

JOINT MANAGEMENT AGREEMENT BETWEEN
CITY OF UMATILLA
AND UMATILLA COUNTY

This agreement is entered into this 3rd day of January, 2017 by the City of Umatilla, 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 use within the City's UGA.
- 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. Area of Mutual Interest. The unincorporated portion of the County extending from the City's urban growth boundary (UGB) outward and encompassing areas in which the City has significant interest due to potential economic, environmental, housing, public facilities, transportation and other planning or development-related impacts to the City, as shown in Exhibit A attached to and included herein as part of this Agreement.
- 1.2. 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.
- 1.3. 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; variances, conditional use permits, partitions, subdivisions, planned unit developments, road dedications and vacations, and amendments to the zoning map for specific properties.
- 1.4. Land Use Board of Appeals (LUBA). The appellate body designated by state statute to review land use actions on appeal by an affected party.
- 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. Public Facilities Plan. A document developed pursuant to OAR-660-11-000 which is a part of the City and/or County's Comprehensive Plan and which describes the location of existing public facilities, such as water, sewer and transportation facilities, and their future extension to areas of new growth.
- 1.7. 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.
- 1.8. 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.

2. COORDINATION OF COMPREHENSIVE PLANNING AND DEVELOPMENT

Periodic Review and amendments to the City comprehensive plan text, land use regulations, or map(s) shall be enacted in accordance with the procedures established in this section.

At the time of adoption of this agreement, the City's Comprehensive Plan is in effect for the City and UGA, and the Umatilla County Zoning Ordinance is in effect for the UGA. It is the intent of the City and County to continue with a single plan for the UGA and work toward a consistent zoning map and regulations for the UGA.

2.1 Periodic Review; Amendments to the City's Comprehensive Plan or Land Use Regulations.

The City shall be responsible for all planning and zoning activities in the Urban Growth Area, as defined in the Joint Management Agreement, in accordance with the procedures in the following subsections. The County shall continue to be responsible for planning and zoning code enforcement including solid waste and nuisance abatement in the Urban Growth Area. At such future time when the City is ready to assume code enforcement responsibilities the County will be amendable to transfer enforcement to the City.

2.1.1 Periodic Review.

Periodic Review shall be a joint responsibility of the City and County. After notice to the City from the Oregon Department of Land Conservation and Development (DLCD), the City and County shall develop a proposed work program and process relating to the City and UGA, including the roles and responsibilities of each party. The City and County will present this proposal to their Planning Commissions for approval.

2.1.2 City Processing of Comprehensive Plan Text, Plan Map and Zoning Map Amendments.

- a. The City shall have lead responsibility for reviewing and adopting amendments to the Comprehensive Plan text, plan map and zoning map for the UGA. Amendments may be initiated by the City, the County, or an affected person, by application to the City.
- b. Amendment applications shall be processed by the City, with notification to the County at least twenty (20) days prior to the City Planning Commission's first hearing on the proposed amendment.
- c. Any comments received from the County shall be considered by the City Planning Commission when making its recommendation to the City Council.
- d. 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 final decision.
- e. The City shall provide written notification of the City Council's final decision to the County within five (5) working days.

2.1.3 County Adoption of City Comprehensive Plan Text, Plan Map and Zoning Map Amendments.

- a. All amendments to the Comprehensive Plan text, plan map and zoning map affecting the UGA shall be referred to the County for co-adoption.
- b. The County must adopt the amendments approved by the City for these to be applicable in the UGA. The adoption shall be scheduled for hearing within sixty (60) days of City transmittal.
- c. If the City and County disagree on the proposed amendment, either party may request a conflict resolution process to resolve the conflict.

2.1.4 Adoption or Amendment to Land Use Regulations; Plan and Zone Maps

- a. It is the intent of the City and County to jointly develop and adopt a single set of land use regulations and plan and zone map designations for properties within the City and UGA.
- b. The City agrees to adopt and apply the (1972) County zoning map designations and land use regulations to lands located within the UGA until adoption and implementation of City land use regulations and zoning designations for lands within the UGA.
- c. The City shall have lead responsibility for reviewing and adopting amendments to land use regulations and to the Plan Map or Zoning Map for the UGA. Amendments may be initiated by the City, the County, or an affected person, by application to the City.
- d. The City shall notify the County of proposed amendments at least (20) days prior to the City Planning Commission first hearing on the proposed amendment.
- e. The County may comment on the proposed amendment in writing, or in person before the Planning Commission. The City Planning Commission shall consider the County's comments in making a recommendation to the City Council.
- f. The County may review and comment on the Planning Commission's recommendation to the City Council in writing, or in person at the City Council's public hearing on the amendment. The City Council shall consider the County's comments in making a final decision.
- g. The City shall notify the County of the City Council's final decision within five (5) working days.
- h. All amendments to the land use regulations affecting the UGA shall be referred to the County for co-adoption.
- i. The County must adopt the land use regulation amendments approved by the City for these to be applicable in the UGA. The adoption shall be scheduled for hearing within sixty (60) days of City transmittal.
- j. If the City and County disagree on the proposed amendments, either party may request a conflict resolution process to resolve the conflict.

2.1.5 Public Facility Plan.

The City shall have lead responsibility for preparing a public facility plan for the UGA for water, sewer and storm drainage facilities as set forth in OAR-11-015. The City shall also have lead responsibility for preparing the transportation element of the Public Facilities Plan for the UGA.

2.2. Review Process for Development Permits in UGA.

The City shall have responsibility for reviewing applications for development permits for uses permitted within the City's UGA.

To assist the City with administration of land use regulations with the UGA, the County agrees to provide the City with copies of prior land use permits issued for properties within the UGA.

2.2.1 Land Use Application Review Procedures in UGA.

- a. Applications for development permits within the UGA shall be processed by the City. After determining an application is complete, the City shall notify the County of the application, and provide the County with opportunity to review and comment on the proposal in accordance with the City's Type II or Type III application review procedures, as applicable to the request.
- b. The City shall respond to County comments, as appropriate, and consider them in making its final decision.
- 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 City shall repeat the notice procedure prior to making a decision on the request.
- f. If the County participated in the decision, notification of the final decision shall be provided to the County within five (5) working days. The County shall have the right to appeal the City's decision in accordance with subsection (g) of this section.
- g. In order to provide a review opportunity beyond the City's final decision for land use requests within the UGA, before the decision may be appealed to the Land Use Board of Appeals (LUBA), the City, with concurrence from the County, will appoint a Hearings Officer to hear the contested decision. The decision of the Hearings Officer shall be the final local decision appealable directly to LUBA by any party to the decision. An appeal to the Hearings Officer shall follow the City's procedures for appeals.
- h. The City shall be responsible for all planning and zoning activities (as defined) in the Urban Growth Area (UGA).
- i. The County shall continue to be responsible for planning and zoning code enforcement in the UGA, including solid waste, and nuisance abatement.

2.3 Area of Mutual Interest

The County will send notice to the City on all pending land use actions within the Area of Mutual Concern requiring prior public notice and allow the City an opportunity to comment prior to making decisions on such requests. The County will provide the City with copies of decisions on all such requests, as well as staff permit approvals within the Area of Mutual Concern.

The City and County will coordinate with each other regarding major improvement projects, road routings, or road right-of-way vacations within the Area of Mutual Concern.

The City and County will review and comment on the development and future amendment of the City and County comprehensive plans and land use regulations affecting the Area of Mutual Concern.

3. CITY SERVICES AND ANNEXATION

3.1 City Services

The City, at its option and on its terms, may extend services to any property within the UGA. For the purposes of this JMA, city services shall be defined as sewer and water.

3.2 Annexation

Annexation of a property shall be in accordance with relevant methods and procedures in the ORS and City ordinances. After annexation, the City shall amend its plan and zoning maps, if necessary, to include the annexed properties.

3.3 City Addresses

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

3.4 Lower Umatilla Basin Groundwater Management Area (LUB GWMA)

Oregon DEQ declared the Lower Umatilla Basin Groundwater Management Area in 1990 due to high concentrations of nitrate-nitrogen occurring in area groundwater samples. Multiple stakeholders continue to be engaged in finding solutions within the Lower Umatilla Basin to reduce and meet nitrate standards. The City and the County recognize lands within the City of Umatilla and the Urban Growth Boundary are located in the LUB GWMA and where possible will partner to work on solutions with area stakeholders.

4. ROADS

4.1 Jurisdiction of Roads within the UGA; Intent

The City and County agree the City should assume jurisdiction of selected county roads within the City limits. Although the County would prefer the City eventually assume jurisdiction and maintenance of all county roads within the City, it is amenable to retaining jurisdiction over some

roads. The City and County also agree that maintenance and improvement responsibilities are tied to jurisdiction. The City and County agree the attached map and inventory represents all County Roads within the UGA and City limits.

The City and County shall work together to develop improvement plans for each of the following roads listed hereunder, with the intent that the City will assume ownership of, and maintenance for the road once the road has been developed to City, or other agreed upon standards.

4.1.1 Powerline Road

4.2.2 Umatilla River Road

4.1.3 Lind Road

4.1.4 Bensel Road

4.1.5 Power City Road

4.2 Access Permits and Standards; Coordination of Activities

The City and County shall coordinate with each other regarding major water, sewer or road improvement projects, road routings or re-routings, or road right-of-way vacations concerning any County road within the City or the UGA.

4.2.1 The City will send the County Road Department a notice of application on any land use request when the property abuts a County road or access to the property is proposed from a County road. The City will require all applicants whose property requires access to a County road to obtain the necessary access permit from the County Road Department as a condition of approval prior to creating, altering, including change of use or significantly expanding access to the County road.

4.2.2 The County will apply the City's access spacing and road improvement standards to any portion of a County road within the urban growth boundary based on the City's street classification system. The City's street standards shall allow for phased development of a County road within the urban growth area provided the improvements are associated with a proposed land use request and the necessary right-of-way or other required improvements, such as sidewalks, planter strips, etc., are planned for future phases. When a County road within the urban growth area has been developed to City road standards for at least 75% of its length, the City and County shall enter into negotiations for the transfer of ownership and maintenance of the road to the City.

Note: The Co Rd Dept. does not have equipment to maintain roads to city street standards where city standards require sidewalks, curbs, storm drains, planter strips, etc. One possible solution would be for the City to accept the road where the developer is required to make improvements to city street standards (e. g., curbs, gutters and sidewalks). Although driveways must meet width and improvement standards, the Co Rd Dept. may not deny reasonable access (ORS 374.310 and 374.312).

4.3 Annexation

County roads will be annexed to the City when contiguous to properties being annexed. Within six months of such annexation, the City and County will decide which roads within the annexed area are appropriate for transfer of jurisdiction to the City and agree upon conditions and a timetable for transfer.

4.4 Maintenance

The City will maintain all roads over which it has jurisdiction, including roads that it has assumed jurisdiction for after annexation. The County will continue to maintain all county roads within the Urban Growth Area (UGA) and within the City.

4.5 Public Roads

Public roads are roads that have been dedicated for public use, but are not owned or maintained by the City, County or State. Public roads, both within the City and UGA, will be maintained by private property owners unless they are brought up to city standards. If brought up to City standards, roads within the City limits or urban growth area will be accepted as a city street and maintained by the City.

4.6 Road Standards

Within six (6) months from adoption of this agreement, the City and County will agree on standards for construction and improvement of county roads within the City limits and the UGA. Such standards will include both cross-sectional and engineering standards.

4.7 Road Improvements

Whichever party has jurisdiction over a given road will also be responsible for publicly funded improvements to that road. As part of the land use permitting process, the City will be responsible for applying conditions and requirements for all road improvements by property owners within the city limits and the UGA.

Note: If the City requires property owners and developers, as part of the land use permit approval, to improve a portion of a County road to City street standards (e. g., curbs, gutters and sidewalks) the City must take ownership and maintenance of that portion of the improved road, or City and County may negotiate terms to transfer the road.

5. BUILDING PERMIT INSPECTION PROGRAM

The City intends to make a request to the State of Oregon Building Codes Division for a change of service area to assume jurisdiction of the urban growth area for the City's building permitting and

inspection program. County agrees to support this effort to any reasonable extent, if necessary, after adoption of this agreement by both parties.

6. REVIEW, AMENDMENT, CONFLICT RESOLUTION, SEVERABILITY, TERMINATION OF AGREEMENT

6.1 Scheduled Reviews of the JMA

The City and County agree to jointly review this agreement 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 fifteen (15) 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 effect 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

- a. 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.

6.5 Effective Date

The effective date of this agreement shall be the date of co-adoption by the Umatilla County Board of Commissioners. It shall at that time replace and supersede a similar Agreement which became effective on March 26, 1996.

APPROVED on behalf of the CITY OF UMATILLA this 3rd day of January, 2017.



(City Seal)

[Handwritten Signature]

Mayor

ATTEST:

[Handwritten Signature]

City Recorder

APPROVED on behalf of UMATILLA COUNTY this 23rd day of January, 2017.



(County Seal)

Umatilla County Board of Commissioners

[Handwritten Signature]

William J. Elfering, Commissioner

[Handwritten Signature]

George L. Murdock, Commissioner

[Handwritten Signature]

W. Lawrence Givens, Commissioner

ATTEST:

Office of County Records

[Handwritten Signature]

Records Officer



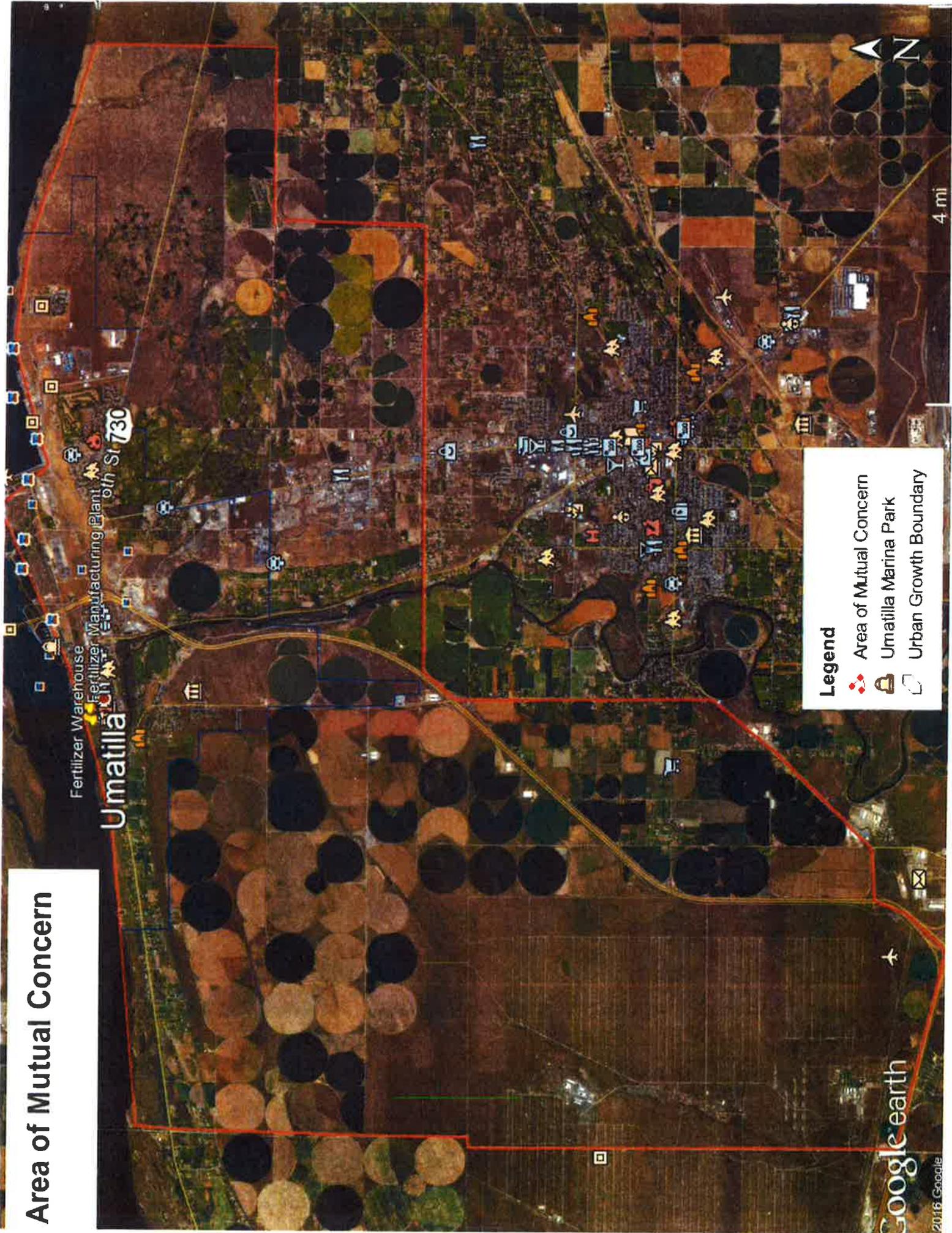
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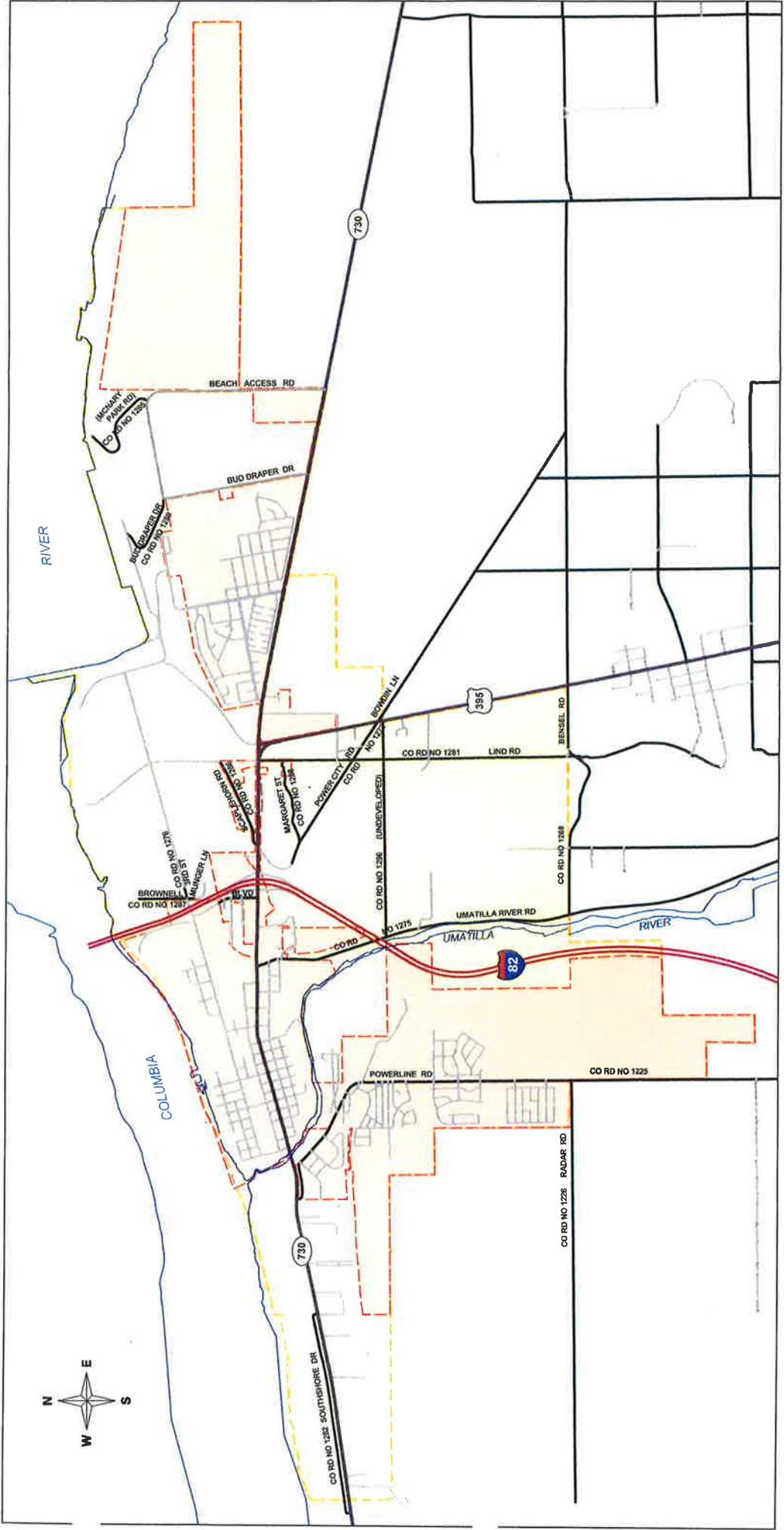
[Handwritten Signature]

City Attorney

County Counsel

Area of Mutual Concern





CITY OF UMATILLA, OREGON

Legend

- City Limits
- Urban Growth Boundary
- Roads & Streets
- County Maintained Roads
- State Highways
- Interstates

0 1000 2000 3000
Feet



MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not for legal use. Created by Umatilla County Planning Department. Date: 11/20/13. Location: 11/20/13. [y:\workspace\planning\projects\CountyRoadMap/UmatillaCounty_roads.gws](http://workspace/planning/projects/CountyRoadMap/UmatillaCounty_roads.gws)

**County Roads In Umatilla City Limits and UGB
Updated 1/1/2016**

Umatilla	Rd#	City Paved	City Gravel	Urban Growth Paved	Urban Growth Gravel
3rd St	1276			0.11	
Beach Access Rd	1285			(McNary Beach Rd) 0.5	
Bensel Rd *	1268			0.73	
Bowdin Ln	1272				0.05
Brownell Blvd	1287	0.06		0.49	
Bud Draper Dr	1289			0.41	
Lind Rd	1281		0.18		1.50
Margaret St	1288				0.44
Power City Rd	1272			0.25	0.97
Powerline Rd	1225	1.73			
South Shore Dr	1282			1.03	
Scaplehorn Rd	1286			0.51	
Umatilla River Rd	1275	0.3		1.44	
		2.09	0.18	4.97	2.96
Undeveloped R/W	1296				1.18

* Urban Growth Boundary follows centerline of road