

W. 9. C.



Memo Date: March 4, 2008
Work Session Date: March 12, 2008

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Kent Howe, Planning Director
AGENDA ITEM TITLE: **WORK SESSION / DISCUSSION RELATING TO INTERGOVERNMENTAL AGREEMENTS AND EXTRATERRITORIAL EXTENSION OF SERVICES**

I. ISSUE/DISCUSSION:

Board discussion on Intergovernmental Agreements (IGA's) and the extraterritorial extension of urban services primarily as it relates to special districts and small cities. With the abolishment of the Lane County Boundary Commission, the review and approval of extension of city services ultimately rests with the city providing the services. The City of Eugene adopted provisions in its land use code to address its decisions to extend water or sewer services previously handled by providing recommendations to the Boundary Commission.

Extraterritorial extension of urban services into the urbanizable areas outside of small cities generally is governed by State land use law. The Statewide Planning Goals and the applicable comprehensive plan policies provide the broad policy framework for where urban levels of services will be provided. Service providers must follow those policies and any implementing land use regulations applicable to any decision to extend services.

The County and most small cities within Lane County coordinate land use planning and decisions that might affect land use through signed Intergovernmental Agreements for Planning Coordination that were approved by the Board and executed in 2002. The order approving joint IGAs for planning coordination with nine small cities and the agreement with the City of Florence are attached. Similar agreements were signed with the other eight cities described in the order. A common theme in those agreements is the opportunity for review and comment by each party when the other proposes any of the listed actions within areas that are covered and described in the agreement. Water and sewer service extensions are listed as one of the items upon which the cities contemplate taking final action.

II. ATTACHMENT:

A. Order No.02-1-16-4 and Joint Agreement for Planning Coordination between Lane County and the City of Florence

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.) IN THE MATTER OF APPROVING AND
 02-1-16-4) AUTHORIZING COUNTY ADMINISTRATOR
) EXECUTION OF JOINT AGREEMENTS FOR
) PLANNING COORDINATION WITH THE CITIES OF
) COBURG, COTTAGE GROVE, CRESWELL,
) FLORENCE, JUNCTION CITY, LOWELL,
) OAKRIDGE, VENETA, AND WESTFIR.

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal 2, Land Use Planning, requires that opportunities shall be provided for review and comment by affected governmental units during preparation, review and revision of land use plans and implementation ordinances; and Statewide Planning Goal 14, Urbanization, requires that establishment and change of urban growth boundaries (UGBs) shall be a cooperative process between a city and the county that surrounds it; and

WHEREAS, agreements addressing those Statewide Planning Goals and other planning coordination issues have been developed by Lane County and the cities of Coburg, Cottage Grove, Creswell, Florence, Junction City, Lowell, Oakridge, Veneta, and Westfir for review by the Board of Commissioners; and

WHEREAS, although not required to do so by statute, the proposed agreements call upon the parties to notify each other of certain actions that are inside the city limits or outside the UGB in an area known as the city "area of interest;" and

WHEREAS, adoption and execution of these agreements will supersede the prior "Joint Agreement For Planning Coordination" between these cities and Lane County and provide for updated joint management and planning coordination, now, therefore, be it

ORDERED that Intergovernmental Agreements with the cities of Coburg, Cottage Grove, Creswell, Florence, Junction City, Lowell, Oakridge, Veneta, and Westfir consistent with OAR 660-03-010 (2) and attached as Exhibit "A" and incorporated here by this reference are approved, and it is further

ORDERED that the County Administrator is authorized to execute Intergovernmental Agreements substantially similar to those approved by this Order.

DATED this 16 day of Jan 2002.

Chair, Board of County Commissioners

APPROVED AS TO FORM

Date 1-7-2002 Lane county

OFFICE OF LEGAL COUNSEL

**JOINT AGREEMENT FOR PLANNING COORDINATION BETWEEN LANE
COUNTY AND THE CITY OF FLORENCE**

THIS AGREEMENT is entered into by **LANE COUNTY**, a political subdivision of the State of Oregon, hereinafter referred to as "County," and by the **CITY OF FLORENCE**, a municipal corporation of the State of Oregon, hereinafter referred to as "City."

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal 2, Land Use Planning, requires that opportunities shall be provided for review and comment by affected governmental units during preparation, review and revision of plans and implementation ordinances; and Statewide Planning Goal 14, Urbanization, requires that establishment and change of urban growth boundaries (UGBs) shall be a cooperative process between a city and the county that surrounds it; and

WHEREAS, the administrative rule of the Oregon Land Conservation and Development Commission concerning Acknowledgment of Compliance with Statewide Planning Goals requires that each jurisdiction requesting Acknowledgment of Compliance include a written statement in its submission setting forth a plan for management of the unincorporated area within the UGB and for modification of the UGB [OAR 660-03-010 (2)];

WHEREAS, County and City further agree, although not required to do so by statute, to notify each other of certain actions that are inside the city limits or outside the UGB in an area known as the "area of interest;" and

WHEREAS, this agreement supersedes the prior "Joint Agreement For Planning Coordination" adopted between City and County.

NOW, THEREFORE, COUNTY and CITY AGREE that the following process will be used for mutually amending and implementing the UGB and City and County comprehensive plans for lands within the "Area of Interest" as designated in Exhibit "A" to this Agreement:

A. County will:

Provide City with the opportunity to review and comment on the following matters proposed within or by County which fall within the "Area of Interest" as designated in Exhibit "A" to this Agreement prior to County issuing a decision pursuant to state and local law:

- a. Adoption and/or amendment of site-specific Rural Comprehensive Plan and functional plans;

- b. Applications for individual land use control considerations, including the following:
 - (1) Rezoning;
 - (2) Conditional or Special Use Permits subject to approval by the Hearings Official;
 - (3) Partitions and Subdivisions;
 - (4) Site Reviews;
 - c. Proposed street or road construction or improvement and associated drainage, dedication or vacation;¹
 - d. Park planning;
 - e. Proposed special purpose service districts under County authority; and
 - f. Other similar or related matters of mutual concern, which are agreed upon in writing by both parties to this agreement.
2. Provide City with the opportunity to review and comment on the following matters proposed within or by County for unincorporated areas outside City and inside the UGB prior to County issuing a decision pursuant to state and local law:
 - a. Proposed new or revised planning implementation ordinances; and/or
 - b. other legislative measures including, but not limited to, zoning and subdivision ordinances, conditional or special permit requirements, and large area zoning or rezoning proposals.
 3. Co-adopt with City the following land use actions within unincorporated areas outside City and inside the UGB:
 - a. Establishment of and changes to UGB; and
 - b. Comprehensive Plan and refinement plan adoption and amendments.
- B. City will:**
1. Provide County with the opportunity to review and comment on the following actions proposed by City prior to City issuing a decision pursuant to state and local law:
 - a. Adoption and/or amendments to Comprehensive Plans and Functional Plans;
 - b. Proposed new or revised planning implementation ordinances and/or other legislative measures including, but not limited to:
 - (1) Zoning and subdivision ordinances;

¹ Unless such matters are integrated with other matters covered by this Agreement.

- (2) Conditional or special permit requirements, and
 - (3) Large area zoning or rezoning proposals;
- c. Applications for the following land use actions:
 - (1) Wetland projects when identification of a jurisdictional wetland or mitigation occurs outside the city limits;
 - (2) Water and sewer service extensions; and
 - (3) Land use actions that impact County roads.
 - d. Applications for the following land use actions any time the land use action requires City to send notice to an owner of land outside the city limits:
 - (1) Rezoning;
 - (2) Conditional Use Permits;
 - (3) Partitions and Subdivisions;
 - (4) Planned Unit Developments;
 - e. Other similar or related matters of mutual concern, which are agreed upon in writing by both parties to this agreement.
- 2. Co-adopt with County the following land use actions within unincorporated areas outside City and inside the UGB:
 - a. Establishment of and changes to UGB; and
 - b. Comprehensive Plan and refinement plan adoption and amendments.
- C. The following PROCEDURES will be followed by both County and City in fulfilling this Agreement. The party to whom or by whom the action is proposed is referred to as the originating party. The party receiving the action for review is referred to as the responding party.**
- 1. The originating party shall provide notice to the other party no less than 20 days prior to the first scheduled official action on the proposal.
 - 2. Written comments received by the originating party shall be part of the public record on the proposed action.
 - 3. City and County will act expeditiously in response to notice to provide any comments by specified date so as not to delay unnecessarily action by the other. Lack of response will be interpreted as no objection.
 - 4. City and County will designate staff members to receive notices and to serve as liaison to each other in an effort to provide prompt response to review requests.
 - 5. Either party who has commented or otherwise requests notice of the decision will receive such notice.

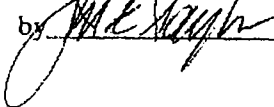
- D. The parties will meet to negotiate resolution of problems or conflicts concerning interpretation or implementation of the terms of this agreement. A neutral third party may be used, if parties agree, to help facilitate the negotiations.
- E. This Agreement may be modified only by mutual written consent of both parties.
- F. This agreement commences immediately and will automatically renew every year unless terminated by one party giving the other party sixty (60) days written notice of intent to terminate. Not less than thirty (30) days in advance of termination date, the parties will meet to discuss the reasons for termination.

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

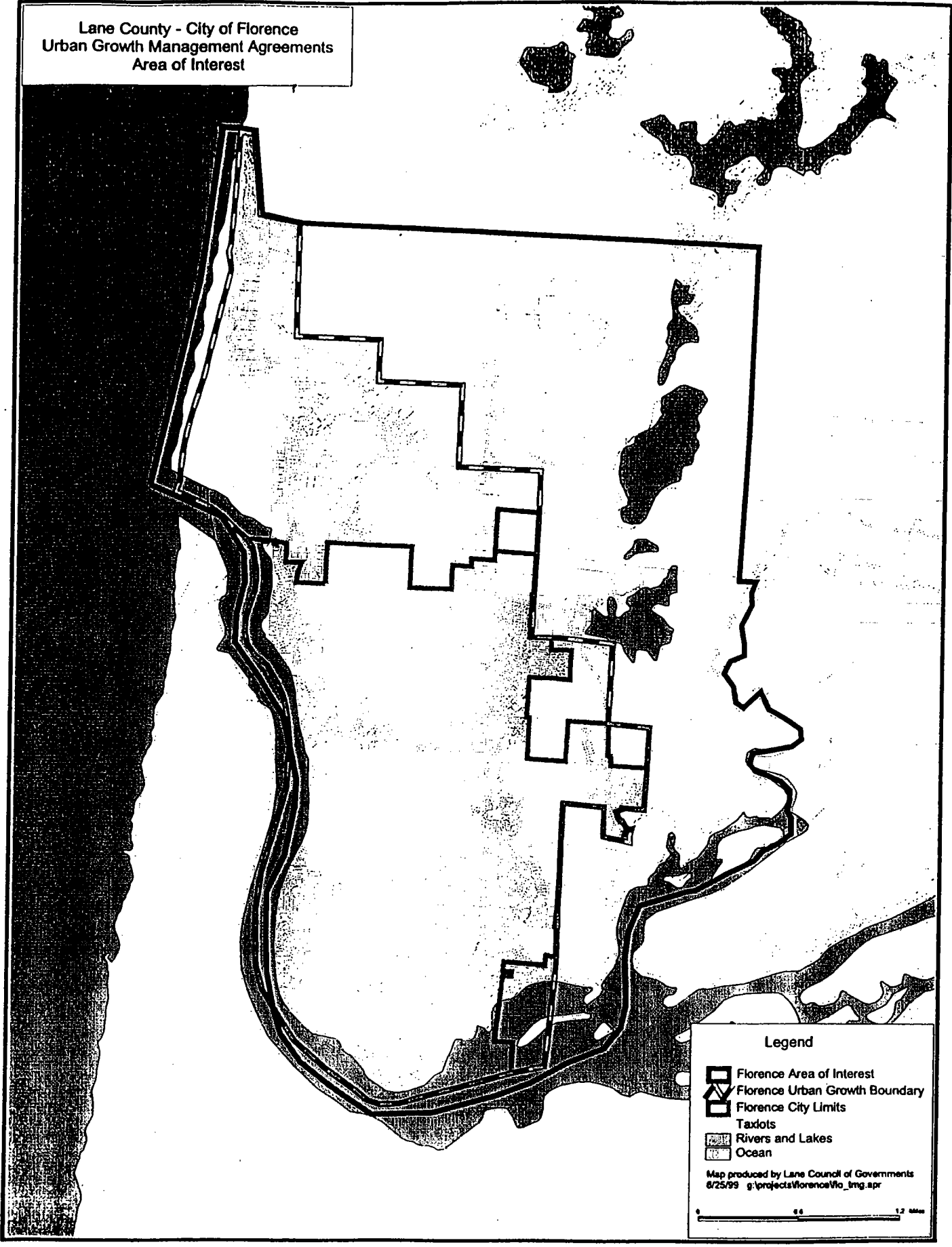
BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

DATE _____ by _____







CITY OF FLORENCE

DATE 11-7-00 by  _____

Lane County - City of Florence
Urban Growth Management Agreements
Area of Interest



Legend

-  Florence Area of Interest
-  Florence Urban Growth Boundary
-  Florence City Limits
-  Taxlots
-  Rivers and Lakes
-  Ocean

Map produced by Lane Council of Governments
6/25/99 g:\projects\florence\flo_tmg.apr

