



September 9, 2005

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager
Department of Land Use and Transportation

Subject: **PROPOSED ORDINANCE NO. 646**

Enclosed for your information is a copy of proposed Ordinance No. 646. 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 Planning Division.

Ordinance Purpose and Summary

Ordinance No. 646 amends the Washington County - Tualatin Urban Planning Area Agreement originally adopted in 1988. The urban planning area boundary is amended to add the Northwest Tualatin Concept Area, which was added to the regional urban growth boundary in 2002. In addition, a parcel along SW Boones Ferry Road on the southern edge of the city is added to the urban planning area boundary to reflect its status as being inside the city limits of Tualatin. Several housekeeping changes are made to remove language no longer applicable due to annexation.

Who Is Affected

Owners of land in the areas added to the urban planning area boundary surrounding the city of Tualatin.

What Land is Affected

Properties added to the urban planning area boundary of Tualatin.

Key Provisions

- The Washington County – Tualatin UPAA is amended to reference the inclusion of land into the regional urban growth boundary.
- The UPAA is amended to remove a reference to a rock quarry located within the planning area boundary. The property has been annexed to the city and is therefore no longer applicable to the UPAA agreement.
- Exhibit A of the existing UPAA, which shows the current planning area boundary is deleted and replaced by a new Exhibit A. The new map reflects the addition of the Northwest Tualatin Concept Area added to the urban growth boundary in 2002, as well as the addition of a parcel on the east side of Grahams Ferry Road on the city's southern boundary.

Initial Public Hearings

Time and Place

Planning Commission
7:30 pm
October 19, 2005

Board of County Commissioners
6:30 pm
October 25, 2005

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On October 25th, 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 on November 24, 2005.

Urban Comprehensive Plan Policies Amended

- Washington County – Tualatin Urban Planning Area Agreement

Community Development Code Standards Amended

- N/A

How to Submit Comments

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

Washington County, Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

Staff Contact

Aisha Willits, Associate Planner
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3961 Fax: 503-846-4412
e-mail: aisha_willits@co.washington.or.us

Proposed Ordinance is available at the following locations:

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1st Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/deptmts/lut/planning/ordhome.htm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

/wpshare/2005ord/Ord646/Notices & Affidavits/CPO Notice.doc

WASHINGTON COUNTY ENACTED ORDINANCE

15

Pages



ORDINANCE

646

FOR WASHINGTON COUNTY CLERK'S USE ONLY



FILED

OCT 27 2005

Washington County
County Clerk

Rec.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and Public Hearing –
Land Use & Transportation; County Counsel (CPO 5, 4M)

Agenda Title: PROPOSED ORDINANCE NO. 646 – AN ORDINANCE
AMENDING THE WASHINGTON COUNTY – TUALATIN
URBAN PLANNING AREA AGREEMENT (UPAA) TO REFLECT
CHANGES TO THE METRO URBAN GROWTH BOUNDARY

Presented by: Brent Curtis, Planning Division Manager; Dan Olsen, County Counsel

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance No. 646 proposes to amend the Washington County – Tualatin Urban Planning Area Agreement (UPAA) to reflect changes made by Metro to the regional urban growth boundary. The urban planning area boundary is amended to add the Northwest Tualatin Concept Area, which was added to the regional urban growth boundary in 2002. A parcel along SW Boones Ferry Road on the southern edge of the city is added to the urban planning area boundary to reflect its status as being inside the city limits of Tualatin. Several housekeeping changes are made to remove language no longer applicable due to annexation.

On October 19, 2005, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission’s recommendation will be included in the staff report, which will be provided to the Board prior to the October 25, 2005 hearing. Copies of the report will also be available at the Clerk’s desk prior to the hearing.

- Consistent with Board policy about public testimony, 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. 646 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt Ordinance No. 646.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.d.</u>
Date:	<u>10/25/05</u>

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 646

An Ordinance Amending the Washington County – Tualatin Urban Planning Area Agreement To Reflect Recent Changes to the Metro Urban Growth Boundary

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Tualatin Urban Planning Area Agreement was adopted by way of Ordinance No. 332.

B. Subsequent ongoing planning efforts of the City of Tualatin and the County indicate a need for an update of the Washington County – City of Tualatin Urban Planning Area Agreement to reflect recent changes to the Metro Urban Growth Boundary. The Board takes note that such changes are necessary for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

C. Under the provisions of Washington County Charter Chapter X, the Land Use Ordinance Advisory Commission 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 that recommendation and any modifications made by the Board, as a result of the public hearings process.

D. 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

1 Ordinance complies with the Statewide Planning Goals, and the standards for legislative plan
2 adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
3 County Charter, and the Washington County Community Development Code.

4 SECTION 2

5 The attached exhibit (10 pages), attached hereto as Exhibit "1" and incorporated herein by
6 reference, is hereby adopted as amendments to the Washington County – Tualatin Urban Planning
7 Area Agreement.

8 SECTION 3

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

11 SECTION 4

12 All applications received prior to the effective date shall be processed in accordance with
13 ORS 215.427 (2003 Edition).

14 SECTION 5

15 If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid or
16 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby
17 and shall remain in full force and effect, and any provision of a prior land use ordinance amended or
18 repealed by the stricken portion of this Ordinance shall be revived and again be considered in full
19 force and effect.

20 ////

22 ////

1 SECTION 6

2 The Office of County Counsel and Department of Land Use and Transportation are
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
4 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,
5 and making any technical changes not affecting the substance of these amendments as necessary to
6 conform to the Washington County Comprehensive Plan format.

7 SECTION 7

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

9 ENACTED this 25 day of October, 2005, being the first reading
10 and first public hearing before the Board of County Commissioners of Washington County,
11 Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 Tom Brian
16 CHAIRMAN

17 Barbara Hejtmanek
18 RECORDING SECRETARY

19 READING
20 First October 25, 2005
21 Second _____
22 Third _____
23 Fourth _____
24 Fifth _____
25 Sixth _____

26 PUBLIC HEARING
27 October 25, 2005
28 _____
29 _____
30 _____
31 _____

32 VOTE: Aye: Brian, Duyck, Rogers
Leeper, Schouten

Nay: _____

Recording Secretary: Barbara Hejtmanek Date: October 25, 2005

Washington County – Tualatin Urban Planning Area Agreement

THIS AGREEMENT is entered into this ~~25th~~ day of October, ~~1988~~ by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF TUALATIN, 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. Policies regarding comprehensive planning and development in the Urban Planning Area; and
4. A process to amend the Urban Planning Agreement.

WHEREAS, the Regional Urban Growth Boundary (UGB) was expanded in December 2002 and approved by the Oregon State Land Conservation and Development Commission in July 2003;
and

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

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 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 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 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 effect 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, 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.

III. Comprehensive Planning and Development Policies

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY Urban Planning Area is designated on Exhibit "A".

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.
- C. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-011 within the Urban Planning Area.
- D. As required by OAR 660-011-0010, 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 intergovernmental 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.
- E. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 10 Acre District (FD-10) or the Future Development 20 Acre District (FD-20).
- F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an

enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.

G. The COUNTY shall not oppose annexations to the CITY within the CITY's Urban Planning Area.

~~H. The CITY and the COUNTY have arrived at different conclusions as to the significance of a rock quarry located on Tax Lots 001 and 1201, Map 2S1-35B. The quarry shall be considered significant as determined by the COUNTY's Goal 5 analysis and shall be protected by the Mineral and Aggregate Overlay District as long as it remains outside the CITY. Upon annexation to the CITY the CITY may choose to remove the Mineral and Aggregate Overlay District and not preserve the site for future aggregate extraction.~~

H. The Tualatin Comprehensive Plan employs a one-map system wherein the Comprehensive Plan Map fulfills a dual role by serving as both the Plan Map and Zone Map, thus eliminating the need for a separate Zone Map. The CITY's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of any property within the Urban Planning Area to the CITY, the Planning District specified by the Tualatin Comprehensive Plan Map is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130 (2) a).

If a property owner, contract purchaser, the authorized representative of a property owner or contract purchaser, or the CITY desire a Planning District from that shown on the Comprehensive Plan Map, an application for a Plan Map Amendment may be filed with the CITY at the time of or following annexation.

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 Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated September 9, 1986. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County – Tualatin Urban Planning Area Agreement dated November 24, 1988. The effective date of this Agreement shall be the last date of signature on the signature page.

This Agreement commences on _____, 19__.

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

abcdef Proposed additions
~~abcdef~~ Proposed deletions

CITY OF TUALATIN

By _____ Date 10-24-88
Mayor Pro-Tem

Approved as to Form:

By _____ Date _____
City Attorney

WASHINGTON COUNTY

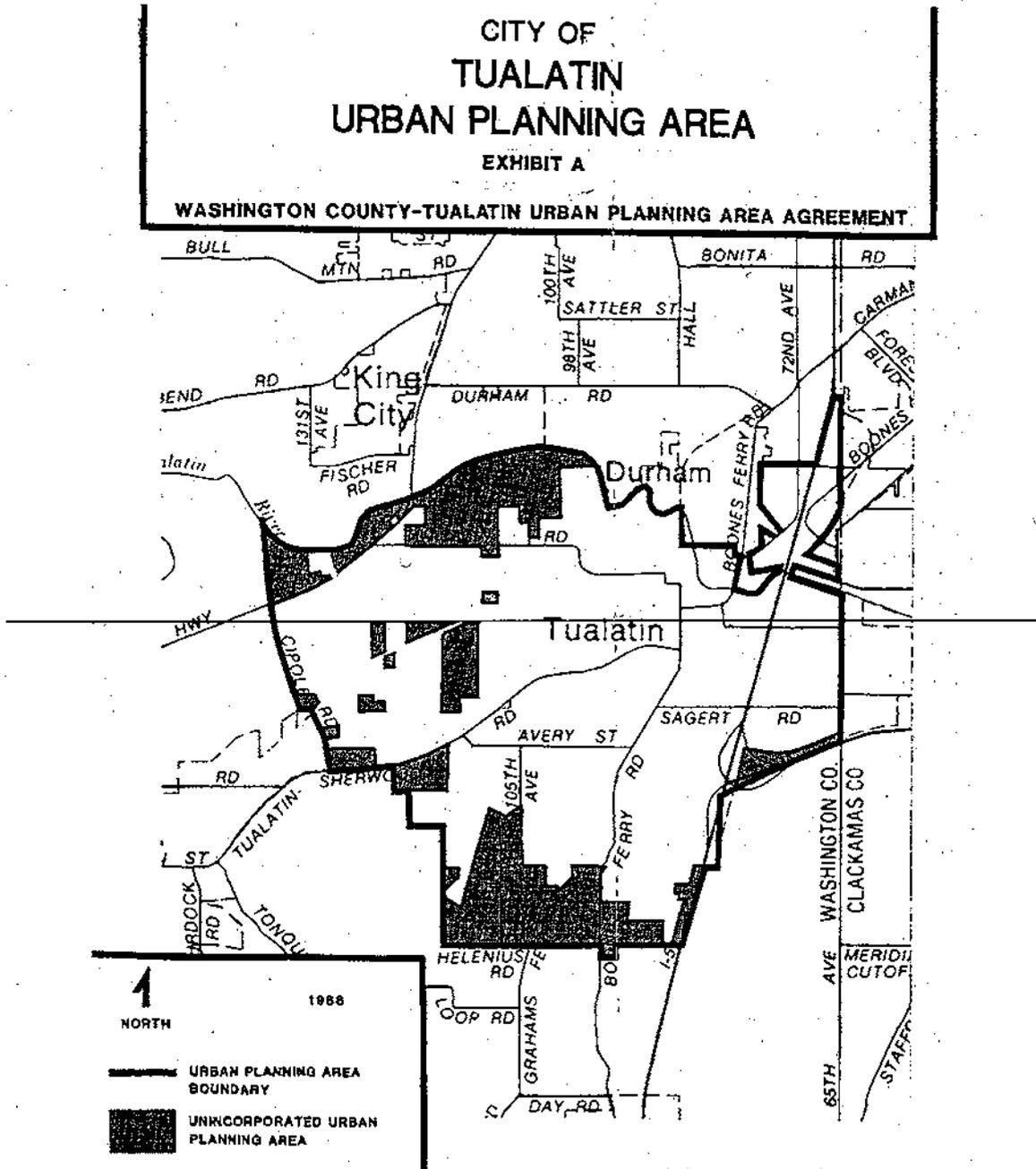
By _____ Date 11-9-88
Chair, Board of County Commissioners

Approved as to Form:

By _____ Date _____
County Counsel

By _____ Date 11-9-88
Recording Secretary

Delete Exhibit A of the Washington County – Tualatin Urban Planning Area Agreement dated November 24, 1988 as shown below:



abcdef Proposed additions
abcdef Proposed deletions

ADD THE FOLLOWING MAP AS EXHIBIT A
OF THE WASHINGTON COUNTY - TUALATIN
URBAN PLANNING AREA AGREEMENT

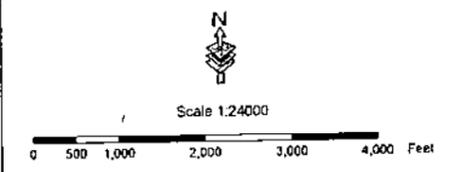
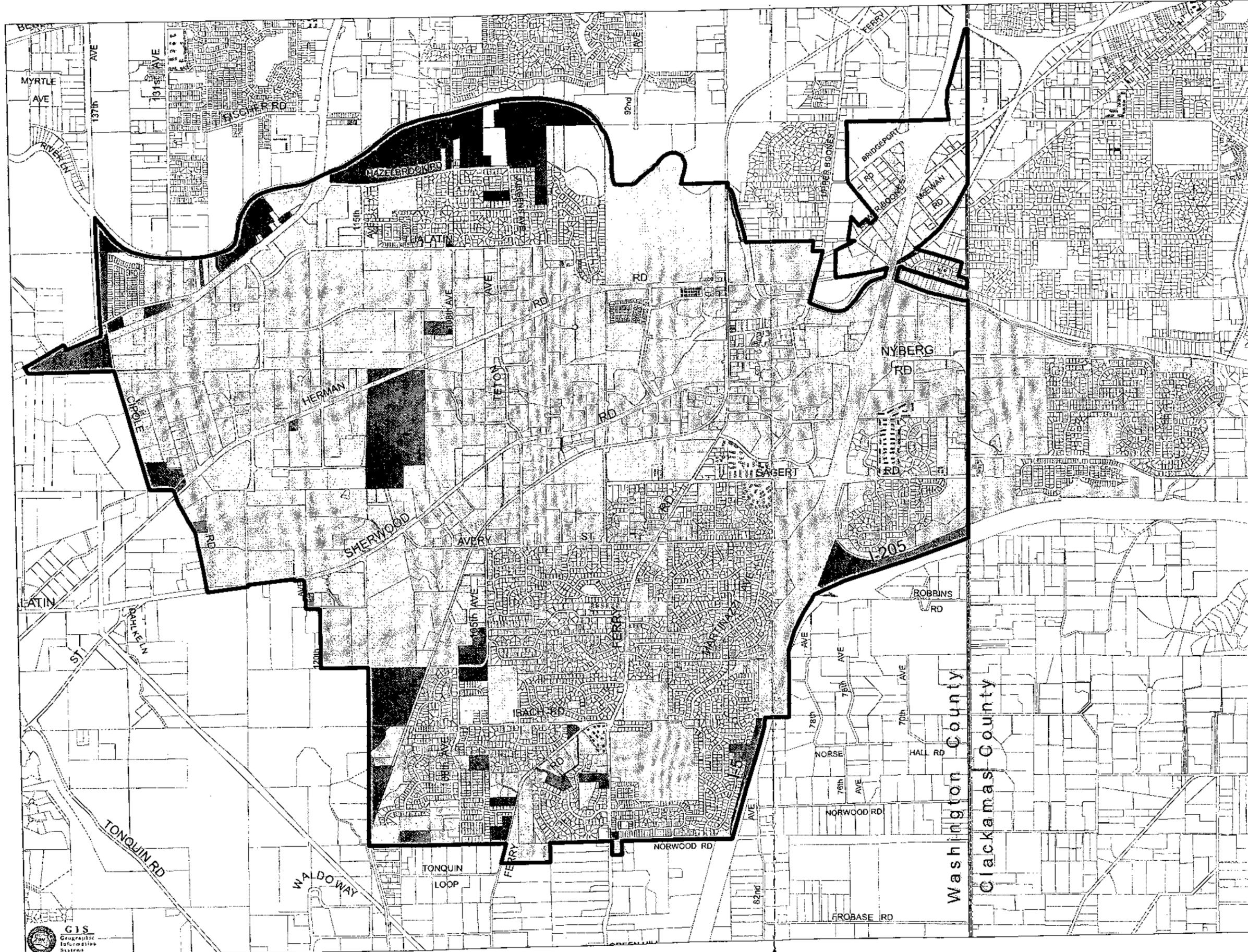
City of
TUALATIN

URBAN PLANNING AREA

WASHINGTON COUNTY - TUALATIN
URBAN PLANNING AREA AGREEMENT

Exhibit A

-  Urban Planning Area Boundary
-  Unincorporated Urban Planning Area
-  City of Tualatin



The information on this map was derived from digital databases on Washington County's Geographic Information System (GIS). Care was taken in the creation of this map. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



WASHINGTON COUNTY ENACTED ORDINANCE

9

Pages



ORDINANCE

646

Proposed Ordinance No. 646 - an Ordinance Amending the Washington County - Tualatin Urban Planning Area Agreement (UPAA) to Reflect Changes to the Metro Urban Growth Boundary

Ordinance 646 was adopted on 10-25-05

FOR WASHINGTON COUNTY CLERK'S USE ONLY



FILED

JAN -4 2005

Washington County
County Clerk

Washington County – Tualatin 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 TUALATIN, 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. Policies regarding comprehensive planning and development in the Urban Planning Area; and
4. A process to amend the Urban Planning Agreement.

WHEREAS, the Regional Urban Growth Boundary (UGB) was expanded in December 2002 and approved by the Oregon State Land Conservation and Development Commission in July 2003; and

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

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.

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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 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 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 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, 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.

III. Comprehensive Planning and Development Policies

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY Urban Planning Area is designated on Exhibit "A".

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.
- C. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-011 within the Urban Planning Area.
- D. As required by OAR 660-011-0010, 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 intergovernmental 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.
- E. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 10 Acre District (FD-10) or the Future Development 20 Acre District (FD-20).
- F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
- G. The COUNTY shall not oppose annexations to the CITY within the CITY's Urban Planning Area.

- H. The Tualatin Comprehensive Plan employs a one-map system wherein the Comprehensive Plan Map fulfills a dual role by serving as both the Plan Map and Zone Map, thus eliminating the need for a separate Zone Map. The CITY's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of any property within the Urban Planning Area to the CITY, the Planning District specified by the Tualatin Comprehensive Plan Map is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130 (2) a).

If a property owner, contract purchaser, the authorized representative of a property owner or contract purchaser, or the CITY desire a Planning District from that shown on the Comprehensive Plan Map, an application for a Plan Map Amendment may be filed with the CITY at the time of or following annexation.

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 the CITY and shall then repeal and replace the Washington County – Tualatin Urban Planning Area Agreement dated November 24, 1988. 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 TUALATIN

By [Signature] Date 12/12/05
Mayor

Approved as to Form:

By Brenda L. Braden Date 12/12/05
City Attorney

WASHINGTON COUNTY

By Tom Buan Date 12-6-05
Chair, Board of County Commissioners

Approved as to Form:

By [Signature] Date 10-27-05
County Counsel

By Barbara Hejtmanek Date 10-27-05
Recording Secretary

