may undergo future study through a cooperative effort between the COUNTY and CITY to designate Urban Reserves pursuant to OAR 660-021.

B. Annexations within the Urban Planning Area will not be opposed by the COUNTY.

C. Annexations outside of the Urban Planning Area will not be supported by the COUNTY or CITY.

D. The CITY and COUNTY may cooperate in planning for urban facilities.

E. The COUNTY will not approve a land use proposal in the Urban Planning Area if the CITY presents evidence to show that the proposal would not facilitate an urban level of development in the future upon annexation to the CITY.

F. The COUNTY will not approve a land use proposal for residential densities designated in the Banks Comprehensive Plan without public water and public sewer.

G. Amendments to the Urban Growth Boundary within the Urban Planning Area, or to establish Urban Reserves pursuant to OAR 660-021, shall require an amendment to Exhibit "A" as outlined in Section IV of this agreement.

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 30 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 to evaluate the effectiveness of the processes set forth herein and to make any 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 agreement shall become effective upon full execution by the COUNTY and CITY and shall then repeal and replace the Washington County – Banks Urban Planning Area Agreement dated January 10, 2002. The effective date of this Agreement shall be the last date of signature on the signature page.

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

CITY OF BANKS

By _____ Date 11/13/2012
Mayor

Approved as to Form:

By _____ Date 11/19/12
City Attorney

WASHINGTON COUNTY

By _____ Date 11-6-12
Chair, County Board of Commissioners

By Barbara Heitmanek Date 11-6-12
Recording Secretary

Approved as to Form:

By _____ Date 11/2/12
County Counsel

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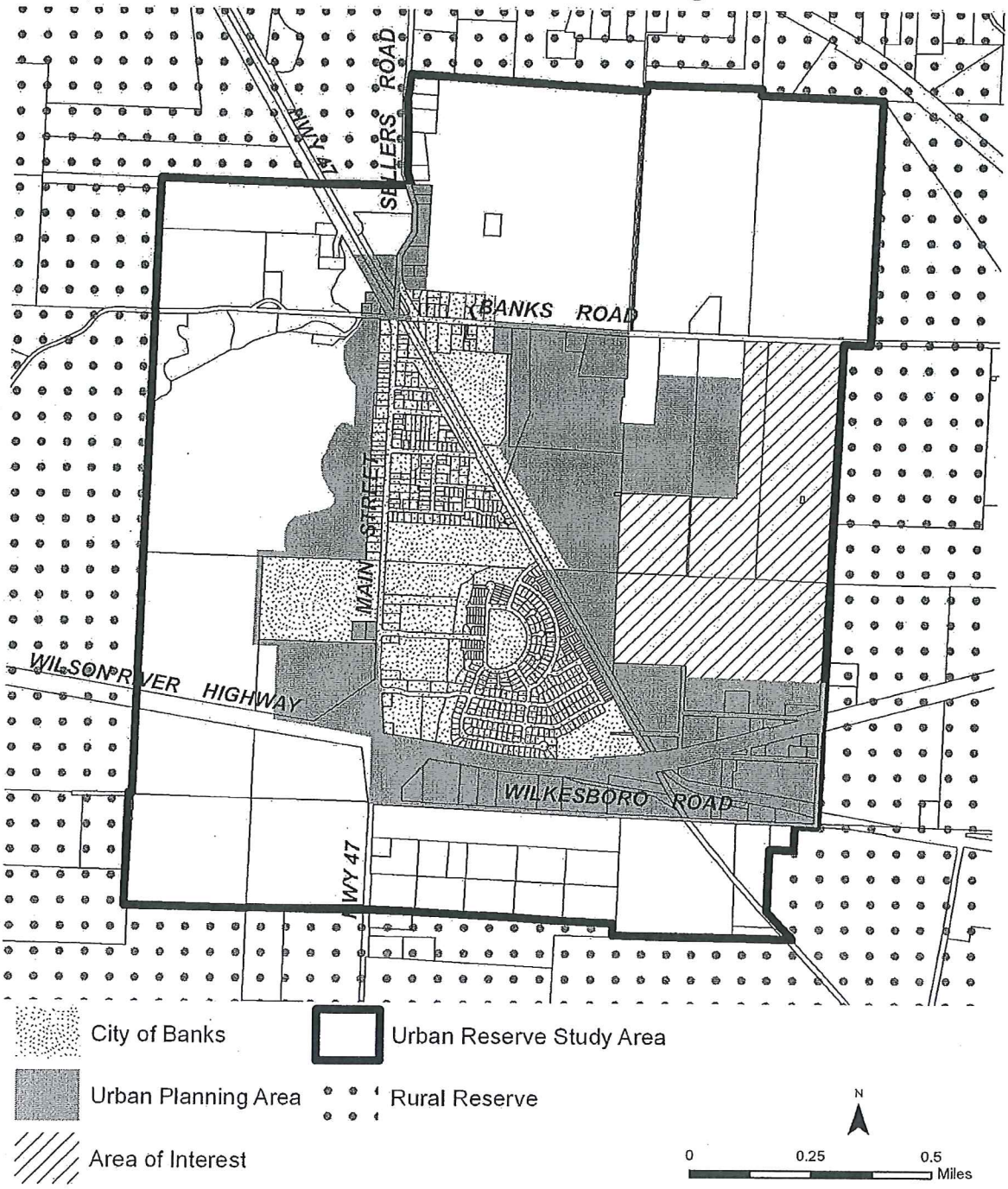
Agreement amended by
Washington County Land Use Ordinance No. 753,
adopted on September 18, 2012

Exhibit A

Washington County -- City of Banks Urban Planning Area Agreement

City of Banks Urban Planning Area



Agreement amended by
Washington County Land Use Ordinance No. 753,
adopted on September 18, 2012

WASHINGTON COUNTY
OREGON

July 11, 2012

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Interim Long Range Planning Manager
Department of Land Use & Transportation

Subject: **PROPOSED ORDINANCE NO. 753**

Enclosed for your information is a copy of proposed Ordinance No. 753. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Division.

Ordinance Purpose and Summary

Proposed Ordinance No. 753 amends the Washington County Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Washington County – Banks Urban Planning Area Agreement (UPAA) by incorporating changes made to the urban growth boundary (UGB) surrounding the city of Banks. Ordinance No. 753, if adopted, would also apply the Future Development – 10 Acre District (FD-10) designation to areas added to the Banks UGB.

Who Is Affected

Owners of property located in areas added to the UGB of Banks.

What Land is Affected

Land located in areas added to the UGB of Banks.

Key Provisions

- Removes properties and significant natural resource areas added to the Banks UGB from the Rural/Natural Resource Plan Land Use Districts and Significant Natural Resources maps, respectively.

- Adds the affected properties to the Future Development Areas map in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and designates them as Future Development Ten Acre District (FD-10) lands.

- Adds significant natural resource areas removed from the Rural/Natural Resource Plan to the Goal 5 Resources for Future Development Areas map in Policy 41 of the Comprehensive Framework Plan for the Urban Area.

- Amends the Washington County – Banks UPAA by including: references to the inclusion of new urban lands and the city's Urban Reserve Study Area; clarifying definitions; a requirement that the city of Banks is responsible for the comprehensive planning of the properties added to the UGB; and, various grammatical changes.

- Finally, the previous UPAA map showing the UPAA boundary and UGB is deleted and replaced with an updated boundary map.

Initial Public Hearings
Time and Place

Planning Commission	**Board of County Commissioners**
7:30 pm	**10:00 am**
August 15, 2012	**September 18, 2012**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon.

On September 18, 2012, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective thirty (30) days from the date of adoption.

Rural/Natural Resource Plan Amendments

- Land Use Districts map
- Significant Natural Resources map

Urban Comprehensive Plan Policies Amended

- Policy 41, Urban Growth Boundary Expansions

2020 Transportation Plan Policies Amended

- None

Community Development Code Standards Amended

- None

How to Submit Comments

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of the Long Range Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Long Range Planning Division
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Staff Contact

Anne Elvers, Associate Planner
155 North First Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3583 Fax: 503-846-4412
e-mail: anne_elvers@co.washington.or.us

Proposed Ordinance is available at the following locations:

- Washington County Department of Land Use & Transportation
  Long Range Planning Division, 155 North First Ave.
  Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category:	Public Hearing – First Reading and First Public Hearing Land Use & Transportation; County Counsel (CPO 14)
Agenda Title:	**PROPOSED ORDINANCE NO. 753 - AN ORDINANCE AMENDING ELEMENTS OF THE WASHINGTON COUNTY COMPREHENSIVE PLAN TO REFLECT CHANGES TO THE CITY OF BANKS' URBAN GROWTH BOUNDARY**
Presented by:	Andrew Singelakis, Director of Land Use & Transportation Alan Rappleyea, County Counsel

SUMMARY:

Ordinance No. 753 proposes to amend the Washington County Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Washington County – Banks Urban Planning Area Agreement (UPAA) by incorporating changes made to the urban growth boundary (UGB) surrounding the city of Banks. Ordinance No. 753, if adopted, would also apply the Future Development – 10 Acre District (FD-10) designation to areas added to the Banks UGB. Ordinance No. 753 is posted on the county's land use ordinance web page at the following link:

http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2012-land-use-ordinances.cfm

On August 15, 2012 the Planning Commission (PC) conducted a public hearing for this ordinance and unanimously recommended that the Board adopt Ordinance No. 753 as filed.

The staff report will be provided to the Board prior to the hearing and it will also be available at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 753 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 753.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	**4.c.**
Date:	09/18/12

ADOPTED

FILED
JUL - 6 2012
Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 753	An Ordinance Amending the Washington County – Banks Urban Planning Area Agreement, and Updating the Rural/Natural Resource Plan, and the Comprehensive Framework Plan for the Urban Area to Reflect the Amendments

The Board of County Commissioners of Washington County, Oregon ("Board") ordains as follows:

SECTION 1

A. The Board recognizes that the Banks Urban Planning Area Agreement of the Washington County Comprehensive Plan was adopted by way of Ordinance No. 307 and was subsequently amended by way of Ordinance Nos. 332, 333, and 580.

B. The Board recognizes that the Rural/Natural Resource Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671, 686, 733, and 740.

C. The Board of County Commissioners of Washington County, Oregon, recognizes that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732, 733, 739, 742, 744 and 745.

WASHINGTON COUNTY COUNSEL
155 N. FIRST AVENUE, SUITE 340
HILLSBORO, OR 97124
PHONE: 503 846-8747 – FAX: 503 846-8636

D. Subsequent planning efforts of Washington County indicate there is a need for an update of the Washington County – Banks Urban Planning Area Agreement and corresponding updates of associated maps in the Rural/Natural Resource Plan and the Comprehensive Framework Plan for the Urban Area to show the Urban Growth Boundary expansion area for the City of Banks deemed acknowledged in 2011. The Board further takes note that such changes are for the health, welfare, and benefit of the residents of Washington County, Oregon.

E. Under the provisions of Washington County Charter Chapter X, the Department of Land Use and Transportation has carried out its responsibilities, including preparation of notices, and the County Planning Commission has conducted one or more public hearings on the proposed amendments and has submitted its recommendations to the Board. The Board finds that this Ordinance is based on those recommendations and any modifications made by the Board are a result of the public hearings process;

F. The Board finds and takes public notice that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner, and finds that this Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter, the Washington County Community Development Code, and the Washington County Comprehensive Plan.

SECTION 2

The following exhibits, which are attached hereto and incorporated herein by reference, are hereby adopted as amendments to the Washington County – Banks Urban Planning Area Agreement of the Washington County Comprehensive Plan:

WASHINGTON COUNTY COUNSEL
155 N. FIRST AVENUE, SUITE 340
HILLSBORO, OR 97124
PHONE: 503 846-8747 – FAX: 503 846-8636

A. Exhibit 1 (2 pages) – amending the Rural/Natural Resource Plan Land Use Districts to reflect removal of certain properties;

B. Exhibit 2 (2 pages) – amending Policy 41, Urban Growth Boundary Expansions, of the Comprehensive Framework Plan for the Urban Area, to reflect certain changes to Map A, Future Development Areas, and Map B, Goal 5 Resources for Future Development Areas; and

C. Exhibit 3 (10 pages) – amending the Washington County – Banks Urban Planning Area Agreement.

SECTION 3

All other Comprehensive Plan provisions that have been adopted by prior ordinance, which are not expressly amended or repealed herein, shall remain in full force and effect.

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

SECTION 5

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

SECTION 6

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

WASHINGTON COUNTY COUNSEL
155 N. FIRST AVENUE, SUITE 340
HILLSBORO, OR 97124
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and making any technical changes not affecting the substance of these amendments as necessary to conform to the Washington County Comprehensive Plan format.

SECTION 7

This Ordinance shall take effect thirty (30) days after adoption.

ENACTED this 18 day of September, 2012, being the 1st reading and 1st public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ADOPTED

CHAIRMAN

Barbara Hejtmanek
RECORDING SECRETARY

READING	PUBLIC HEARING
First September 18, 2012	First September 18, 2012
Second	Second
Third	Third
Fourth	Fourth
Fifth	Fifth
VOTE: *Aye:* Malinowski, Schouten, Duyck, Rogers, Terry	*Nay:*
Recording Secretary: Barbara Hejtmanek	Date: 9-18-12

WASHINGTON COUNTY COUNSEL
155 N. FIRST AVENUE, SUITE 340
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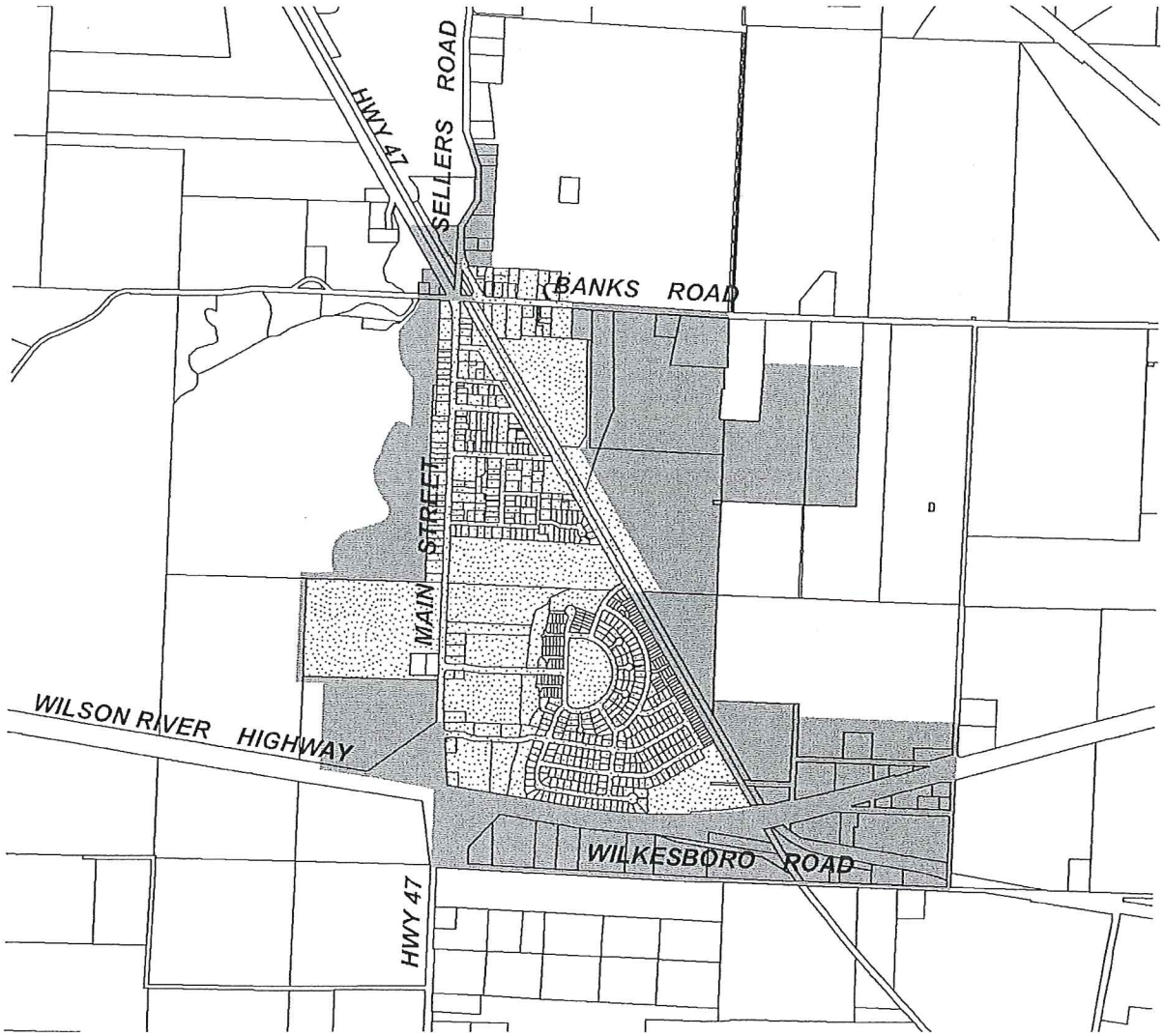
PHONE: 503 846-8747 – FAX: 503 846-8636

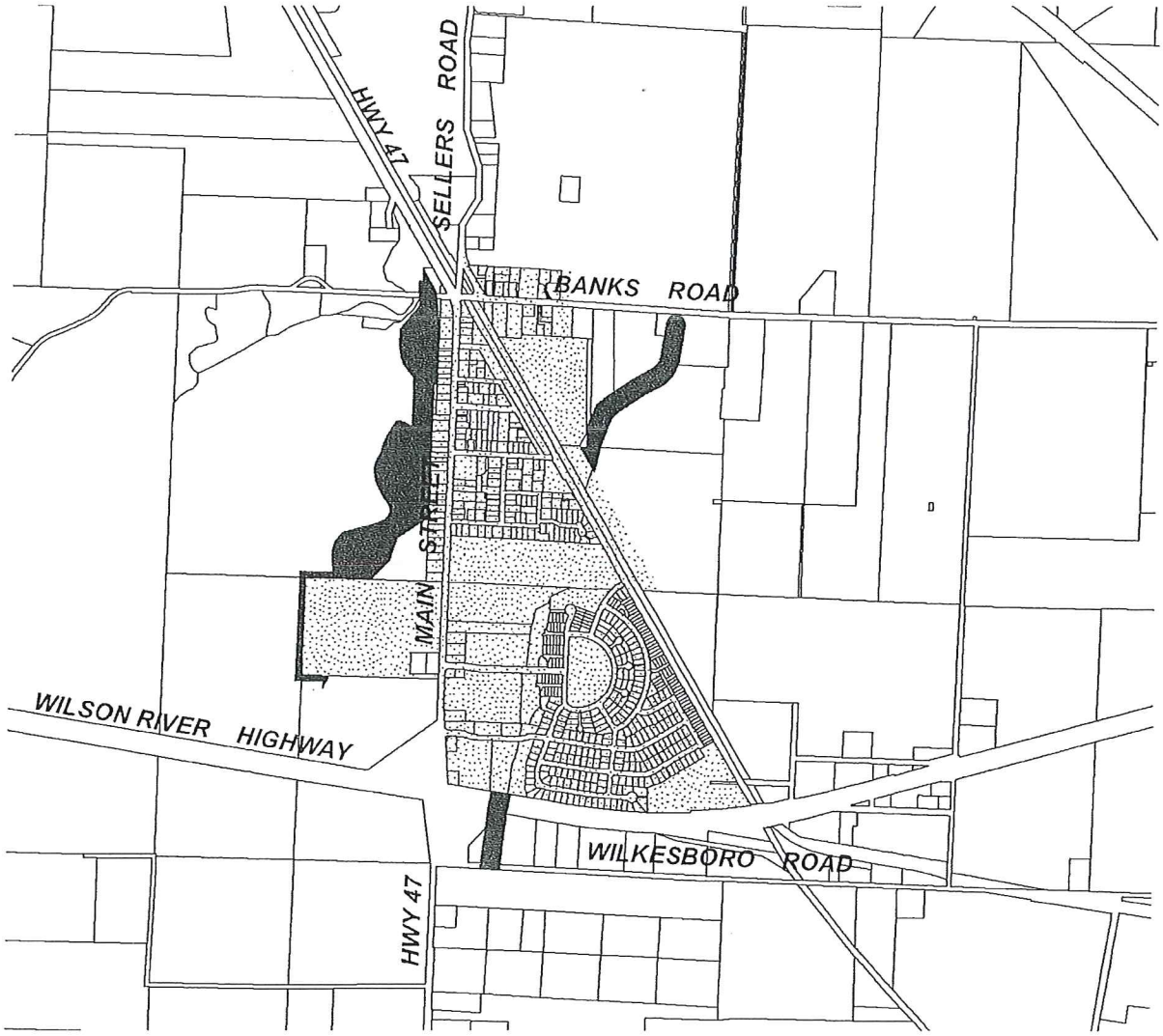
The Rural/Natural Resource Plan Land Use Districts map is amended to remove the properties identified below:



Remove from Rural / Natural Resource Plan City of Banks

abcdef Proposed additions
~~abcdef~~ Proposed deletions

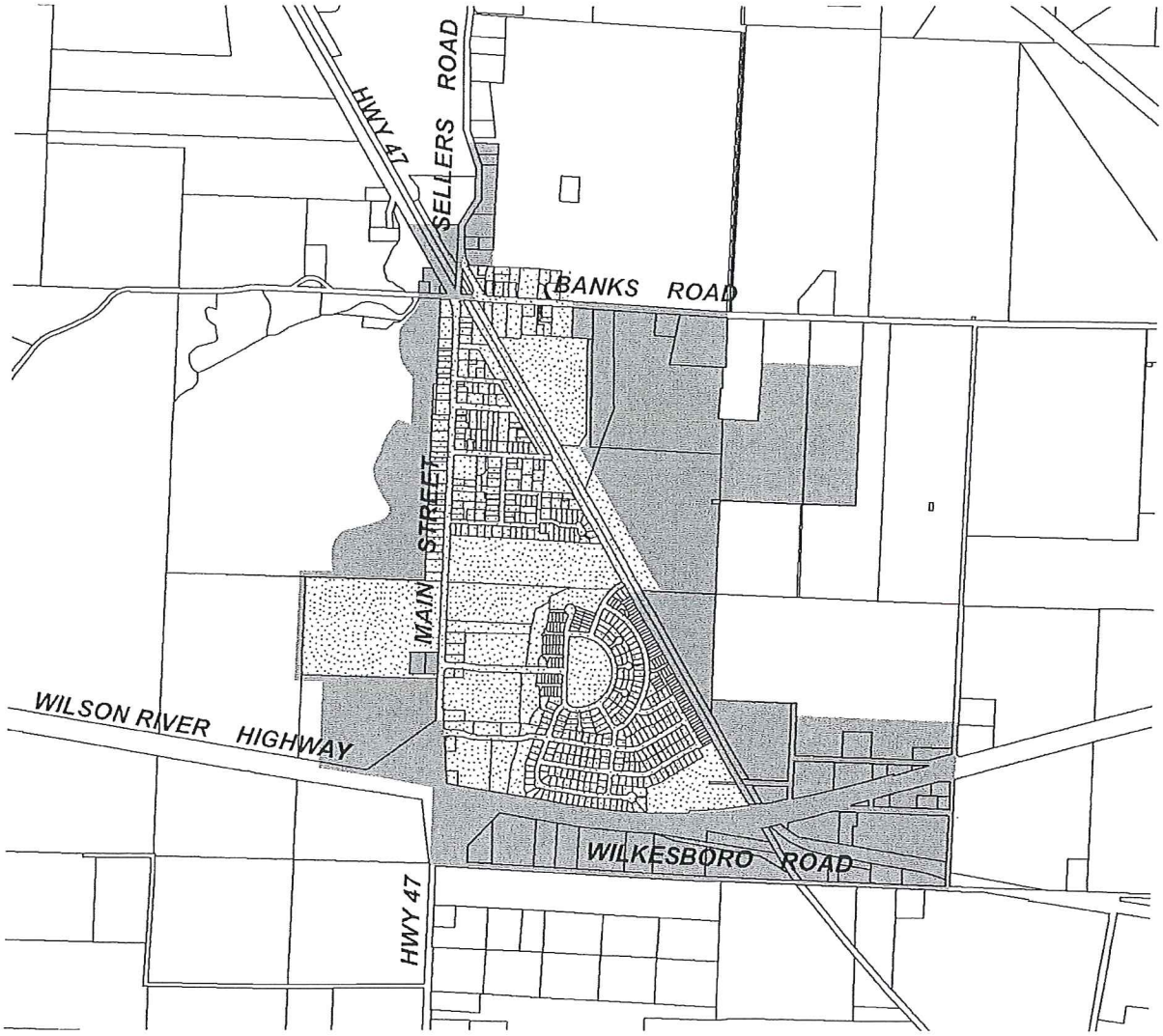
The Rural/Natural Resource Plan Significant Natural Resources map is amended to remove the Goal 5 resources shown for the properties identified below:



Remove significant natural resource City of Banks

abcdef Proposed additions
~~abcdef~~ Proposed deletions

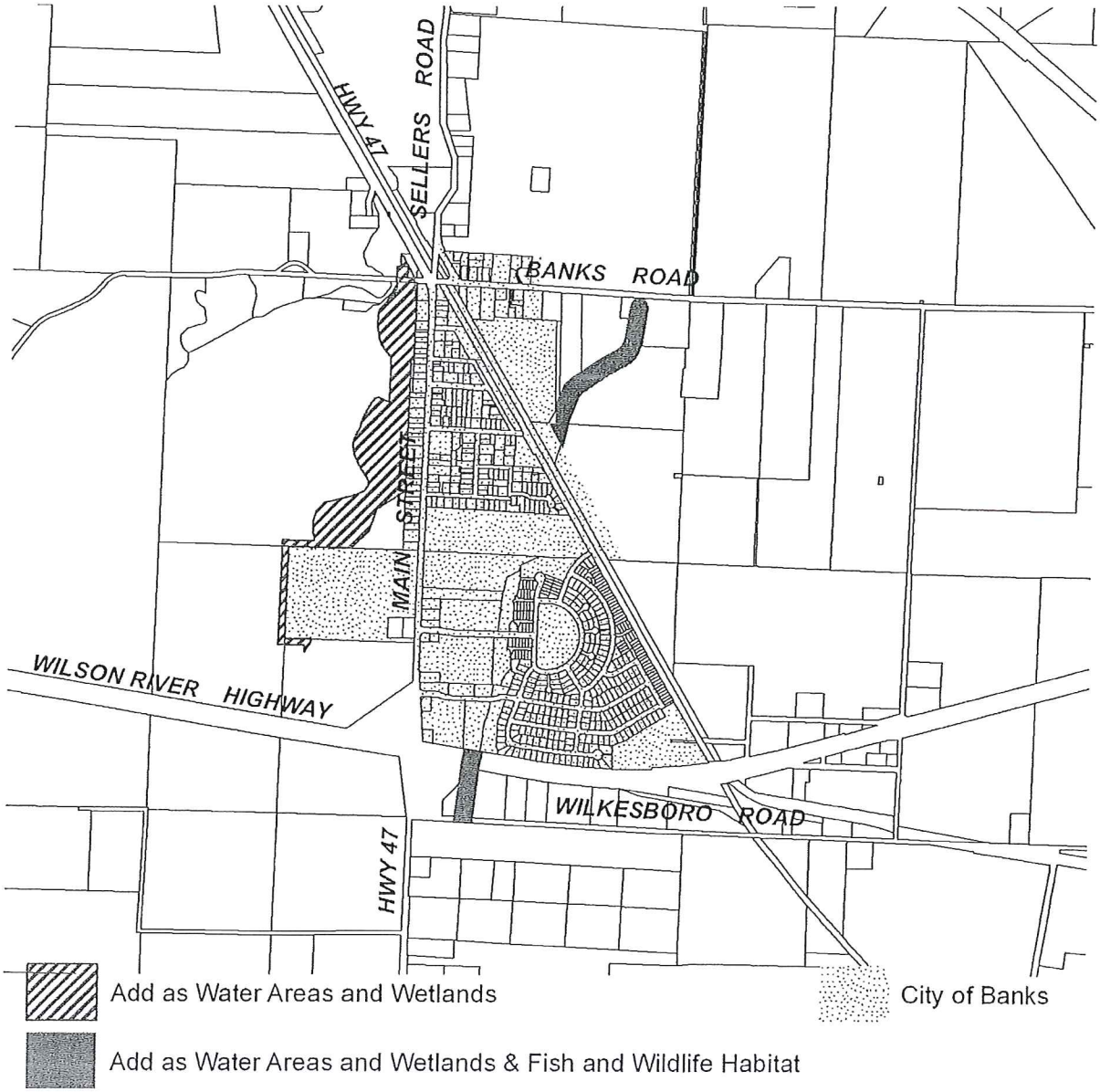
Policy 41, Urban Growth Boundary Expansions, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following changes to Map A, Future Development Areas:



Add as FD-10 to Future Development Lands map City of Banks

abcdef Proposed additions
~~abcdef~~ Proposed deletions

Policy 41, Urban Growth Boundary Expansions, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following changes to Map B, Goal 5 Resources for Future Development Areas:



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3. A process to amend the Urban Planning Agreement~~.~~; and

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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~~t~~ 45 days prior to the final hearing on adoption. The specific method and level of involvement shall be finalized by

"Memorandums or 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~~ notification~~ed~~ 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 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 who~~ich~~ 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 is not ~~be~~ limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits, individual subdivisions, partition~~sing~~ or planned unit developments,

variances, and other similar actions requiring a quasi-judicial hearing 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 hearings 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.

D. The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.

1. For land with COUNTY rural plan designations which have been included inside the UGB, or land with the FD-10 District designation, the CITY shall be responsible for comprehensive planning, including necessary work to comply with Statewide planning goals and associated administrative rules and requirements. The parties will apply the coordination provisions of Paragraph II.A.2. of this UPAA. The urban designations adopted by the CITY will not become effective and development of land pursuant to the designations will not occur until the land has been annexed to the CITY. As an interim measure, the COUNTY will adopt the FD-10 plan designation for lands which have been included inside the UGB.

III. Special Policies

A. Definitions

1. Urban Growth Boundary means the area within which urban development will occur as represented in the City of Banks' Comprehensive Plan. The CITY is responsible for comprehensive planning within the Urban Growth Boundary.

2. Area of Interest means the area adjacent to but outside of the existing Urban Growth Boundary which the CITY has identified as the most logical area for urban expansion should a need be demonstrated. The COUNTY is responsible for comprehensive planning and development actions within the

area of interest until such time as the Urban Growth Boundary is expanded and the area is annexed to the CITY.

3. Urban Planning Area means the combined area of the Urban Growth Boundary and the Area of Interest. The CITY and the COUNTY shall notify one another of proposed comprehensive planning and development actions within the Urban Planning Area according to the provisions of this Agreement.

4. Urban Reserve Study Area means the undesignated rural lands surrounding the CITY as well as the Area of Interest. These lands may undergo future study through a cooperative effort between the COUNTY and CITY to designate Urban Reserves pursuant to OAR 660-021.

B. Annexations within the Urban Planning Area will not be opposed by the COUNTY.

~~B~~C. Annexations outside of the Urban Planning Area will not be supported by the COUNTY or CITY.

~~C~~D. The CITY and COUNTY may cooperate in planning for urban facilities.

~~D~~E. The COUNTY will not approve a land use proposal in the Urban Planning Area if the CITY presents evidence to show that the proposal would not facilitate an urban level of development in the future upon annexation to the CITY.

~~E~~F. The COUNTY will not approve a land use proposal for residential densities designated in the Banks Comprehensive Plan without public water and public sewer.

G. Amendments to the Urban Growth Boundary within the Urban Planning Area, or to establish Urban Reserves pursuant to OAR 660-021, shall require an amendment to Exhibit "A" as outlined in Section IV of this agreement.

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 30 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 draw 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 to evaluate the effectiveness of the processes set forth herein and to make any 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 agreement shall become effective upon full execution by the COUNTY and CITY and shall then repeal and replace the Washington County – Banks Urban Planning Area Agreement dated January 10, 2002. The effective date of this Agreement shall be the last date of signature on the signature pages.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

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

CITY OF BANKS

By _____ Date _____
Mayor

WASHINGTON COUNTY

By _____ Date_____
Chair, Board of County Commissioners

By _____ Date _____
Recording Secretary

abcdef Proposed additions
~~abcdef~~ Proposed deletions

EXHIBIT A

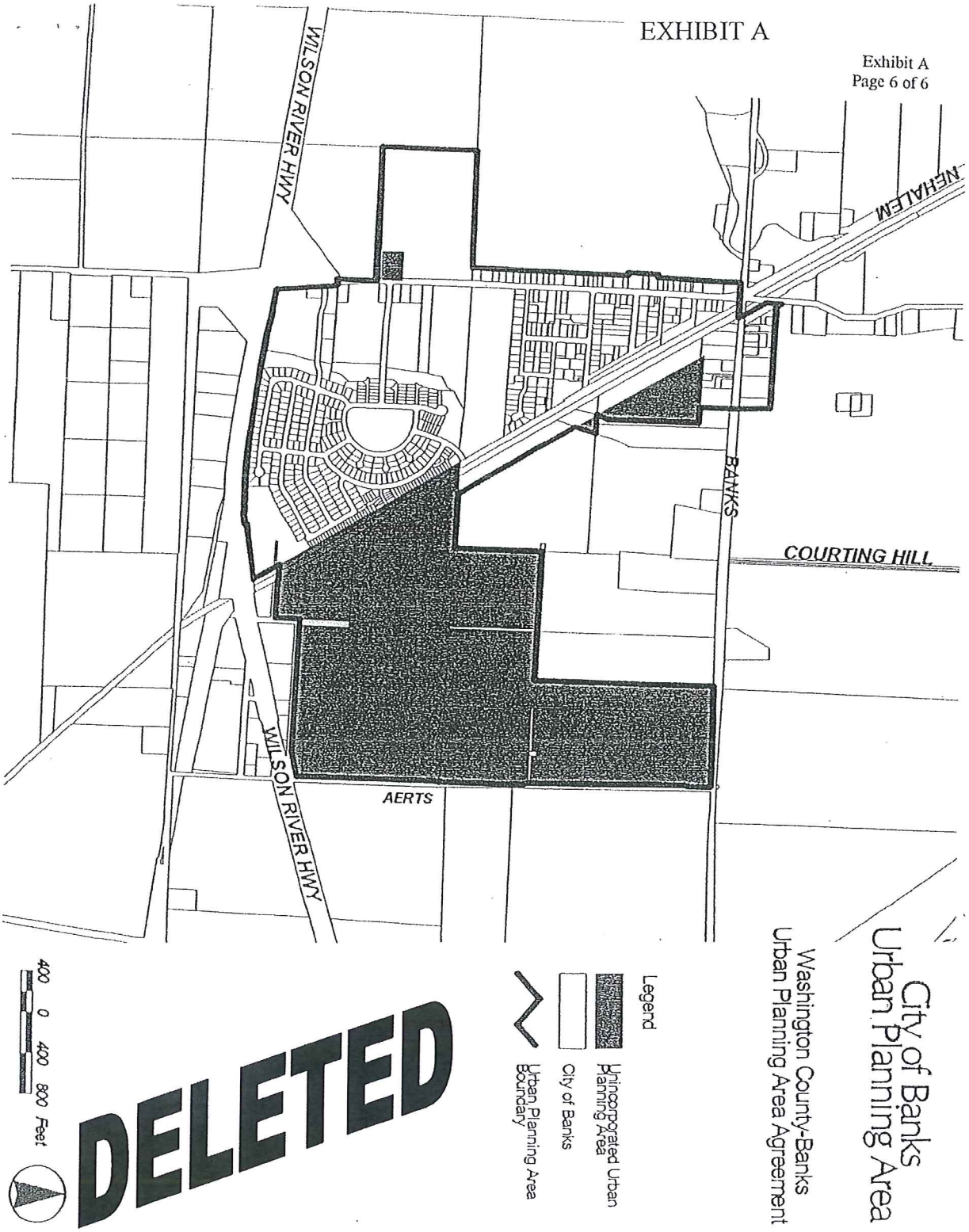
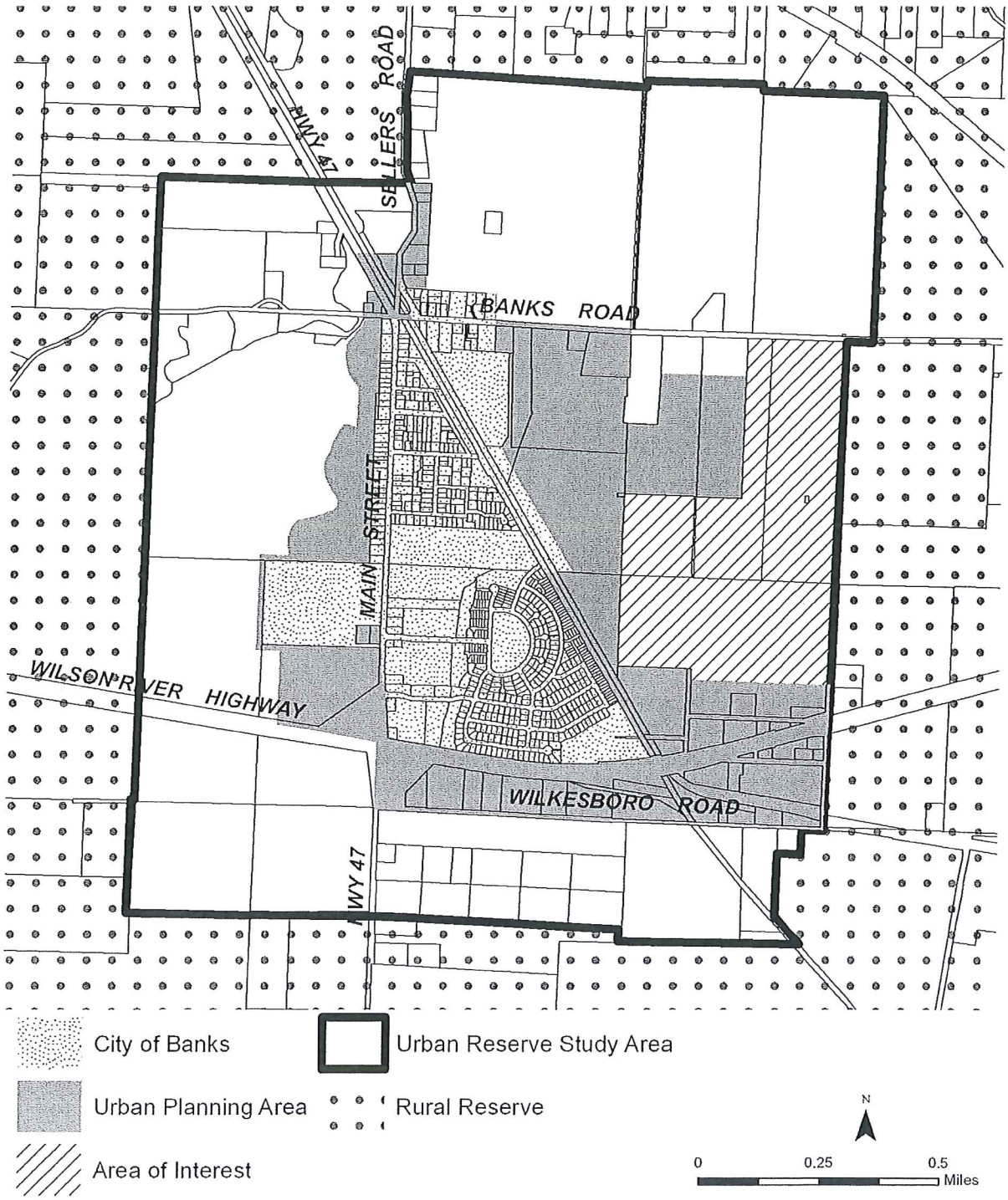

City of Banks
Urban Planning Area
Washington County-Banks
Urban Planning Area Agreement
Legend
Unincorporated Urban Planning Area
City of Banks
Urban Planning Area Boundary
400 0 400 800 Feet
DELETED
WILSON RIVER HWY
NEHALEM
BANKS
COURTING HILL
AERTS
WILSON RIVER HWY

Exhibit A

Washington County -- City of Banks Urban Planning Area Agreement

City of Banks Urban Planning Area



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category:	Public Hearing – First Reading and First Public Hearing Land Use & Transportation; County Counsel (CPO 14)
Agenda Title:	**PROPOSED ORDINANCE NO. 753 - AN ORDINANCE AMENDING ELEMENTS OF THE WASHINGTON COUNTY COMPREHENSIVE PLAN TO REFLECT CHANGES TO THE CITY OF BANKS' URBAN GROWTH BOUNDARY**
Presented by:	Andrew Singelakis, Director of Land Use & Transportation Alan Rappleyea, County Counsel

SUMMARY:

Ordinance No. 753 proposes to amend the Washington County Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Washington County – Banks Urban Planning Area Agreement (UPAA) by incorporating changes made to the urban growth boundary (UGB) surrounding the city of Banks. Ordinance No. 753, if adopted, would also apply the Future Development – 10 Acre District (FD-10) designation to areas added to the Banks UGB. Ordinance No. 753 is posted on the county's land use ordinance web page at the following link:

http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2012-land-use-ordinances.cfm

On August 15, 2012 the Planning Commission (PC) conducted a public hearing for this ordinance and unanimously recommended that the Board adopt Ordinance No. 753 as filed.

The staff report will be provided to the Board prior to the hearing and it will also be available at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 753 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 753.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	**4.c.**
Date:	09/18/12

ADOPTED