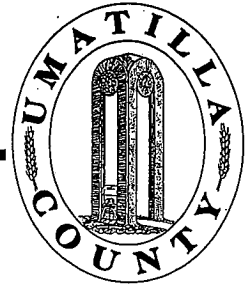


Umatilla County

Department of Resource Services and Development



COPY

Director
Tamra Mabbott

Planning &
Development
Division:

March 25, 2005

LAND USE
PLANNING
541-278-6252

Patti JG Dunn
Athena City Recorder
PO Box 686
Athena, OR 97813

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

RE: Joint Management Agreement

Dear Patti:

EMERGENCY
MANAGEMENT
541-966-3700

I'm pleased to forward a draft, amended Joint Management Agreement (JMA), in response to your request to assume responsibility for land use permits within the Athena Urban Growth Boundary. The JMA has also been forwarded to you electronically so you can make additional changes as warranted.

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(C)
541-7-2084
541-966-3700
1-877-367-2737

At this time, the county is not able to transfer responsibility for building permits as the county has no jurisdiction to do so. If, at some point in the future, the county assumes the Building Permit Program from the State of Oregon, we could discuss building codes jurisdiction transfer at that time. The county has made some preliminary investigation about the feasibility of assuming a county building permit program. I would welcome any input or comments you may have on this topic.

County/State
Services
Division:

In summary, I want to thank you and the City Council for taking on this new land use responsibility. I'm confident you will continue with a good program. Once the Council has adopted the attached amended agreement, please return it and I will schedule hearings before the Planning Commission and Board of Commissioners to co-adopt the amended JMA. If you have any questions, please give myself or Patty Perry a call.

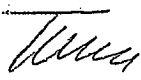
COUNTY FAIR
541-567-6121

State Agency
Liaisons:

Cordially,

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456


Tamra J. Mabbott
Planning Director

Post-it® Fax Note	7671	Date	4-9-08	# of pages	14
To	Dyann Swanson		From	Tamra Mabbott	
Co./Dept.			Co.		
Phone #			Phone #	278-6240	
Fax #	566-2781		Fax #		



February 21, 2005

RECEIVED

FEB 23 '05

UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla Co.
Dept. of Land Use
216 SE 4th Street
Pendleton, OR 97801

RE: Umatilla County Jt. Mgt. Agreement

The City of Athena's Council request an amendment to the Jt. Management Agreement. The City wish to have the responsibility to approve development within the Urban Growth Boundary area. This includes the responsibility to issue building permits.

If you have any questions, please contact Patti Dunn, City Recorder at (541)566-3862 or Mayor Mark Seltmann (800) 283-2483.

Sincerely

Patti JG Dunn
City Recorder

RECEIVED

MAY 08 2002

11:30 AM
UMATILLA COUNTY
RECORDS

COPY

JOINT MANAGEMENT AGREEMENT BETWEEN
CITY OF ATHENA
AND UMATILLA COUNTY

City of Athena City Council Resolution Number 09-2001
Umatilla County Board of Commissioners Resolution Number _____

This agreement is entered into this 26 day of June, 2001 by the City of Athena, an incorporated municipality of the State of Oregon, hereinafter referred to as the "City" and Umatilla County, a political subdivision of the State of Oregon, hereinafter referred to as the "County".

RECITALS:

- A. The City and the County are authorized under the provisions of Oregon Revised Statutes (ORS) 190 to enter into intergovernmental agreements for the performance of any functions that the City or County has authority to perform; and
- B. The City and the County are required to have coordinated and consistent comprehensive plans which establish an Urban Growth Boundary (UGB) and a plan for the Urban Growth Area (UGA) within the boundary; and
- C. Statewide Planning Goal 14 (Urbanization) requires that the establishment and change of a UGB shall be through a cooperative process between the City and County; and
- D. The City and the County share a common concern regarding development and use of lands within the UGA and other identified areas of mutual interest; and
- E. Statewide Planning Goal 2 (Land Use Planning) requires that City and County, maintain a consistent and coordinated plan for the UGB and UGA when amending their respective comprehensive plans; and
- F. The City and the County consider it mutually advantageous to establish this Joint Management Agreement (JMA) for the purpose of facilitating the orderly transition from rural to urban land uses within the City's UGA; and
- G. This JMA also constitutes a Cooperative Agreement under ORS 195.020.

NOW THEREFORE, THE CITY AND COUNTY AGREE AS FOLLOWS:

1. Definitions:

- 1.1. Comprehensive Plan - A plan adopted by the City or County which meets the requirements of ORS 197.015; generally, a coordinated land use map and policy statements interrelating all functional and natural systems and activities relating to the use of lands.
- 1.2. Contiguous - For the purpose of this agreement, contiguous shall be defined as touching or adjoining.
- 1.3. Days - In all cases, the reference to days in this agreement shall be understood to mean calendar days.
- 1.4. Land Use Actions - Land Use and Limited Land Use Decisions defined by ORS 197.015; generally a decision by the City or County applying standards of the comprehensive plans or land use regulations to particular pieces of property. Examples include, but are not limited to variances, conditional use permits, partitions, subdivisions, planned unit developments, road dedications and vacations, and amendments to the zoning map for specific properties.
- 1.5. Land Use Regulation - County or City zoning ordinances, subdivision ordinances adopted under ORS 92.044 or 92.046, or similar ordinances establishing standards for implementing the comprehensive plan. For the purpose of this JMA, substantive provisions of land use regulations shall be those sections of the ordinance establishing outright uses, conditional uses and zone requirements such as minimum lot sizes, the zoning map, and design standards for required improvements.
- 1.6. Legislative - An amendment to the City of County comprehensive plans and/or land use ordinances or a plan or zone maps that applies to a large number of parcels of land.
- 1.7. Major Improvement Projects - Projects that involve capital improvements for new or replacement facilities. These projects are budgeted as separate line items in the local jurisdiction's capital improvement budget. They do not include routine facilities maintenance, such as cleaning, pavement patching, or repairs.
- 1.8. Periodic Review - A comprehensive plan and ordinance review process, which is mandated by the state for cities over 2,500 people and optional for cities with smaller populations. The process involves an assessment of plan and ordinance deficiencies, development of a work plan with the Oregon Department of Land Conservation and Development (DLCD) to address the deficiencies, and the completion of the work plan.

- 1.9. Procedural Requirements - Those sections of the land use ordinance which establish the review process for land use applications, including but not limited to determination of a complete application, notice, time frame for review, decision making authority, and appeal procedures.
- 1.10. Quasi-Judicial – A land use action, which involves the application of adopted City or County comprehensive plan policies and/or land use ordinance provisions to a specific land use application affecting identified parcels of land or property owners.
- 1.11. Substantive Provisions – Those sections of zoning and subdivision ordinances, which establish design standards and required improvements.
- 1.12. Urban Growth Area (UGA) - That unincorporated area between the City Limits and the Urban Growth Boundary in which urban services and facilities can be extended and development at urban intensity and density will occur.
- 1.13. Urban Growth Boundary (UGB) - A mutually agreed upon line, identified in both the City and County comprehensive plans, which delineates the outer extent of the UGA and the limits of urban growth (see Exhibit A).
- 1.14. Urban Reserve Area – An unincorporated area located outside of the UGB, which should accommodate future expansion of the UGB when and if such an action is justified, as mutually agreed by the City and County.

2. Coordination of Comprehensive Planning and Development

2.1. Amendments to the City's Plan or Land Use Regulations.

Amendments to the City plan text, land use regulations, UGB, map(s), or designation of urban reserve areas that follow the state periodic review or post acknowledgement procedures shall be enacted in accordance with the procedures established in this section.

2.1.1 City Processing of Amendments

- a. The City shall be responsible for preparing and/or reviewing all legislative and quasi-judicial comprehensive plan amendments in the UGA.
- b. Amendments to the City's Comprehensive Plan, land use regulations and/or maps may be initiated by the City, the County, or an affected person, by application to the City.
- c. If the City elects to amend its comprehensive plan using the Periodic Review process, the City and County shall meet to discuss and develop a proposal for Periodic Review procedures relating to the UGA and UGB, including how the County will participate in Periodic Review. The City will present this proposal to the City Planning Commission at its first hearing on the analysis of the plan. Any comments received from the County, shall be considered by

the City Planning Commission in developing the work program to comply with Periodic Review.

- d. Amendment applications shall be processed by the City, with notification to the County at least thirty (30) days prior to the City Planning Commission's first hearing on the proposed amendment.
- e. The County shall respond in writing, even if it has no comment.
- f. Comments received from the County shall be considered by the City Planning Commission when making its recommendation to the City Council.
- g. The County may also provide comments prior to the City Council hearing, in which case, the Council shall consider the County's comments in making its decision.
- h. The City shall provide written notification of its final decision to the County within seven (7) days.

2.1.2 County Adoption of City Amendments in the UGA

- a. All adopted amendments to the City's Comprehensive Plan, land use regulations, and/or maps affecting the UGA or UGB shall be referred to the County for adoption as amendments to the County Plan and Development Ordinance.
- b. The County must adopt the amendments approved by the City for these to be applicable in the UGA. The County hearing to consider adoption shall be scheduled for hearing within ninety (90) days of the City notification.

2.2. Review Process for Land Use Actions in the UGA

2.2.1 County Procedures

- a. The County shall retain responsibility for land use actions affecting land within City's UGA, until after annexation.
- b. The County shall incorporate the portion of the City's Comprehensive Plan that addresses the UGA into the County's Comprehensive Plan.
- c. County zoning designations shall be applied to land in the UGA. Applicable County ordinance procedures and standards shall be used evaluate land use actions within the UGA. Following annexation, the City zoning and ordinances shall apply.
- d. Applications for land use actions within the UGA shall be processed by the County according to its adopted procedural requirements for reviewing land use actions. Within seven (7) days of the date the application is accepted as complete, and not less than twenty-one (21) days before a scheduled public hearing, a copy shall be sent to the City, with a notification of the hearing date.
- e. The County shall respond to City comments, as appropriate, and consider them in making its decision.
- f. If a major change is made in the proposal, or significant new information is submitted that was not included in the original request, the County shall, within seven (7) days, refer it back to the City to review and comment within twenty-one (21) days.

- g. Notification of the County's final written decision shall be provided to the City within seven (7) days.

2.2.2 City Procedures

- a. Upon receipt of notification from the County, the City shall review the application and provide written comments within twenty-one (21) days.
 - 1. If the County is to make an administrative decision, the City shall provide the County with either a written response or request a public hearing.
 - 2. In all other cases, the Planning Commission will make a recommendation to the City Council, which shall review the request at its first opportunity and submit its recommendation to the County.
- b. If the City has no comment, this response shall be provided in writing.
- c. If a major change is made in the proposal, or significant new information is submitted that was not included in the original request, the County shall, within seven (7) days, refer it back to the City to review and comment within twenty-one (21) days. In the case of an administrative decision, the City may request a hearing.

2.2.3 Opportunity for Appeal by the City

If the City participates in the County decision, the City has the right to appeal the County's decision in accordance with the appeals process specified in the County's Ordinance, applicable state statute, or state administrative rules.

2.3 Coordination of Other City and County Actions

2.3.1 City Actions

The City shall coordinate with and seek comments from the County regarding the following items, for which the City has ultimate decision making authority, and which affect land use within the UGA. These actions include:

- a. Major improvement projects sponsored by the City for transportation, water, sanitary sewer, or drainage improvements; and
- b. Proposal for the extension of any City service, utility or facility or their respective service areas.

2.3.2 County Actions

The County shall coordinate with and seek comments from the City regarding the following items, for which the County has ultimate decision making authority, and which affect land use within the UGA. These actions include:

- a. Major improvement projects sponsored by the County for transportation, drainage, or solid waste improvements;
- b. Proposal for formation of, or changes of organization, boundary or function of special districts, as these terms are defined in ORS 198.705 to ORS 198.710; and
- c. County road vacations.

3. City Services

3.1 City Water and Sanitary Sewer Service

3.1.1 Service Extensions

The City shall require annexation prior to extending water or sanitary sewer services to any property within the UGA at the affected property owner's request and expense.

3.1.2 City Facilities

City-operated utility facilities, such as water reservoirs and sewage treatment plants, may be located outside of the UGB when it is determined by the City and County to be necessary for the proper operation of the utility system.

3.2 Other Urban Services

3.2.1 Fire protection is provided by the Athena Fire Department. The City and County shall notify the District of all comprehensive planning and development actions and provide an opportunity to comment in the manner provided in Section 2 of this agreement.

3.2.2 The Athena Police Department provides, and shall continue to provide, law enforcement services for the City. The City and County shall notify the Police Department of all comprehensive planning and development actions and provide an opportunity to comment in the manner provided in Section 2 of this agreement.

4. Roads and Transportation

4.1 Road Jurisdiction and Maintenance Responsibility

4.1.1 Jurisdiction

As of June 2001, the City has jurisdiction of all public streets and associated rights-of-way within the UGB, except for the following:

<i>Street</i>	<i>Jurisdiction/Number</i>	<i>Location</i>
a. Waterman Rd.	County 725	North of city limits
b. Sherman St.	County 676	Within city
c. Labor Camp Rd.	County 737	North portion in city limits
d. Wildhorse Rd.	County 685	East of city limits
e. Athena-Holdman Hwy.	State 334	Within city
f. Oregon-Washington Hwy.	State 11	Along southern UGB boundary

4.1.2 Maintenance

Roads, streets, alleys, and other public improvements within public street rights-of-way shall be maintained by the agency that has jurisdiction as noted in Section 4.1.1.

4.2 Street and Road Transfer to the City

4.2.1 General Policy

The City and County agree in principle that except for state highways, it is most appropriate for all streets within the City limits to be under the jurisdiction and maintenance responsibility of the City. However, it is also recognized by both parties that the City has limited funding, staff expertise, and equipment to maintain or construct streets. The City and County agree to look for opportunities to transfer street jurisdiction to the City with a method for financing and providing street maintenance and/or construction.

4.2.2 Annexation

When property is annexed, the entire width of any contiguous County street right-of-way shall be transferred to City jurisdiction unless the City and County mutually agree that such a change in jurisdiction should be deferred.

4.2.3 Land Use Actions

When a land use action is approved by the City, the entire width of any contiguous County street right-of-way shall be transferred to City jurisdiction unless the City and County mutually agree that such a change in jurisdiction should be deferred. As part of such land use action, the City shall require as a condition of approval:

- a. Street improvements along the property frontage, which are consistent with the street standards adopted by the City; or
- b. Execution of an irrevocable consent agreement, which obligates present and future property owners to participate in financing street improvements in the future.

4.3 Transportation System Plan Implementation

The 2001 Athena Transportation System Plan (TSP) describes street improvement and maintenance projects that should be completed over the next 20 years. Funding will be difficult to obtain for all of these projects. However, the City and County will make the commitment to work together to obtain the funding to complete the capital improvement program noted in Chapter 7 of the TSP. In particular, the City and County will prioritize projects and pursue the funding options described in Chapter 8 of the TSP.

4.4 Issues to be Evaluated

4.4.1 Funding Strategies

The City and County agree to evaluate the following funding strategies presented in the 2001 Athena TSP and determine their feasibility:

- a. System Development Charges;
- b. Vehicle Registration Fees; and
- c. Local Improvement Districts.

4.4.2 Coordinated Maintenance

The City and County currently coordinate street maintenance and construction activities. Given the present situation of decreasing revenues and increasing demand, the City and County shall evaluate ways to improve efficient use of street maintenance and construction funds for the common benefit of City and County residents and businesses.

4.5 Coordinated Grant Applications

Chapter 8 of the TSP describes a number of grant and loan programs, which are potentially available to the City and County. The City and County commit to working closely together to obtain grants for street maintenance and construction within the UGA.

4.6 Public Transit

The City and County shall evaluate methods for providing public transit services for the local area.

5. **Annexation**

5.1 Annexation Procedure

Annexation of a property shall be in accordance with relevant methods and procedures in the ORS and City ordinances. At the time of annexation, the City shall apply the appropriate zoning designation to the property and amend the City Zoning Map accordingly.

5.2 City Addresses

Within one (1) year following annexation, property (situs) addresses shall be converted to the city addressing grid.

6. **Review, Amendment, Severability, Termination of Agreement**

6.1. Scheduled Reviews of the JMA

The County shall be responsible for initiating a joint review of this agreement at a minimum of every five (5) years to evaluate the effectiveness of the processes set forth, address new matters of state law, or changed conditions within the urban growth boundary.

6.2. Amendments to the JMA

This agreement may be amended by initiation of either party to the agreement following the procedures outlined below.

6.2.1 Request

- a. The party which seeks the amendment shall submit a formal request for amendment, describing the proposed change and why the change is necessary.
- b. The responding agency shall schedule a review of this request within 30 days of receipt.

6.2.2 Resolution, Modification and Mediation

- a. Both parties shall make good faith efforts to resolve requests to amend this agreement.
- b. The responding agency may approve, deny or suggest modifications to the amendment.
- c. Either party to the agreement may request the services of an outside mediator to help resolve disputes that may arise out of the implementation or amendment of this agreement.

6.3. Severability of JMA Provisions

The provisions of the 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.

6.4. Termination of JMA

This agreement may be terminated by any of the parties following procedures provided.

6.4.1 Public Hearing Notice and Public Comment

- a. A public hearing shall be called by the party considering termination, giving the other party notice of hearing at least thirty (30) days prior to the scheduled hearing date. The thirty (30) day period shall be used by both parties to seek resolution of differences.
- b. Public notice of the hearing shall be in accordance with applicable Oregon statutes and administrative rules, but not less than twenty-one (21) days prior to the hearing.
- c. The party moving for termination shall state, in the public notice and at the hearing, the reasons for termination and the affect of the action on the UGA.
- d. Public comment shall be received regarding the action and considered by the party in its decision.

6.4.2 Conflict Resolution

Prior to a final decision to terminate the agreement, the City and County shall agree to enter into a conflict resolution process which will be established by the Department of Land Conservation and Development.

6.4.3 Final Decision

- a. The governing body of the terminating party shall vote to decide on termination on the established date for termination. If the vote is to end the agreement, written notice of the decision shall be provided to all affected parties including the Director of the Oregon Department of Land Conservation and Development.
- b. The established date of termination shall be at least thirty (30) days after the public hearing in order to provide an additional time period for resolution of differences.
- c. If resolution cannot be reached, a replacement agreement shall be developed as required by ORS 195.020.

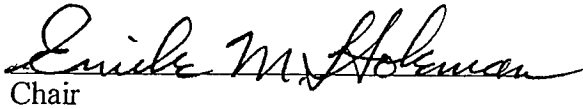
IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agreement is signed and executed by:

CITY COUNCIL
CITY OF ATHENA, OREGON

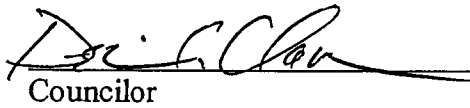
BOARD OF COUNTY COMMISSIONERS
OF UMATILLA COUNTY, OREGON



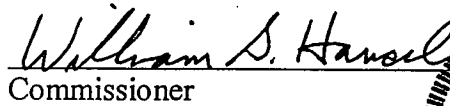
Mayor



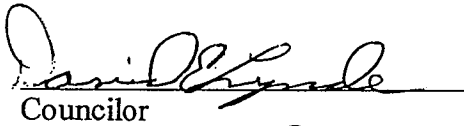
Chair



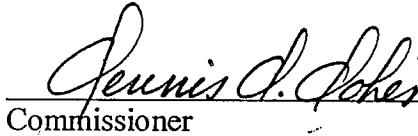
Councilor



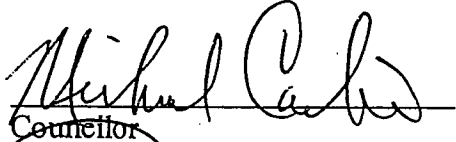
Commissioner



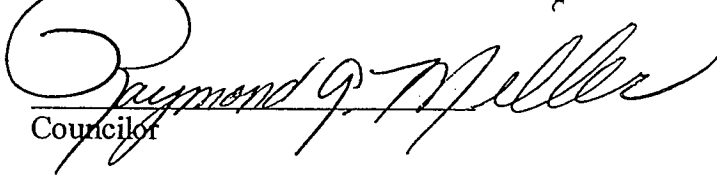
Councilor



Commissioner



Councilor

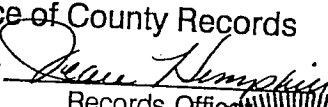


Councilor

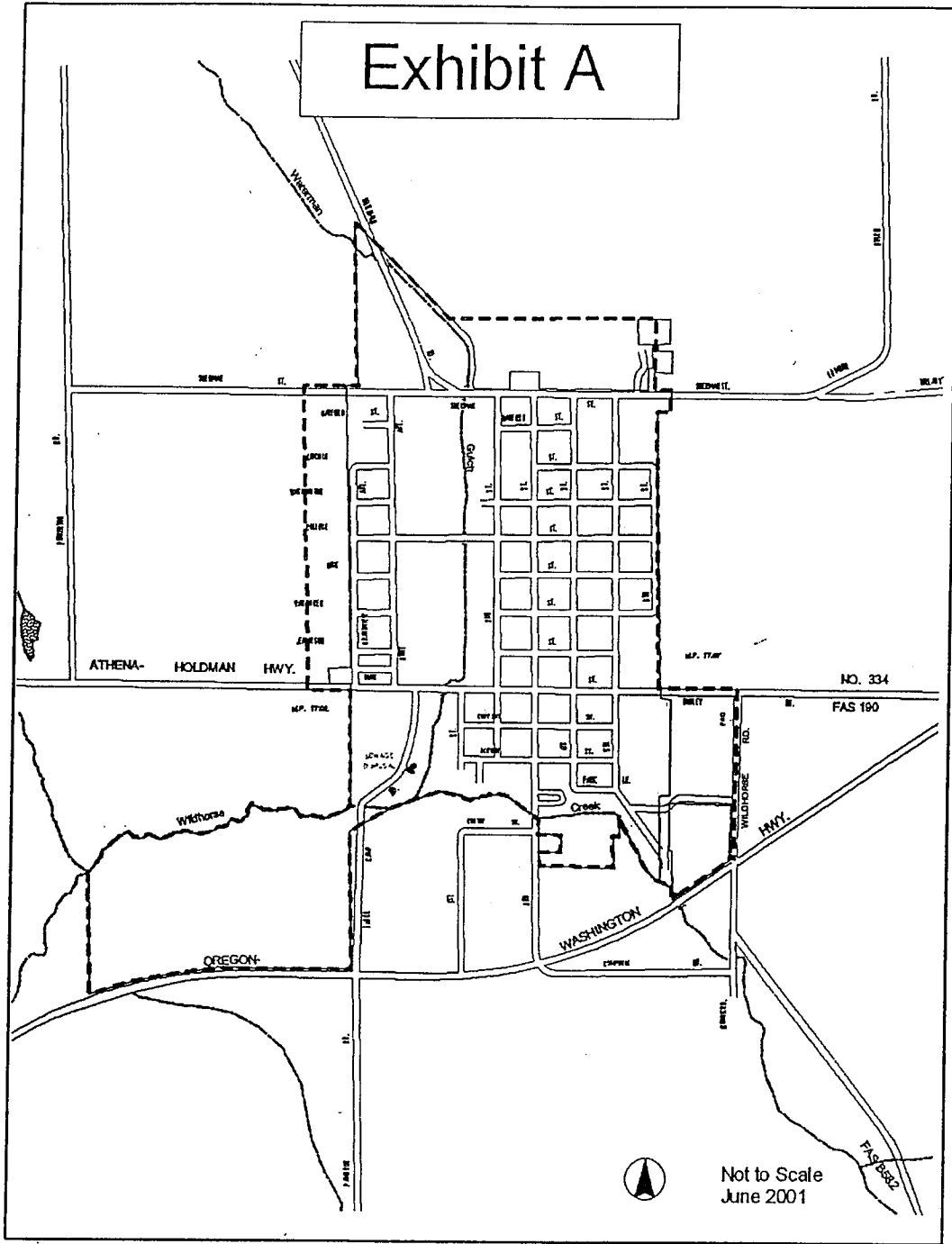
Councilor

Attest:



Office of County Records
Attest 
Records Officer





<p>City of Athena</p>	Urban Growth Boundary	-----
	City Limits	_____

Athena Resolution No. 09-2001
Umatilla County Resolution No. _____

ATHENA URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

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

The terms of this Joint Management Agreement shall be applicable to the City's Urban Growth Area. For the purposes of this Agreement, the Urban Growth Area shall be 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 July 12, 1978, and hereby incorporated into and made a part of this document (see Attachment A).

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'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 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 area (see Attachments A and B), 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, objectives, and policies (see Attachment A).

II. General Comprehensive Plan Provisions

- A. The County shall retain responsibility for land use decisions and actions affecting the City's urban growth area, such responsibility to be relinquished over any land within this area upon its annexation to the City subject to provisions of ORS 215.130(2)(a).
- B. 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 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 into the County Comprehensive Plan.

- C. After the City's Comprehensive Plan has been reviewed by the County Board of Commissioners and after County concurrence with and approval of the Plan for the area within the corporate City Limits and adoption of the Plan for the Urban Growth Area, all public sector actions which fall within the scope of the City's Comprehensive Plan shall be consistent with the Plan.
- D. Land within the urban growth area presently zoned for Exclusive Farm Use shall remain Exclusive Farm Use until rezoning is requested, and such rezoning shall be consistent with the City's Comprehensive Plan.
- E. 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 area.

III. Zoning and Subdivision Ordinances

- A. The substantive, as opposed to procedural, portions of the City's Zoning and Subdivision Ordinances (see Attachments C-1 and C-2) shall be incorporated by reference into and made a part of the County Zoning and Subdivision Ordinances with exceptions as necessary and as agreed upon in writing by both parties to this Joint Management Agreement no later than November 1, 1978.
- 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 (e. g. minimum lot sizes, setback requirements, etc.) and the zoning map; and,
 - 2. Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.
- C. A Current Zoning Map and Growth Zoning Map shall be adopted as a part of the City Zoning Ordinance and shall include both the area within the City Limits and the Urban Growth Area.

The Current Zoning Map will portray the zoning pattern to be in effect immediately following adoption of the City Zoning Ordinance and will generally only zone for urban uses within the existing built-up area of the City. The Current Zoning Map shall:

 - 1. Apply to land within the City Limits upon adoption of the Ordinance
 - 2. Be a recommendation to the County for rezoning all lands within the Urban Growth Area where existing zoning is inconsistent with the City Comprehensive Plan by type of use allowed, except for land zoned Exclusive Farm Use pursuant to Section II(D)

The Growth Zoning Map will portray the recommended zoning pattern to be applied as lands within the City Limits and Urban Growth Area are developed over the coming years. The Growth Zoning Map shall:

3. Be a recommendation to the City for rezoning currently undeveloped lands within the City when urban development of the land is proposed
 4. Be a recommendation to the City for rezoning lands within the Urban Growth Area upon annexation to the City
 5. Be a recommendation to the County for rezoning lands within the Urban Growth Area when urban development of the land is proposed prior to annexation
- D. After action is taken by the County pursuant to Section III(C2) above, all subsequent rezoning by the County shall be consistent with the City Comprehensive Plan and Growth Zoning Map except that adequate findings for the need to rezone land shall be required.
- E. The above mentioned incorporated Ordinances shall be applied to zone change, conditional use, variance, subdivision, major partition, minor partition, and building permit requests affecting the City's Urban Growth Area.

IV. Referred Application Situations

- A. The County Planning Department shall refer the following requests affecting the City Urban Growth Area to the City for its review and comment within ten (10) working days of the date the request was filed with the County Planning Department.
1. Conditional use
 2. Variance
 3. Subdivision
 4. Major partition
 5. Applications for the following uses permitted outright in the Exclusive Farm Use zone:
 - a. church
 - b. school
 - c. utility facility
 - d. hog farm, poultry farm, or feedlot
 6. Cemetery
 7. Zone Change
- B. The City Planning Commission shall review the request and submit its recommendation to the City Council within fourteen (14) calendar days of the date the request was received by the City. City Council will review the referred requests and Planning Commission recommendations and will submit its own recommendations to the County Planning Department within fourteen (14) calendar days of the date the request was received from the Planning Commission. The total City review period for requests will be thirty (30) calendar days in duration.
- C. It is agreed that the County will 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 IV A and B above shall be applicable.

- VII. P.
- C. It is agreed that the County will 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 IV A and B above shall be applicable.
 - D. 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 the receipt of timely recommendations from the City.

Standard County procedures will be utilized for processing and reviewing each request, except that the appropriate City review period and referral system will be accommodated to allow City response before the County Planning Commission reviews the request or the County Planning Department takes action on it.

- E. Should no recommendations 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.
- F. The City will promptly be informed of the action taken by the County on all requests affecting the City Urban Growth Area (including standard building permit sign-offs).
- G. The City Planning Commission will inform the City Council of its recommendations to the County concerning request that are not referred to City Council.

V. City Services

- A. The City may extend City services to any site located within the City Urban Growth Area at the affected property owners request and expense, provided that the site is contiguous to the City Limits.
- B. For the purposes of this Joint Management Agreement, City services shall be limited to community water and sewer.
- C. For the purpose of this Joint Management Agreement, "contiguous" shall be defined as "adjacent to," in that the bulk of the site must directly adjoin the City, rather than being connected to the City by a narrow strip of land extending outward along a road.
- D. For the purposes of this Joint Management Agreement, expenses to be incurred by the affected property owner shall established by City Council.
- E. Service and hook-up charges shall be established by the City Council.

VI. Annexations

- A. Annexation of sites within the City Urban Growth Area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes and Oregon case law and shall not occur until such sites become contiguous to the City as required by the Oregon Revised Statutes.

VII. Roads.

The County and City shall cooperatively develop an implementation policy regarding streets and roads within the City urban growth area and corporate limits which is consistent with the City Comprehensive Plan. Such policy shall include, but not be limited to, the following.

- A. The circumstances under which the City will assume ownership of and maintenance responsibility for County Roads within the corporate limits.
- B. The conditions under which new streets and roads will be developed in conjunction with subdivisions within the City urban growth area.
- C. The conditions under which new public streets and roads, other than subdivisions will be developed within the City urban growth area.
- D. The conditions under which existing roads designated as future arterials in the City Comprehensive Plan will be improved.
- E. See Attachments F-1 and F-2 for existing county roads within the corporate limits and the City urban growth area.

VIII. 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 or Subdivision (or other) Ordinances, applicable state statute or administrative rule.
- B. In the event that either the County Planning Commission or the County Board of Commissioners disagrees with the City comment and recommendation provided for in Section IV of this Agreement, the City shall have standing to appeal as provided in Section VIII (A).

IX. Comprehensive Plan and Implementation Measure Review and Amendment.

- A. The City Comprehensive Plan, including this Joint Management Agreement, and the zoning, subdivision, and other implementation ordinances or measures shall be reviewed at least annually to determine conformity with changes in:
 1. The Oregon Revised Statutes;
 2. Oregon Case Law;
 3. Oregon Statewide Planning Goals;
 4. Requirements of the City;
 5. Needs of residents or landowners within the City urban growth area;
 6. Concerns of affected governmental units; and
 7. County administration of land use regulation within urban growth areas.

B. If the City Comprehensive Plan, implementation measures, or both fail to conform to any of all of the above-mentioned criteria, the non-conforming document shall be amended as soon as practicable. Such amendments shall be adopted:

By a majority of both the full City Council and the County Board of Commissioners after recommendations have been received from the Planning Commissions of the County and the City.

C. The City, County, or affected property owner may initiate amendments to the City Comprehensive Plan affecting the Urban Growth Area. Amendments to the Urban Growth Boundary or this Joint Management Agreement may be initiated by either the City or the County, but only subsequent to joint consultation between the City and the County regarding any proposed amendment.

X. 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 Athena Urban Growth Area Joint Management Agreement is signed and executed:

this 22 day of November, 1978

this 26th day of September, 1978

UMATILLA COUNTY
BOARD OF COMMISSIONERS

ATHENA CITY COUNCIL

F. K. Starrett
F.K. Starrett, CHAIRMAN

Melvin Schmittzall

Ford Robertson
Ford Robertson, VICE CHAIRMAN

Walter E. Veach

Barbara Lynch
Barbara Lynch, COMMISSIONER

Robert G. Leming

Robert McFrick

Allen L. Alderman

W. J. ...

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR UMATILLA COUNTY

Regarding the adoption)
of the City of Athena)
Comprehensive Plan)
as an amendment)
to the Umatilla)
County Comprehensive)
Plan.)

Ordinance No. 18-10

WHEREAS, The City of Athena, Oregon, has adopted as part of its Comprehensive Plan an Urban Growth Boundary encompassing land lying outside the Athena corporate city limits, hereinafter referred to as the Athena Urban Growth Area; and

WHEREAS, the Athena Urban Growth Area is included in the City of Athena Comprehensive Plan, with Goals, Objectives, and Policies and the Land Use Plan being applied to the Area; and

WHEREAS, that land within the Athena Urban Growth Area is presently under the jurisdiction of Umatilla County and included within the Umatilla County Comprehensive Plan; and

WHEREAS, The City of Athena adopted its Comprehensive Plan on July 12, 1978, and the Umatilla County Planning Commission reviewed the City of Athena Comprehensive Plan and held a public hearing on August 9, 1978; and

WHEREAS, the City of Athena and Umatilla County propose to enter into an agreement entitled the Athena Urban Growth Area Joint Management Agreement, which will provide for Umatilla County administering land use controls within the Athena Urban Growth Area utilizing the City of Athena Comprehensive Plan and zoning and subdivision standards, and will provide opportunity for the Athena Planning Commission and Athena City Council to review and comment on many land use requests affecting

the Athena Urban Growth Area; and

WHEREAS, a public hearing on this ordinance was held before the Umatilla County Board of Commissioners on Wednesday, August 16, 1978, and notice of the hearing was published in the "East Oregonian" on Friday, August 4, 1978 and Monday, August 14, 1978.

The Board of County Commissioners for Umatilla County, Oregon hereby ordain as follows:

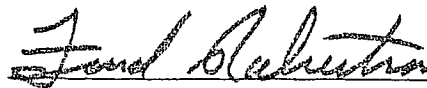
The Umatilla County Comprehensive Plan, originally adopted on April 6, 1972, is amended to adopt the City of Athena Comprehensive Plan for that land designated as being within the City of Athena Urban Growth Boundary, but outside of corporate city limits, referred to as the Athena Urban Growth Area as referenced and mapped in the City of Athena Comprehensive Plan as adopted by the Athena City Council on July 12, 1978. The substantive provisions of the revised City of Athena Subdivision and Zoning Ordinances are also adopted by reference for application only in the Athena Urban Growth Area.

Dated this 16th day of August 1978.

UMATILLA COUNTY BOARD OF COMMISSIONERS



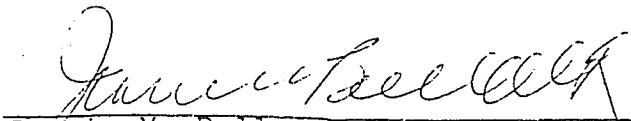
F. K. Starrett, Chairman



Ford Robertson, Vice-Chairman

Barbara Lynch, Commissioner

ATTEST: County Clerk



Jessie M. Bell