



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 15, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Wasco County Plan Amendment
DLCD File Number 006-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 5, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

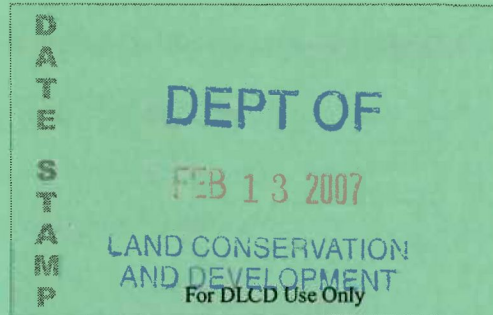
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Todd Cornett, Wasco County

<paa> ya

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Wasco County Local file number: CPA-06-104
Date of Adoption: 2/7/2007 Date Mailed: 02/12/07
Date original Notice of Proposed Amendment was mailed to DLCD: 9/7/2006

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Wasco County will remove the Urban Growth Area Joint Management Agreements (JMAs) between Wasco County and all of its incorporated cities from the Comprehensive Plan, except Shaniko whose Urban Growth Boundary lines coincide with the City Limit lines. The purpose is to allow amendments to the JMAs to occur without the requirement of a comprehensive plan amendment

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".
same

Plan Map Changed from: n/a to: n/a

Zone Map Changed from: n/a to: n/a

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: None

Was and Exception Adopted? YES NO

DLCD File No.: 006-06(15544)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Cities of Antelope, Dufur, Maupin, Mosier and The Dalles

Local Contact: **Todd Cornett** Phone: **(541) 506-2560** Extension: _____
Address: **2705 E 2nd Street** City: **The Dalles**
Zip Code + 4: **97058-** Email Address: **toddc@co.wasco.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

IN THE COUNTY COURT OF THE STATE OF OREGON, FILED
WASCO COUNTY
IN AND FOR THE COUNTY OF WASCO

2007 FEB -9 P 12: 31

KAREN LEBRETON COATS
COUNTY CLERK

IN THE MATTER OF THE REQUEST BY THE WASCO)
COUNTY PLANNING DEPARTMENT FOR A POST-)
ACKNOWLEDGEMENT PLAN AMENDMENT TO)
REMOVE THE EXISTING URBAN GROWTH AREA)
JOINT MANAGEMENT AGREEMENTS BETWEEN) ORDINANCE
WASCO COUNTY AND ITS INCORPORATED CITIES)
(ANTELOPE, DUFUR, MAUPIN, MOSIER, AND THE)
DALLES,) FROM THE WASCO COUNTY)
COMPREHENSIVE PLAN FOLLOWING DIRECTION BY)
THE COUNTY COURT. (FILE NUMBER CPA-06-104)

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2 NOW ON THIS DAY, the above-entitled matter having come on regularly for
3 consideration, said day being one duly set in term for the transaction of public business
4 and a majority of the Court being present; and

5 IT APPEARING TO THE COURT: That the Wasco County Planning Department
6 has requested a Post-Acknowledgement Plan Amendment to remove the existing Urban
7 Growth Area Joint Management Agreements between Wasco County and its
8 incorporated cities from the Wasco County Comprehensive Plan following direction by
9 the County Court; and, Wasco County sent notification pursuant to ORS 197.610 and;

10 IT FURTHER APPEARING TO THE COURT: That on Tuesday 7 November
11 2006, the Wasco County Planning Commission met to conduct a legally notified public
12 hearing on the above matter. Following receipt and review of evidence, the
13 Commission deliberated and, on a vote of 5 to 0 (1 Position Vacant & 1 Commissioner
14 Absent) voted to elevate the request for a Post-Acknowledgement Plan Amendment to
15 remove the existing Urban Growth Area Joint Management Agreements between
16 Wasco County and its incorporated cities from the Wasco County Comprehensive Plan
17 to the Wasco County Court with a recommendation to approve the request; and

1 IT FURTHER APPEARING TO THE COURT: That the Wasco County Court met
2 at the hour of 11:30 a.m. on Wednesday 7 February 2007, in the Wasco County
3 Courtroom, Room 202, of the Wasco County Courthouse, in The Dalles, Oregon, for a
4 legally notified review of the Wasco County Planning Department's request for a Post-
5 Acknowledgement Plan Amendment to remove the existing Urban Growth Area Joint
6 Management Agreements between Wasco County and its incorporated cities from the
7 Wasco County Comprehensive Plan and;

8 IT FURTHER APPEARING TO THE COURT: That the Court reviewed the
9 record heard the Staff recommendation and heard all relevant testimony. The Court
10 considered the matter, and based upon the testimony present, the Court, being fully
11 apprised in the premises, voted 3 - 0 to approve the Post-Acknowledgement Plan
12 Amendment to remove the existing Urban Growth Area Joint Management Agreements
13 between Wasco County and its incorporated cities from the Wasco County
14 Comprehensive Plan; and


15 NOW THEREFORE IT IS HEREBY ORDERED: That the request by the Wasco
16 County Planning Department for a Post-Acknowledgement Plan Amendment to remove
17 the existing Urban Growth Area Joint Management Agreements between Wasco County
18 and its incorporated cities from the Wasco County Comprehensive Plan is approved.

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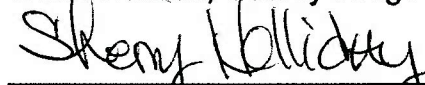

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SIGNED this 7th day of February 2007

Approved as to Form:


Eric J. Nisley
Wasco County District Attorney

WASCO COUNTY COURT


Dan Ericksen, County Judge

Sherry Holliday, County Commissioner

W. G. Lennox, County Commissioner

WASCO COUNTY PLANNING
AND DEVELOPMENT
Todd R. Cornett, Director
2705 East Second Street
The Dalles, Oregon 97058



Phone: (541) 506-2560
Fax: (541) 506-2561
Web Address: co.wasco.or.us

WASCO COUNTY COURT NOTICE OF LEGISLATIVE DECISION

FILE #: CPA-06-104

HEARING DATE: 7 February 2007
DECISION DATE: 7 February 2007

REQUEST: Comprehensive Plan Amendment (CPA) to remove the Urban Growth Area Joint Management Agreements (JMA's) between Wasco County and all of its incorporated cities, except Shaniko whose Urban Growth Boundary (UGB) lines coincide with the City Limit lines. The purpose is to allow amendments to the JMA's to occur without the requirement of a CPA.

DECISION: On a vote of 3-0 the County Court voted to approve the amendment as recommended by the Wasco County Planning Commission with amendments.

AFFECTED PROPERTIES: The following cities:

- Antelope -Mosier
- Dufur -The Dalles
- Maupin

FINDINGS OF FACT:

- A. Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in conformity with said requirements as set forth in the Wasco County Comprehensive Plan.
- B. Three members of the County Court were present and qualified to sit as decision-makers after full disclosure was made and the matter of qualifications was discussed by the Court.
- C. In making its decision, the Court recognized the procedural and legal requirements of the Wasco County Comprehensive Plan, and weighed fully each requirement in arriving at its decision.
- D. The County Court adopted the Findings of Fact in the Planning Commission adopted Staff Report provided for the County Court hearing, with amendments.

All reports and document related to this decision may be reviewed at the Wasco County Planning & Development Office, 2705 East Second Street, The Dalles, Oregon, 97058, or are available for purchase at the cost of \$0.25 per page. Most of these documents are also available online at:
www.co.wasco.or.us/planning/planhome.html.

APPEAL PROCESS: Appeals of a legislative amendment to the Land Use Board of Appeals are governed by ORS 197.620.

SIGNATURE

DATED this 12th day of February 2007.

Todd R. Cornett, Planning Director

**Wasco County
County Court Adopted Staff Report**

**Amendments to Wasco County
Comprehensive Plan
CPA-06-104**

Request: Comprehensive Plan Amendment (CPA) to remove the Urban Growth Area Joint Management Agreements (JMA's) between Wasco County and all of its incorporated cities, except Shaniko whose Urban Growth Boundary (UGB) lines coincide with the City Limit lines. The purpose is to allow amendments to the JMA's to occur without the requirement of a CPA.

Applicant: Wasco County Planning & Development Department

Decision: Approve the Planning Commission recommended amendments with amendments.

County Court Hearing Date: 7 February 2007

Final Date of Decision 7 February 2007

Affected Areas: The following cities:
-Antelope
-Dufur
-Maupin
-Mosier
-The Dalles

Procedure Type: Legislative

Prepared by: Todd R. Cornett, Planning Director

**I. APPLICABLE STANDARDS
Wasco County Comprehensive Plan (Comp Plan)**

Chapter 11 - Revisions Process

Section B(2) (Legislative Text Amendment)
Section C(1) (Who May Apply for an Amendment)
Section D (Legislative Revisions)
Section G (Urban Growth Area Management)
Section H (General Criteria)
Section I (Procedure for the Amendment Process)

II. COMMENTS

Dotty DeVaney, Land Use Planner, City of Mosier

Ms. DeVaney expressed support of the proposal on behalf of the City of Mosier.

Staff Response: None

Dan Meader, City Planner, Tenneson Engineering

Mr. Meader, as a Tenneson Engineering employee has been the contract planner for the cities of Antelope, Dufur and Maupin for many years. Mr. Meader expressed support of the proposal on behalf of these cities.

Staff Response: None

Please note: Complete comments are on file at the Wasco County Planning and Development Office.

III. FINDINGS

A. Chapter 11 – Revisions Process

1. Section B(2) - A Comprehensive Plan Amendment May Take the form of Legislative Text Amendment.

FINDING: The request is consistent with criterion 1.

- The proposal is to remove the JMA's between Wasco County and all of its incorporated cities, except Shaniko whose UGB lines coincide with the City Limit lines. The purpose is to allow amendments to the JMA's to occur without the requirement of a CPA.
- The proposed amendment will not change the language of the JMA's at all. Any amendments to the actual language of the JMA's will be done according to the applicable requirements of Oregon Revised Statute 190 and/or other legal requirements.
- The following sections of the Comp Plan are proposed to be changed:
 - Table of Contents: Remove reference to location of JMA's in the Comp Plan Appendix.
 - Revisions Process: Add the following sentence to the end of Section VII. Urban Growth Area Management:

“The agreement shall be entered into between Wasco County and the city pursuant to the applicable requirements of Oregon Revised Statute 190 and/or other legal requirements. The agreement will be filed in the official records of Wasco County and copies will be available for inspection at the County Planning Department.”
 - Appendix: This is official location of the JMA's. They will be removed from the Comp Plan, filed in the official records of Wasco County and copies will be available for inspection at the Wasco County Planning Department. These are included as Attachment A.

While the Appendix is the official location of the JMA's, this section has not been updated since the Comp Plan was first acknowledged by LCDC in 25 August 1983. Wasco County and the City of the Dalles have amended their JMA at least three times since it was first adopted. These were adopted by Resolution rather than a CPA. The following is a list of JMA's staff found while conducting research:

23 October 1997
21 October 1992
27 April 1983
10 October 1980 (original)

Additionally, the JMA for the City of Rajneesparum, which is no longer an incorporated city, is located within the Comp Plan.

2. **Section C(1) - Who May Apply for an Amendment.**
The Wasco County Court has the authority to initiate a legislative amendment to the Comp Plan.

FINDING: The Wasco County Court has initiated this proposed CPA by directing the Wasco County Planning Department proceed with this process.

3. **Section D - Legislative Revisions**

FINDING: Staff concludes the proposed amendment is legislative in nature because the JMA's determine the management of large areas outside of city limits but within UGB's.

4. **Section G - Urban Growth Area Management**

FINDING: As indicated in 1 above, the proposal will amend this section by including the following language:

"The agreement shall be entered into between Wasco County and the city pursuant to the applicable requirements of Oregon Revised Statute 190 and/or other legal requirements. The agreement will be filed in the official records of Wasco County and copies will be available for inspection at the County Planning Department."

5. **Section H - General Criteria**

The following are general criteria which must be considered before approval of an amendment to the Comprehensive Plan is given:

- a. **Compliance with the statewide land use goals as provided by the Land Conservation and Development Commission, where applicable.**
- b. **Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.**

FINDING: The request is consistent with criteria a and b.

- The text of the Comp Plan will be amended by removing the existing JMA's in the Appendix; removing a reference to the JMA's in the Table of Contents; and by including text which

indicates how the JMA's will be entered into between Wasco County and a city. Staff concludes the proposed amendment will comply with all of the statewide planning goal and not be detrimental to the spirit or intent of them because nothing in the proposal will effect these goals.

c. A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.

FINDING: The request is consistent with criterion c.

- While there was not a mistake in the original comprehensive plan, staff concludes that because the three amendments to the Wasco County/City of The Dalles JMA were done by Resolution rather than Comprehensive Plan Amendment, this is the preferred amendment process. Staff concludes this provides justification for removing them from the Comp Plan.

d. Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.

FINDING: Because the JMA's are not being altered, staff concludes the amendment will not affect any factors which related to the public need for healthful, safe and aesthetic surroundings and conditions.

e. Proof of change in the inventories originally developed.

FINDING: Staff concludes for the removal of the JMA's proof of change in the inventories originally developed is not applicable.

f. Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.

FINDING: The request is consistent with criterion f.

- Several changes have occurred related to the JMA's located in the Appendix to the Comp Plan. The Wasco County/City of The Dalles JMA has been amended at least three times without going through the required Comprehensive Plan Amendment Process. The City of Rajaneeshparum is no longer an incorporated city with an Urban Growth Boundary yet the Wasco County/City of Rajneesparum JMA is still in the Comp Plan. Staff concludes the justification to remove the JMA's from the Comp is allow a more simplified process to amend them. Any amendment will still be required to meet the applicable requirements of Oregon Revised Statute 190 and/or other legal requirements.

6. Section I - Procedure for the Amendment Process

a. A petition must be filed with the Planning Offices on forms prescribed by the Commission.

FINDING: The Wasco County Court has directed the Planning Director to begin this process. No actual petition was filed or is required.

- b. **The citizen advisory groups, whether Western, Eastern, Central, Southern, or The Dalles Urban Planning Units, must be given the opportunity to review the proposal. The advisory group will make their recommendations in writing to the Planning Commission giving reasons for their recommendations.**

FINDING: The advisory groups are no longer in existence. The Wasco County Planning Commission functions as the Citizen Advisory Committee in place of these groups.

- c. **Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.**

FINDING: While the amendment removes the JMA's which establishes land use authority with the urban growth boundaries, staff concludes the amendment is not a revision within, or to, the urban growth boundary of any city.

- d. **Notification of Hearing:**

- (1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.**

FINDING: The following notice language will be provided which staff concludes accurately summarizes the proposal in an understandable and meaningful manner:

Comprehensive Plan Amendment to remove the Urban Growth Area Joint Management Agreements (JMA's) between Wasco County and all of its incorporated cities, except Shaniko whose Urban Growth Boundary lines coincide with the City Limit lines. The purpose is to allow amendments to the JMA's to occur without the requirement of a comprehensive plan amendment.

- (2) Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503 subject to ORS 215.508. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.**

FINDING: The statutory notifications will be met.

- The Planning Commission hearing date was 7 November 2006. Newspaper and general circulation notice was made on 17 October 2006 which is 20 days prior to the Planning Commission hearing.
- The County Court hearing was held on 7 February 2007. Newspaper and general circulation notice was made on 16 January 2007 which was 22 days prior to the County Court hearing.

- (3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission**

cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference.

FINDING: The request will be consistent with criterion 3.

- 5 members of the Planning Commission were present. This number constitutes a quorum. The 5 members unanimously recommended the County Court approve the amendment to remove the Joint Management Agreements from the Wasco County Comprehensive Plan.

(4) After public hearing, the Planning Commission shall recommend to the County Court that the revision be granted or denied and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision.

FINDING: The request is consistent with criterion 4 because the Planning Commission adopted the findings in the staff report to justify this recommendation.

(5) Upon receiving the Planning Commission's recommendation, the County Court shall take such action as they deem appropriate. The County Court may or may not hold a public hearing. In no event shall the County Court approve the amendment until at least twenty (20) days have passed since filing the report, to allow time for remonstrance's.

FINDING: The request is consistent with criterion 5.

- The Planning Commission hearing was held on 7 November 2006. A recommendation was made and filed with the Wasco County Clerk on 9 November 2006.
- The County Court hearing was held on 7 February 2007. The recommendation was filed more than 20 days prior to the County Court hearing. During the County Court hearing the Wasco County Court adopted the Planning Commission recommendation with amendments.

IV. CONCLUSIONS OF LAW:

A. The request is for a Comprehensive Plan Amendment to remove the Urban Growth Area Joint Management Agreements (JMA's) between Wasco County and all of its incorporated cities, except Shaniko whose Urban Growth Boundary lines coincide with the City Limit lines. The purpose is to allow amendments to the JMA's to occur without the requirement of a comprehensive plan amendment.

B. The request is applicable to the following Cities:
-Antelope
-Dufur
-Maupin
-Mosier
-The Dalles

C. The request is consistent with the Wasco County Comprehensive Plan.

ATTACHMENT A – JOINT MANAGEMENT AGREEMENTS

URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENTS

Wasco County and the City of Antelope
Wasco County and the City of The Dalles
Wasco County and the City of Dufur
Wasco County and the Town of Maupin
Wasco County and the City of Mosier
Wasco County and the City of Rajneeshpuram

Wasco County has not entered into any joint management agreement with the town of Shaniko, as its Urban Growth Boundary lines coincide with the city limit lines.

FILED WASCO CTY
THE DALLES, OR.

DEC 02 1981

DEC 2 12 59 PM '81

SUE A. PROFFITT
COUNTY CLERK

RECEIVED
WASCO COUNTY PLANNING OFFICE

URBAN GROWTH AREA
JOINT
MANAGEMENT AGREEMENT

WASCO COUNTY AND CITY OF ANTELOPE

URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties to this Joint Management Agreement shall be the City of Antelope, Oregon and Wasco County, Oregon, hereinafter referred to as City and County.

The terms of this Joint Management Agreement shall be applicable to the City's urban growth area,

This Joint Management Agreement is entered into pursuant to ORS Chapters 190 and 197 and the Oregon Statewide Planning Goals for the purpose of facilitating the orderly expansion of the City's urban growth area.

Words and phrases used in this Joint Management Agreement shall be construed in accordance with ORS Chapters 92, 197, 215 and 227 and applicable to Oregon State-wide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

I. INTRODUCTORY INFORMATION:

- A. This Joint Management Agreement will facilitate the orderly and efficient expansion of the urban growth area, as needed, by the City of Antelope.
- B. The Antelope City Council has adopted by ordinance a comprehensive plan which includes an urban growth boundary and planning goals, objectives, and policies. The plan was determined to be in compliance with the statewide planning goals in 1978.

II. GENERAL COMPREHENSIVE PLAN PROVISIONS:

- A. The County and City shall have joint input for land use decisions and actions affecting the expansion of the urban growth boundary. Wasco County's responsibility over any land within the urban growth area, outside of the City limits, shall be maintained until such land is annexed to the City.
- B. It is the policy of the City and County to maintain a rapid exchange of information relating to their respective land use decisions which affect the urban growth area.
- C. The Antelope urban growth area has been identified as urbanizable and is considered to be available over time for urban expansion. In order to promote consistency between the County and City, the County shall incorporate any changes to the urban growth boundary into the County Plan by ordinance.

III. ZONING AND SUBDIVISION ORDINANCES:

- A. Upon the expansion of the urban growth boundary outside of the City limits, the County shall incorporate into and make a part of the County Zoning and Subdivision Ordinances the substantive (as opposed to procedural) portions of the City's Zoning and Subdivision Ordinances.
- B. For the purposes of this Joint Management Agreement:
 - 1. Substantive provisions of a zoning ordinance shall be those sections of the ordinance which establish outright uses, conditional uses, and zone requirements.
 - 2. Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.
- C. It is agreed that the County will not exercise any right to waive conditions as authorized by either the City's Zoning or Subdivision Ordinance unless prior written approval to do so has been obtained from the City.

- D. The above mentioned incorporated Ordinances shall only be applied to zone change, conditional use, variance, subdivision, major partition, minor partition and building permit requests affecting the City's urban growth area outside of the City limits.

IV. REFERRED APPLICATION/SITUATIONS:

- A. The County Planning Department shall refer each request affecting the City's urban growth area outside the city limits including zone change, conditional use, variance, subdivision, major partition, minor partition and building permit, to the City for its review and comment within 10 days of the date the request was
- B. The City shall review the request and submit its recommendation to the Wasco County Planning Department within 30 days after receipt of the request by the City. Requests for review period extensions shall not be granted for more than 60 days. In addition to its written recommendation the City may, if it so desires, be represented at the public hearing to express their views or rebut testimony. Recognizing that the City is directly concerned with land use changes occurring within the urban growth area, outside the city limits, the County shall fully weigh any and all City recommendations prior to making its decision.
- C. The City's planning staff shall prepare reports and recommendations based upon the City's consideration of the requests. In the event that no planning staff exists, such duties shall be delegated by the City Council. Staff reports and recommendations shall be signed by the Mayor.
- D. Should no recommendations be forthcoming within established response times, absent a request for an extension, the City shall be presumed to have no comment regarding the application.

V. CITY SERVICES:

- A. The City may extend City services to any site located within the urban growth area at the affected property owner's request and expense. Such extension of services to sites not contiguous to the City shall be conditioned upon an unlimited agreement signed by the affected property owner that the site may be annexed by City Council action as soon as the site becomes contiguous to the City.
- B. For the purposes of this Joint Management Agreement, City services shall include, but not necessarily limited to, water and fire protection.
- C. Service and hook-on charges shall be established by the City Council.

VI. ANNEXATION:

Annexation of sites within the urban growth area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes, Oregon Case Law, and City Ordinances and shall not occur until such sites become contiguous to the City as required by the Oregon Revised Statutes.

VII. APPEALS:

As Wasco County retains responsibility for land use decisions and actions affecting the urban growth area outside the city limits, appeals from such decisions and actions shall be in accordance with the appeals process specified in the County Zoning and Subdivision Ordinances. The City shall have standing to appeal any land use decision of the County involving the urban growth area, outside the city limits.

VIII. URBAN GROWTH BOUNDARY REVIEWS AMENDMENTS AND AGREEMENTS:

The City's urban growth boundary shall be reviewed annually as prescribed by the Comprehensive Plan. Any proposed amendments to the urban growth boundary shall be initiated by the City and such amendments shall be adopted by a majority of both the City Council and the County Court.

If the City's Comprehensive Plan, or implementing measures fail to conform to: the Oregon revised statutes, Oregon Case Law, or the Oregon Statewide Planning Goals, the nonconforming document shall be amended as soon as 'practicable. Such amendments shall be adopted by the appropriate governing bodies.

IN WITNESS THEREOF, this Urban Growth Area Joint Management Agreement is signed and executed this:

2nd DAY OF December, 1981

1st DAY OF December, 1981

Wasco County Court

Antelope City Council

Rick Lambert Judge

Margaret W. Hill Mayor

Jim Comini

Betty J. Anderson

Virgil Ellett

Robert L. Osborn

Frances Jackson

Philip J. Hill

**URBAN GROWTH AREA
JOINT MANAGEMENT AGREEMENT**

Between
WASCO COUNTY AND CITY OF THE DALLES

OCT 10 1980
RECEIVED URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT
WASCO COUNTY PLANNING OFFICE County and the City of The Dalles

FILED
OCT 10 1980
Sue A. Parfitt COUNTY CLERK
By _____ DEPUTY

The parties to this Joint Management Agreement are the City of The Dalles, Oregon, herein referred to as the City, and Wasco County, Oregon, herein referred to as the County, and is entered into pursuant to ORS Chapters 190 and 197 and the Oregon Statewide Planning Goals, for the purpose of facilitating an orderly transition from rural to urban land uses within the City's urban growth area.

Words and phrases used in this Joint Management Agreement shall be construed in accordance with Oregon Revised Statutes and Oregon Statewide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

This Agreement shall be applicable to the City's urban growth area which is defined as that area of land extending from the City's corporate limits to the City's urban growth boundary as referenced and mapped in the City's Comprehensive Plan on the 8th day of October, 1979, and as amended by the City Council on the 9th day of September, 1980, and hereby incorporated into and made a part of this document (See Attachment A).

I. Introductory Information

- A. This Joint Management Agreement is the culmination of a series of actions intended, in part, to facilitate the orderly and efficient transition from rural to urbanizable to urban land uses within the urban growth area. Such actions include the preparation of a City Comprehensive Plan, the cooperative establishment of an urban growth boundary (see Attachment A), coordination with affected governmental units, and County review of the City Comprehensive Plan.
- B. The City Council has adopted by ordinance a comprehensive plan which includes an urban growth boundary and planning goals and policies (see Attachment B-1).

II. General Comprehensive Plan Revisions

- A. The County shall be responsible for land use decisions and actions affecting the City's urban growth area, but such responsibility shall cease as to any land within this area when it is annexed to the City subject to provisions of the Oregon Revised Statutes.
- B. The City's urban growth area has been identified as urbanizable and is considered to be available over a period of time for urban expansion. In order to promote consistency between the City's planning effort and County land use decisions and actions affecting the urban growth area, the

County shall incorporate that portion of the City's Comprehensive Plan which addresses the urban growth area in the County Comprehensive Plan.

III. Policy

It is the policy of the City and County to maintain a rapid exchange of information relating to their respective land use decisions which affect the City's urban growth boundary.

IV. Zoning, Subdivision, and Mobile Home Park Ordinances

- A. Subject to Section IV. E. hereof substantive, as opposed to procedural, portion of the City's Zoning, Subdivision, and Mobile Home Park Ordinances (see Attachments C-1, C-2, and C-3) shall be incorporated by ordinance into and made part of the County Zoning, Subdivision, and Mobile Home Park Ordinance, with exceptions as necessary, and as agreed upon in writing by both parties to this Joint Management.
- B. For the purpose of this Joint Management Agreement:
1. Substantive provisions of a zoning ordinance shall be those sections of the ordinance which establish outright uses, conditional uses, zone requirements (e.g. minimum lot sizes, setback requirements, parking and landscaping requirements) and the zoning map.
 2. Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.
 3. Substantive provisions of a mobile home park ordinance shall be those sections of the ordinance which establish design standards for development.
- C. The County Zoning Map, when adopted as part of the County Zoning Ordinance, shall include the urban area and shall:
1. Apply to land outside of the City Limits but inside the Urban Growth Boundary.
 2. Include recommendations by the City for rezoning of all lands within the urban growth area where existing zoning is consistent with the Dalles Urban Area Planning Unit Comprehensive Plan by type of use allowed except that:
 - a. Land zoned Exclusive Farm Use pursuant to Section II.D above may be so zoned; and,
 - b. Land presently zoned for less intensive uses than indicated by the Comprehensive Plan may remain so zoned.
- D. After action is taken by the County pursuant to Section IV. C. above, all subsequent rezoning by the County shall be consistent with the City Comprehensive Plan and Zoning Map and no action with respect thereto shall be taken until the City has been given notice of the proposed action and an opportunity to be heard and/or testify in favor of or in opposition to the rezoning; provided that the foregoing requirements shall not apply where land is to be zoned to a lesser intensity or density of use.
- E. The City Ordinance incorporated in the County Ordinance pursuant to Section IV. A. above shall only be applied to zone change, conditional uses, variance, planned unit development, subdivision, major partition, building permit and mobile home park requests affecting the City's urban growth area.

V. Referred Applications/Situations

- A. The County Planning Department shall submit a copy of each request affecting land use in the City urban growth area to the City Planning Department for its review and comment within ten (10) days of the date the request was filed with the County Planning Department.
- B. The City Planning Department shall review the request and submit its recommendation to the County Planning Department within fifteen (15) days of the date the request was received by the City.
- C. The County shall retain final decision-making responsibility for all land use actions affecting the City urban growth area, but such decisions shall only be made after receipt of the timely recommendations from the City and shall be subject to compliance with Section IV.D.
- D. Requests shall be administered following the guidelines and procedures outlined below. Extensions of review time may be allowed when the regular schedule of meetings of reviewing bodies make it impossible to follow these guidelines. Such time extensions shall be an administrative function of the City and County Planning Departments. Review time not to exceed thirty (30) days.
 1. Zone Changes, Major Partitions, Subdivisions, Planned Unit Developments, Mobile Home Parks.
 - a. Application submitted to County Planning Staff.
 - b. Application submitted to City Planning Staff within ten (10) days of receipt.
 - c. Application reviewed by City Planning Commission and City Council and recommendations returned to County Planning Commission within (15) day of receipt.
 - d. Public hearing by County Planning Commission.
 - e. Recommendations or final plat submitted to County for final action.
 2. Conditional Uses
 - a. Application submitted to County Planning Staff.
 - b. Application submitted to City Planning Staff within ten (10) days of receipt.
 - c. Application reviewed by City Planning Commission and City Council and recommendation returned to County Planning Commission within fifteen (15) days of receipt.
 - d. Public hearing by County Planning Commission and final action.
 3. Variances
 - a. Application submitted to County Planning Staff.
 - b. Application submitted to City Planning Staff within ten (10) days of receipt.
 - c. Application by City Planning Commission and City Council and recommendation returned to County Board of Adjustment within fifteen (15) days of receipt.
 - d. Public hearing by County Board of Adjustment and final action.

4. Minor Partitions

- a. Application submitted to County Planning Staff.
- b. Application submitted to City Planning Staff within five (5) days of receipt.
- c. Application reviewed by City Planning Staff and recommendation returned to County Planning Staff within five (5) days of receipt.
- d. Final action by County Planning Staff.

5. Building Permits

- a. Administrative action by County Planning Staff.

- E. The County shall refer any proposed discretionary action back to the City for its review and comment in the event such action was not addressed in the original request for review. The same time limitations imposed by Sections V.A. and V.B. above shall be applicable.
- F. Should no recommendation be forthcoming within established response times, absent a request for an extension, the City shall be presumed to have no negative comment regarding the application.
- G. Upon final decision regarding an application, the County Planning Department shall notify the City Planning Department within ten (10) days of the final action. All appeals by the City shall be filed within fifteen (15) days of notice of final action.

VI. City Services

- A. City services to the urban growth area shall only be extended as per City Council policy.
- B. For the purposes of this Agreement, City services shall be limited to water, sanitary sewer and storm sewer, and paving or street improvements.
- C. For the purposes of this Agreement, expenses to be incurred by the affected property owner shall include the owner's proportioned share of line installation costs, service connection fees, and paving or street improvement costs.
- D. Service rates and service connection fees as well as construction standards shall be established by Ordinance adopted by the City Council.

VII. Annexation

- A. Annexation of areas within the Urban Growth Boundary shall be in accordance with relevant annexation procedures contained in the The Oregon Revised Statutes and City Ordinances.

VIII. Roads

- A. The County and City shall cooperatively develop a street plan and an implementation policy regarding streets and roads within the urban growth area.
- B. The County shall retain ownership, maintenance, and jurisdiction over all County roads within the urban growth area until such time as the City assumes jurisdiction under procedures authorized by the Oregon Revised Statutes.

- C. All building permits or proposed subdivisions which require access to or from a County road or a City street by curb cuts or approach roads shall be submitted to the County Court or the City Council, as the case may require, for approval.

IX. Appeals

- A. As the County retains responsibility for land use decisions and actions affecting the urban growth area, appeals from such decisions and actions shall be in accordance with the appeals process specified in the County Zoning and Subdivision Ordinances applicable State Statute or Administrative Rule.
- B. In the event that either the County Planning Commission or the County Court disagrees with the City comment and recommendation provided for in Section V. of this Agreement the City shall have the right and standing to appeal as provided in Section IX. A. above.

X. Comprehensive Plan and Implementation Measure Review and Amendment

- A. The City Comprehensive Plan, including this Joint Management Agreement, and the zoning, subdivision, and mobile home parks ordinances shall be reviewed at least annually to determine conformity with:
 - 1. Oregon Revised Statutes and Administrative Rules;
 - 2. Oregon Case Law;
 - 3. Oregon Statewide Planning Goals;
 - 4. Requirements of the City;
 - 5. Needs of residents or landowners within the urban growth area;
 - 6. Concerns of affected governmental units
- B. County administration of land use regulations within the urban growth area shall be reviewed at least annually to determine conformity with the elements of Section X. A. above.
- C. If The Dalles Urban Area Planning Unit Comprehensive Plan, implementation measure, or both, fail to conform to any or all of the above-mentioned criteria, the non-conforming document and/or measures shall be amended as necessary and as soon as practicable.
- D. Amendments to either this Agreement or the Comprehensive Plan for the urban growth area may be adopted by a majority of each of the full City Council and the County Court, after recommendations have been received from both the Planning Commission of the City and the County.

XI. Severability

The provisions of this Joint Management Agreement are severable. If an article, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Agreement.

IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agreement is adopted this 6th day of October, 1980 by the following vote:

Voting yes, Councilmen: Probstfield, Tiano and Phillips.

Voting no, Councilmen : Wood and Martin.

Absent, Councilmen : None

Approved by the Mayor October, 1980.

Mayor *[Signature]*

ATTEST:

John B Thomas
City Clerk

IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agreement is adopted this 8th day of October, 1980 by the following vote:

Voting yes, Commissioners : Cantrell, Conroy, and Comini

Voting no, Commissioners : None

Absent, Commissioners : None

Approved by the County Court this 8 day of October, 1980.

APPROVED AS TO FORM:

Bernard L. Smith
Bernard L. Smith
Wasco County District Attorney

Richard Cantrell
Judge

John Conroy
Commissioner

Jim Comini
Commissioner

ATTEST:

Lee A. Proffitt
County Clerk

ATTACHMENTS

- A. * City Comprehensive Plan (including Urban Growth Boundary)
- B. 1* City Ordinance No. 79-253 adopting the Urban Area Comprehensive Plan.
- B. 2* County Ordinance No. _____ amending the County Comprehensive Plan by its adoption of the Urban Area Comprehensive Plan.
- C. 1* Substantive portion of the City Zoning Ordinance (No. 80-986).
- C. 2* Substantive portion of the City Subdivision Ordinance (No. 937)
- C. 3* Substantive portion of the City Mobile Home Parks Ordinance (No. 943)

FILED

SEP 27 1979

Don A. Puffitt

COUNTY
CLERK

By _____

Deputy

**URBAN GROWTH AREA
JOINT MANAGEMENT AGREEMENT**

**Between
WASCO COUNTY AND CITY OF DUFUR**

URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties to this Joint Management Agreement shall be the City of Dufur, Oregon and Wasco County, Oregon.

The terms of this Joint Management Agreement shall be applicable to the Dufur urban growth area. For the purposes of this Agreement, the urban growth area shall be defined as that area of land extending from the Dufur corporate limits to the City of Dufur urban growth boundary as referenced and mapped in the City of Dufur's Comprehensive Plan which was adopted on June 21, 1977.

This Joint Management Agreement is entered into pursuant to ORS Chapters 190 and 197 and the Oregon Statewide Planning Goals for the purpose of facilitating the orderly transition from rural to urban land uses within the City of Dufur's urban growth area.

Words and phrases used in this Joint Management Agreement shall be construed in accordance with ORS Chapters 92, 197, 215, and 227 and applicable Oregon Statewide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

I. Introductory Information

- A. This Joint Management Agreement is the culmination of a series of actions intended, in part, to facilitate the orderly and efficient transition from urbanizable to urban land uses within the urban growth area. Such actions include the preparation of a city comprehensive plan, the cooperative establishment of an urban growth area, coordination with affected governmental units, and county review of the city comprehensive plan.
- B. The Dufur City Council has adopted by ordinance a comprehensive plan which includes an urban growth boundary and planning goals, objectives, and policies.

II. General Comprehensive Plan Provisions

- A. Wasco County and the City of Dufur shall have joint input for land use decisions and actions affecting the Dufur urban growth area. Wasco County's responsibility over any land within this urban growth area shall be maintained until such land is annexed to the City.
- B. The Dufur urban growth area has been identified as urbanizable and is considered to be available over time for urban expansion. In order to promote consistency between the city's planning effort and Wasco County land use decisions and actions affecting the urban growth area, Wasco County shall incorporate that portion of the City of Dufur Comprehensive Plan which addresses the urban growth area into the Wasco County Comprehensive Plan.
- C. After the City of Dufur's Comprehensive Plan has been reviewed by the Wasco County Court, and after County concurrence with and approval of the Plan as to applicable statewide planning goals and adoption of the Plan for the urban growth area, all public sector actions which fall within the scope of the City of Dufur's Comprehensive Plan shall be consistent with the Plan.
- D. It is the policy of the City of Dufur and Wasco County to maintain a rapid exchange of information relating to their respective land use decisions which affect the City of Dufur urban growth area.

III. Zoning and Subdivision Ordinances

- A. The substantive, as opposed to procedural, portions of the City of Dufur Zoning and Subdivision Ordinances (see Attachments A and B) shall be incorporated into and made a part of the Wasco County Zoning and Subdivision Ordinances.
- B. For the purposes of this Joint Management Agreement:
 - 1. Substantive provisions of a zoning ordinance shall be those sections of the ordinance which establish outright uses, conditional uses, and zone requirements.
 - 2. Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.
- C. It is agreed that Wasco County will not exercise any right to waive conditions as authorized by either the City of Dufur Zoning or Subdivision Ordinance unless prior written approval to do so has been obtained from the City of Dufur.
- D. The above mentioned incorporated Ordinances shall only be applied to zone change, conditional use, variance, subdivision, and major partition, affecting the City of Dufur urban growth area.

IV. Referred Application/Situations

- A. The Wasco County Planning Department shall refer each request affecting the Dufur urban growth area including zone change, conditional use, variance, sub-division, and major partition, to the City of Dufur for its review and comment within ten (10) days of the date the request was filed with the Wasco County Planning Department.
- B. The City of Dufur shall review the request and submit its recommendation to the Wasco County Planning Department within thirty (30) days after receipt of the request by the City. In addition to its written recommendation the City of Dufur may, if it so desires, be represented at the public hearing to express their views or rebut testimony. Recognizing that the City of Dufur is directly concerned with land use changes occurring within the, urban growth area, Wasco County shall fully weigh any and all City of Dufur recommendations prior to making its decision.

The City's planning staff shall prepare reports and recommendations based upon city council consideration of the requests. In the event that no planning staff exists, such duties shall be delegated by the City Council. Staff reports and recommendations shall be signed by the Mayor.

- C. Wasco County shall retain final decision-making responsibility for all land use actions as listed above affecting the City of Dufur urban growth area, but such decisions shall only be made after the receipt of timely recommendations from the City of Dufur.
- D. Should no recommendations be forthcoming within established response times, absent a request for an extension, the City of Dufur shall be presumed to have no comment regarding the application. Extension requests shall not be granted for more than sixty (60) days.

V. Annexation

Annexation of sites within the City of Dufur urban growth area shall be in accordance with relevant annexation procedures prescribed by Oregon law and Dufur City Ordinances and shall not occur until such sites become contiguous to the City of Dufur as required by Oregon law.

VI. Appeals

As Wasco County retains responsibility for land use decisions and actions affecting the urban growth area, appeals from such decisions and actions shall be in accordance with the appeals process specified in the Wasco County zoning; or Subdivision Ordinances. The City of Dufur shall have standing to appeal any land use decision of the county involving the Urban Growth Area.

VII. Urban Growth Boundary Reviews, Amendments and Agreements

The City of Dufur's urban growth boundary shall be reviewed on a biennial basis as prescribed on page 5, paragraph 1, of the Dufur Comprehensive Plan. Any proposed amendments to the urban growth area shall be initiated by the City of Dufur and such amendments shall be adopted by a majority of both the Dufur City Council and the Wasco County Court.

If the City of Dufur's Comprehensive Plan, implementing measures, or both fail to conform to: the applicable Oregon law, Oregon statewide planning goals, or the requirements of either the citizens of Dufur or residents of the urban growth area, the nonconforming document shall be amended as soon as practicable. Such amendments shall be adopted by the appropriate governing body or bodies.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the 21st day of August, 1979.

CITY OF DUFUR

By Ron Archer

Mayor

ATTEST: Suzanne M. Feltz

Recorder

WASCO COUNTY

By Richard C. Caultrell 9/26/79

Judge

Commissioner

Jim Cameron
Commissioner

9/26/79

**URBAN GROWTH AREA
JOINTMANAGEMENT AGREEMENT**

**Between
WASCO COUNTY AND CITY OF MAUPIN**

URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties to this Joint Management Agreement shall be the Town of Maupin, Oregon and Wasco County, Oregon.

The terms of this Joint Management Agreement shall be applicable to the Maupin urban growth area. For the purposes of this Agreement, the urban growth area shall be defined as that area of land extending from the Maupin corporate limits to the Town of Maupin urban growth boundary as referenced and mapped in the Town of Maupin's Comprehensive Plan, 1980.

This Joint Management Agreement is entered into pursuant to ORS Chapters 190 and 197 and the Oregon Statewide Planning Goals for the purpose of facilitating the orderly transition from rural to urban land uses within the Town of Maupin's urban growth area.

Words and phrases used in this Joint Management Agreement shall be construed in accordance with ORS Chapters 92, 197, 215, and 227 and applicable Oregon State-wide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

I. Introductory Information

- A. This Joint Management Agreement is the culmination of a series of actions intended, in part, to facilitate the orderly and efficient transition from urbanizable to urban land uses within the urban growth area. Such actions include the preparation of the Town comprehensive plan, the cooperative establishment of an urban growth area, coordination with affected governmental units, and county review of the Town comprehensive plan.
- B. The Maupin Town Council has adopted by ordinance a comprehensive plan which includes an urban growth boundary and planning goals, objectives, and policies.

II. General Comprehensive Plan Provisions

- A. Wasco County and Town of Maupin shall have joint input for land use decisions and actions affecting the Maupin urban growth area. Wasco County's responsibility over any land within this urban growth area shall be maintained until such land is annexed to the Town.
- B. It is the policy of the Town of Maupin and Wasco County to maintain a rapid exchange of information relating to their respective land use decisions which affect the Town of Maupin urban growth area.
- C. After the Town of Maupin's Comprehensive Plan has been reviewed by the Wasco County Court, and after County concurrence with the Plan as to applicable statewide planning goals and adoption of the Plan for the urban growth area, all public sector actions which fall within the scope of the Town of Maupin's Comprehensive Plan shall be consistent with the Plan.

- D. The Maupin urban growth area has been identified as urbanizable and is considered to be available over time for urban expansion. In order to promote consistency between the town's planning effort and Wasco County land use decisions and actions affecting the urban growth area Wasco County shall incorporate that portion of the Town of Maupin Comprehensive Plan which addresses the urban growth area into the Wasco County Comprehensive Plan.

III. Zoning and Subdivision Ordinances

- A. The substantive as opposed to procedural portions of the Town of Maupin's Zoning and Subdivision Ordinances (see Attachments A and B) shall be incorporated into and made a part of the Wasco County Zoning and Subdivision Ordinances.
- B. For the purposes of this Joint Management Agreement:
 - 1. Substantive provisions of a zoning ordinance shall be those sections of the ordinance which establish outright uses, conditional uses and zone requirements.
 - 2. Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.
- C. It is agreed that Wasco County will not exercise any right to waive conditions as authorized by either the Town of Maupin Zoning or Subdivision Ordinance unless prior written approval to do so has been obtained from the Town of Maupin.
- D. The above mentioned incorporated Ordinances shall only be applied to zone change, conditional use variance subdivision major partition, minor partition and building permit requests affecting the Town of Maupin urban growth area.

IV. Referred Application / Situations

- A. The Wasco County Planning Department shall refer each request affecting the Maupin urban growth area including zone change, conditional use variance, subdivision, major partition, minor partition, building permit to the Town of Maupin, for its review and comment within 10 days of the date the request was filed with the Wasco County Planning Department.
- B. The Town of Maupin shall review the request and submit its recommendation to the Wasco County Planning Department within 30 days after receipt of the request by the town. Request for review period extension shall not be granted for more than 60 days. In addition to its written recommendation the Town of Maupin may, if it so desires, be represented at the public hearing to express their views or rebut testimony. Recognizing that the Town of Maupin is directly concerned with land use changes occurring within the urban growth area, Wasco County shall fully weigh any and all Town of Maupin recommendations prior to making its decision.
- C. The Town's planning staff shall prepare reports and recommendations based upon the Town of Maupin's consideration of the requests. In the event that no planning staff exists, such duties shall be delegated by the Town Council. Staff reports and recommendations shall be signed by the Mayor.
- D. Should no recommendations be forthcoming within established response times, absent a request for an extension, the Town of Maupin shall be presumed to have no comment regarding the application.

V. City Services

- A. The Town of Maupin may extend city services to any site located within the Town of Maupin urban growth area at the affected property owner's request and expense. Such extension of Town

services to sites not contiguous to the Town of Maupin shall be conditioned upon an unlimited agreement signed by the affected property owner that the site may be annexed by Maupin Town Council action as soon as the site becomes contiguous to the Town of Maupin.

- B. For the purposes of this Joint Management Agreement, town services shall be limited to water, sewer, and fire protection.
- C. Service and hook-on charges shall be established by the Maupin Town Council.

VI. Annexation

Annexation of sites within the Town of Maupin urban growth area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes, Oregon case law, and Maupin Town Ordinances and shall not occur until such sites become contiguous to the Town of Maupin as required by the Oregon Revised Statutes.

VII. Appeals

As Wasco County retains responsibility for land use decisions and actions affecting the urban growth area, appeals from such decisions and actions shall be in accordance with the appeals process specified in the Wasco County Zoning or Subdivision Ordinances. The Town of Maupin shall have standing to appeal any land use decision of the county involving the Urban Growth Area.

VIII. Urban Growth Boundary Reviews, Amendments and Agreements

The Town of Maupin's urban growth boundary shall be reviewed annually as prescribed on page 4 paragraph 1 of the Maupin Comprehensive Plan. Any proposed amendments to the urban growth boundary shall be initiated by the Town of Maupin and such amendments shall be adopted by a majority of both the Maupin Town Council and the Wasco County Court.

If the Town of Maupin's Comprehensive Plan, implementing measures, or both fail to conform to: the Oregon Revised Statutes, Oregon Case Law, Oregon Statewide Planning Goals, or the requirements of either the citizens of Maupin or residents of the urban growth area, the nonconforming document shall be amended as soon as practicable. Such amendments shall be adopted by the appropriate governing body or bodies.

IN WITNESS THEREOF, this Urban Growth Area Joint Management Agreement is signed and executed this:

27 day of Dec, 1978

22nd day of November, 1978

Wasco County Court

Maupin Town Council

[Signature], Judge

[Signature], Mayor

James A. Underhill

Donald Holliday

John Conroy

Raymond F. Parkwood

Albert R. Green

Betty M. O'Leary

FILED
NOV 27 1978
Sw. A. [Signature]
By _____ COURT CLERK
Deputy

**URBAN GROWTH AREA
JOINTMANAGEMENT AGREEMENT**

**Between
WASCO COUNTY AND CITY OF MOSIER**

URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties to this Joint Management Agreement shall be the City of Mosier, Oregon and Wasco County, Oregon.

The terms of this Joint Management Agreement shall be applicable to the Mosier urban growth area. For the purposes of this Agreement, the urban growth area shall be de-fined as that area of land extending from the Mosier corporate limits to the City of Mosier urban growth boundary as referenced and mapped in the City of Mosier's Comprehensive Plan on June 28, 1978.

This Joint Management Agreement is entered into pursuant to ORS Chapters 190 and 197 and the Oregon Statewide Planning Goals for the purpose of facilitating the orderly transition from rural to urban land uses within the City of Mosier's urban growth area.

Words and phrases used in this Joint Management Agreement shall be construed in accordance with ORS Chapters 92, 197, 215, and 227 and applicable Oregon Statewide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

I. Introductory Information

- A. This Joint Management Agreement is the culmination of a series of actions intended, in part, to facilitate the orderly and efficient transition from urbanizable to urban land uses within the urban growth area. Such actions include the preparation of a city comprehensive plan, the cooperative establishment of an urban growth area, coordination with affected govern-mental units, and county review of the city comprehensive plan.
- B. The Mosier City Council has adopted by ordinance a comprehensive plan which includes an urban growth boundary and planning goals, objectives, and policies.

II. General Comprehensive Plan Provisions

- A. Wasco County and the City of Mosier shall have joint input for land use decisions and actions affecting the Mosier urban growth area. Wasco County's responsibility over any land within this urban growth area shall be maintained until such land is annexed to the City.
- B. The Mosier urban growth area has been identified as urbanizable and is considered to be available over time for urban expansion. In order to promote consistency between the city's planning effort and Wasco County land use decisions and actions affecting the urban growth area, Wasco County shall incorporate that portion of the City of Mosier Comprehensive Plan which addresses the urban growth area into the Wasco County Comprehensive Plan.
- C. After the City of Mosier's Comprehensive Plan has been reviewed by the Wasco County Court, and after County concurrence with and approval of the Plan as to applicable statewide planning goals and adoption of the Plan for the urban growth area, all public sector actions which fall within the scope of the City of Mosier's Comprehensive Plan shall be consistent with the Plan.
- D. It is the policy of the City of Mosier and Wasco County to maintain a rapid exchange of information relating to their respective land use decisions which affect the City of Mosier urban growth area.

III. Zoning and Subdivision Ordinances

- A. The substantive, as apposed to procedural, portions of the City of Mosier Zoning and Subdivision Ordinances (see Attachments A and B) shall be incorporated into and made a part of the Wasco County Zoning and Subdivision Ordinances.
- B. For the purposes of this Joint Management Agreement:
 - 1. Substantive provisions of a zoning ordinance shall be those sections of the ordinance which establish outright uses, conditional uses, and zone requirements.
 - 2. Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.
- C. It is agreed that Wasco County will not exercise any right to waive conditions as authorized by either the City of Mosier Zoning or Subdivision Ordinance unless prior written approval to do so has been obtained from the City of Mosier.
- D. The above mentioned incorporated Ordinances shall only be applied to zone change, conditional use, variance, subdivision, major partition, minor partition and building permit requests affecting the City of Mosier urban growth area.

IV. Referred Application/Situations

- A. The Wasco County Planning Department shall refer each request affecting the Mosier urban growth area including zone change, conditional use, variance, subdivision, major partition, minor partition, building permit, to the City of Mosier for its review and comment within 10 days of the date the request was filed with the Wasco County Planning Department.
- B. The City of Mosier shall review the request and submit its recommendation to the Wasco County Planning Department within 30 days after receipt of the request by the City. In addition to its written recommendation the City of Mosier may, if it so desires, be represented at the public hearing to express their views or rebut testimony. Recognizing that the City of Mosier is directly concerned with land use changes occurring within the urban growth area, Wasco County shall fully weigh any and all City of Mosier recommendations prior to making its decision.

The City's planning staff shall prepare reports and recommendations based upon city council consideration of the requests. In the event that no planning staff exists, such duties shall be delegated by the City Council. Staff reports and recommendations shall be signed by the Mayor.

- C. Wasco County shall retain final decision-making responsibility for all land use actions as listed above affecting the City of Mosier urban growth area, but such decisions shall only be made after the receipt of timely recommendations from the City of Mosier.
- D. Should no recommendations be forthcoming within established response times, absent a request for an extension, the City of Mosier shall be presumed to have no comment regarding the application. Extension requests shall not be granted for more than 60 days.

V. City Services

- A. The City of Mosier may extend city services to any site located within the City of Mosier urban growth area at the affected property owner's request and expense. Such extension of city services to sites not contiguous to the City of Mosier shall be conditioned upon an unlimited agreement signed by the affected property owner that the site may be annexed by Mosier City Council action as soon as the site becomes contiguous to the City of Mosier.
- B. For the purposes of this Joint Management Agreement, city services shall be limited to water, sewer, and roads.
- C. Service and hook-on charges shall be established by the Mosier City Council.

VI. Annexation

Annexation of sites within the City of Mosier urban growth area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes, Oregon case law, and Mosier City Ordinances and shall not occur until such sites become contiguous to the City of Mosier as required by the Oregon Revised Statutes.

VII. Appeals

As Wasco County retains responsibility for land use decisions and actions affecting the urban growth area, appeals from such decisions and actions shall be in accordance with the appeals process specified in the Wasco County Zoning or Subdivision Ordinances. The City of Mosier shall have standing to appeal any land use decision of the county involving the Urban Growth Area.

VIII. Urban Growth Boundary Reviews, Amendments and Agreements

The City of Mosier's urban growth boundary shall be reviewed twice annually as prescribed on page 4 paragraphs 1 of the Mosier Comprehensive Plan. Any proposed amendments to the urban growth area shall be initiated by the City of Mosier and such amendments shall be adopted by a majority of both the Mosier City Council and the Wasco County Court.

If the City of Mosier's Comprehensive Plan, implementing measures, or both fail to conform to: the Oregon revised statutes, Oregon case law, Oregon statewide planning goals, or the requirements of either the citizens of Mosier or residents of the urban growth area, the nonconforming document shall be amended as soon as practicable. Such amendments shall be adopted by the appropriate governing body or bodies.

IN WITNESS THEROF, this Urban Growth Area Joint Management Agreement is signed and executed this:

22 day of Nov., 1978.

11th day of October, 1978.

Wasco County Court

Mosier City Council

[Signature], Judge

[Signature], Mayor

James A. Hendershill

Mike Monie

John Conway

Stanley Henderson

Sam McKinney

L. Evelyn Browning

878-0948

**URBAN GROWTH AREA
JOINTMANAGEMENT AGREEMENT**

**Between
WASCO COUNTY AND THE CITY OF RAJNEESHPURAM**

URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties to this Joint Management Agreement shall be the City of Rajneeshpuram, Oregon and Wasco County, Oregon, hereinafter referred to as City and County.

The terms of this Joint Management Agreement shall be applicable to the City's urban growth area.

This Joint Management Agreement is entered into pursuant to ORS Chapters 190 and 197 and the Oregon Statewide Planning Goals for the purpose of facilitating the orderly expansion of the City's urban growth area. The urban growth area shall be defined as that land within the urban growth boundary and outside of the City limits.

Words and phrases used in this Joint Management Agreement shall be construed in accordance with ORS Chapters 92, 197, 215 and 227 and applicable to Oregon Statewide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

It is understood by and through this Agreement that the County's population projections were developed several years ago and did not anticipate the growth that has occurred. The projections made by the City are not based upon historic data but rely upon desired development and, therefore, would not be inconsistent with the County's projections.

I. INTRODUCTORY INFORMATION:

- A. This Joint Management Agreement will facilitate the orderly and efficient expansion of the urban growth area, as needed, by the City of Rajneeshpuram.
- B. The City Council has adopted by ordinance a comprehensive plan which includes an urban growth boundary and planning goals, objectives, and policies.

II. GENERAL COMPREHENSIVE PLAN PROVISIONS:

- A. The County and City shall have joint input for land use decisions and actions affecting the expansion of the urban growth boundary. Wasco County's responsibility over any land within the urban growth area, outside of the City limits, shall be maintained until such land is annexed to the City.
- B. It is the policy of the City and County to maintain a rapid exchange of information relating to their respective land use decisions which affect the urban growth area.
- C. The City's urban growth area has been identified as urbanizable and is considered to be available over time for urban expansion. In order to promote consistency between the County and City, the County shall incorporate any changes to the urban growth area into the County Plan by ordinance.

III. ZONING AND SUBDIVISION ORDINANCES:

- A. Upon the expansion of the urban growth boundary outside of the City limits, the County shall incorporate into and make a part of the County Zoning and Subdivision Ordinances the substantive (as opposed to procedural) portions of the City's Development Code ordinance.
- B. For the purposes of this Joint Management Agreement:
 - 1. Substantive provisions of the Development Code ordinance shall be those sections of the ordinance which establish outright uses, conditional uses, zone requirements, and design standards for required improvements and partitions or subdivisions.
- C. It is agreed that the County will not exercise any right to waive conditions as authorized by the City's Development Code ordinance unless prior written approval to do so has been obtained from the City.
- D. The above mentioned incorporated Ordinance shall only be applied to zone change, conditional use, variance, subdivision, major partition, minor partition and building permit requests affecting the City's urban growth area outside of the City limits.

IV. REFERRED APPLICATION/SITUATIONS:

- A. The County Planning Department shall refer each request affecting the City's urban growth area outside the City limits including zone change, conditional use, variance, subdivision, major partition, minor partition and building permit, to the City for its review and comment within 10 days of the date the request was filed with the Wasco County Planning Department.
- B. The City shall review the request and submit its recommendation to the Wasco County Planning Department within 30 days after receipt of the request by the City. Requests for review period extensions shall not be granted for more than 60 days. In addition to its written recommendation the City may, if it so desires be represented at the public hearing to express their views or rebut testimony. Recognizing that the City is directly concerned with land use changes occurring within the urban growth area, outside the city limits, the County shall fully weigh any and all City recommendations prior to making its decision.
- C. The City's planning staff shall prepare reports and recommendations based upon the City's consideration of the requests. In the event that no planning staff exists, such duties shall be delegated by the City Council.
- D. Should no recommendations be forthcoming within established response times, absent a request for an extension, the City shall be presumed to have no comment regarding the application.

V. CITY SERVICES:

- A. The City may extend City services to any site located within the urban growth area at the affected property owner's request and expense. Such extension of services to sites not contiguous to the City shall be conditioned upon an unlimited agreement signed by the affected property owner that the site may be annexed by City Council action as soon as the site becomes contiguous to the City.
- B. For the purposes of this Joint Management Agreement, City services shall include, but not necessarily limited to, roads, sanitary and storm sewer, and water.
- C. Service and hook-on charges shall be established by the City Council.

VI. CITY SERVICE FACILITIES OUTSIDE THE URBAN GROWTH BOUNDARY:

The following service facilities necessary for city service may be permitted outside the Urban Growth Boundary pursuant to the Wasco County Zoning Ordinance, provided that service connections shall not be made to any use outside the Urban Growth Boundary within Wasco County:

1. central sewer and water mainlines;
2. pumping stations and pressure reducing stations;
3. wells and water storage reservoirs;
4. drain fields and wastewater disposal areas or facilities;
5. sewage lagoons or other treatment facilities;
6. roads and associated appurtenances.

VII. ANNEXATION:

Annexation of sites within the urban growth area shall be in accordance with relevant annexation procedures contained

in the Oregon Revised Statutes, Oregon Case Law, and City Ordinances and shall not occur until such sites become contiguous to the City as required by the Oregon Revised Statutes.

VIII. APPEALS:

As Wasco County retains responsibility for land use decisions and actions affecting the urban growth area outside the city limits, appeals from such decisions and actions shall be in accordance with the appeals process specified in the County Zoning and Subdivision Ordinances. The City shall have standing to appeal any land use decision of the County involving the urban growth area, outside the city limits.

IX. URBAN GROWTH BOUNDARY REVIEWS, AMENDMENTS AND AGREEMENTS:

The City's urban growth boundary shall be reviewed as pre-scribed by the Comprehensive Plan. Any proposed amendments to the urban growth boundary shall be initiated by the City and such amendments shall be adopted by a majority of both the City Council and the County Court.

If the City's Comprehensive Plan, or implementing measures fail to conform to: the Oregon Revised Statutes, Oregon Case Law, or the Oregon Statewide Planning Goals, the nonconforming document shall be amended as soon as practicable. Such amendments shall be adopted by the appropriate governing bodies.

IN WITNESS THEREOF, this Urban Growth Area Joint Management Agreement is signed and executed this:

3 DAY OF Nov, 1982

3 DAY OF Nov, 1982

Wasco County Court

Rajneeshpuram City Council

Richard H. ... Judge
Vijil Ellett
John Conroy

Sri Sri Krishna Deva Mayor
Ma Prem Anchar
Sri Sri Deva Sankar
Ma Prem Potipada
Ma Deva Jayamala

