



AGENDA

PHILOMATH CITY COUNCIL

January 27, 2020
Council Chambers; Philomath City Hall

Mission: To promote ethical and responsive municipal government which provides its citizenry with high quality municipal services in an efficient and cost effective manner.

WORK SESSION

6:00 P.M.

- A. ROLL CALL
- B. WORK SESSION
 - 1. Complete review of 2019 Strategic Plan
 - 2. Urban Growth Management Agreement (UGMA) review
- C. ADJOURNMENT

CITY MEETING/EVENTS SCHEDULE

(As of 1/23/2020)

JANUARY 2020

January 27 – 7:00 PM – City Council work session
January 28 – 4:00 PM – Police Committee meeting
January 29 – 7:00 PM – Town Hall with Representative Dan Rayfield at Benton County Museum Auditorium, 1101 Main Street.

FEBRUARY 2020

February 6 – 3:00 PM – Public Works Committee meeting
February 10 – 7:00 PM – City Council meeting
February 13 – 5:00 PM – Park Advisory Board meeting
February 17 – All Day -- City offices closed
February 18 – 6:00 PM – Planning Commission meeting (if needed)
February 24 – 7:00 PM – City Council meeting (if needed)

All meetings are held at City Hall Council Chambers, 980 Applegate Street, Philomath, unless otherwise indicated. Tentative meetings may be cancelled if there is no business to be conducted. Refer to the City Meetings & Events calendar on the City's website for confirmation of meetings.



MEMORANDUM

DATE: January 23, 2020
TO: City Council
Cc: Chris Workman, City Manager
FROM: Patrick Depa, Associate Planner
RE: Update Philomath-Benton County Urban Growth Management Agreement

The Urban Growth Management Agreement (UGMA) is an agreement between the City of Philomath and Benton County for the joint management of the Philomath Urban Growth Area and for the coordination of land use actions. In the 1980s the County adopted zoning chapters to match those within the City of Philomath's development code to apply to properties with delayed annexation status. However, over time the local regulating documents have changed and staff's understanding has changed so that the common practice was not being followed.

The county is now eliminating these zoning chapters that no longer match the city's zoning designation being used as a place holder during the time a delayed annexation. In following Philomath's Comprehensive Plan and the Urban Growth Management Agreement, both jurisdictions **agree that city zoning does apply** to all properties that are annexed or under a delayed annexation agreement. To better clarify who has jurisdiction pertaining to development in areas within the urban fringe, the UGMA is being updated to reflect that the city shall be responsible for the enforcement of city implementing ordinances.

The changes before you are meant to define and clarify the procedure the city and county have been following for an application of a delayed annexation. In addition, the city and the county have been processing building permits in the same manor for many years per their Intergovernmental Agreement (IGA). The proposed amendments in the UGMA now specifically call out which permits are being processed per the IGA on a development application for property that has entered into a delayed annexation agreement.

The amended agreement has already been presented to the Benton County Commissioners who have preliminarily approved the proposed changes. We brought it to the City of Philomath Planning Commission for review and comment on January 21, 2020 where they recommended approval. After your review and approval of the proposed amendments the amended UGMA will be brought back to the County Commissioners for their final approval.

URBAN GROWTH MANAGEMENT AGREEMENT
CITY OF PHILOMATH and BENTON COUNTY

AGREEMENT BETWEEN THE CITY OF PHILOMATH AND BENTON COUNTY FOR
THE JOINT MANAGEMENT OF THE PHILOMATH URBAN GROWTH AREA AND FOR
THE COORDINATION OF LAND USE ACTIONS.

RECITALS:

- A. The City of Philomath (City) and Benton County (County) are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform; and,
- B. ORS 197.175, 197.190, and 197.250 require counties and cities to prepare and adopt comprehensive plans consistent with statewide planning goals, and to enact ordinances or regulations to implement the comprehensive plans; and,
- C. Statewide Planning Goal 14 requires that the establishment and change of urban growth boundaries shall be through a cooperative process between the City and the County; and,
- D. The City and the County share a common concern regarding development and use of lands within the Urban Growth Area (UGA) and other identified areas of mutual interest; and,
- E. The City and the County are required to have coordinated and consistent comprehensive plans that establish an Urban Growth Boundary (UGB) and a plan for the UGA; and,
- F. Statewide Planning Goal 2 requires the City and County to maintain a consistent and coordinated plan for the UGA and UGB when amending their respective comprehensive plans; and,
- G. The City and the County recognize that it is necessary to cooperate with each other to implement the City Plan for the UGA.

NOW, THEREFORE, THE PARTIES DO MUTUALLY AGREE AS FOLLOWS:

1. Intent of Agreement

- 1.1. The City and the County hereby establish a procedure to implement the City plan for the Philomath Urban Growth Area. The "plan for the UGA" shall consist of the Philomath Comprehensive Plan. For purposes of this agreement, the Philomath Urban Growth Area (UGA) shall be defined as the unincorporated area within the Philomath Urban Growth Boundary (UGB). The City and County's Comprehensive Plans, as amended, for the UGA are incorporated in this agreement by reference.

- 1.2. The Philomath Comprehensive Plan (City Plan) and County Development Code, in conjunction with this agreement, shall establish the standards and procedures for review and action on comprehensive plan amendments, implementing ordinance changes, proposed land use actions, provision of services, public improvement projects, and other related matters, which pertain to implementing the City Plan in the UGA.
- 1.3. The County shall continue to have jurisdiction in the UGA to implement the City Plan in conjunction with the County implementing ordinances.
- 1.4. The County incorporates by reference the current (the date of the agreement) City Comprehensive Plan as it applies to the UGA.
- 1.5. It is recognized that in portions of the UGA a variety of urban services may be provided including: sanitary sewer, water, storm drainage, fire protection, parks and recreation, and transportation. Providers of such services contribute both to existing services and future development in the UGA and serve essential functions. It is intended that this agreement serve to strengthen coordination between urban service providers, the County, and the City in order to maximize efficiency of urban service delivery in the UGA.
- 1.6. All actions as specified by this agreement shall be taken to assure that the City and County comprehensive plans remain consistent and coordinated with each other.
- 1.7. All land within UGB may be subject to future annexation; however, establishment of a UGB does not imply that all land within the boundary will be annexed.
- 1.8. This Urban Growth Management Agreement (UGMA) replaces all prior UGMA's between the City and the County.
- 1.9. Nothing in this agreement shall restrict the right of the City or the County to enter into separate special-purpose intergovernmental agreements with each other or with any other entity as provided for by state law. Such other agreements shall be consistent with this UGMA.

2. Definitions

For the purpose of this agreement, the following words, terms and phrases have the following meaning:

- 2.1. Building Permit: Written authorization to proceed with the construction of improvements subject to state building codes and local development regulations.
- 2.2. Comprehensive Plan: A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, recreational facilities, and natural resources including air and water quality management programs.
- 2.3. De Novo Hearing: A new hearing held without the benefit of the record of a previous hearing.

- 2.4. Final Decision: The last scheduled decision-making action of the approving authority.
- 2.5. Implementing Ordinances: The County's standards, criteria, conditions, or other requirements adopted by the governing body under the authority of the state law.
- 2.6. Major Public Works Protect: A project that either serves an area-wide need or has significant land use or public facility impacts.
- 2.7. Public Facility Plan: A document or documents adopted by the City or the County as part of the Comprehensive Plan and meeting the minimum requirements of the Public Facilities Planning Rule as described in OAR Chapter 660, Division 11.
- 2.8. Quasi-Judicial Proceeding: Any proceeding that requires a discretionary review by public hearing, which may be a contested case, and which places the burden of proof on the applicant. Quasi-judicial actions are initiated by an applicant and applied to a particular property ownership or plan provision.
- 2.9. Street: The entire right-of-way or any public or private way that provides ingress or egress by vehicle or other means or that provides travel between places by means of vehicles. "Street" includes, but is not limited to: 1) ways described as streets, highways, throughways or alleys; 2) road related structures that are in the right-of-way such as tunnels, culverts or similar structures; and 3) structures that provide for continuity of the right-of-way such as bridges. The term "Road" is synonymous with "Street".
- 2.10. Transportation Improvements: Any physical facilities that are designed and intended to accommodate the movement of people and goods, and includes a network of streets and roads, bicycle and pedestrian paths, public transit, traffic control devices, channelization, and access management.
- 2.11. Ultimate Decision-Making Authority: The local decision making authority having final jurisdiction.
- 2.12. Urban Growth Area (UGA): The area of land intended for urbanization located between the city limits and the urban growth boundary. Identified as the 'urban fringe' in the City Plan.
- ~~2.12-2.13.~~ Urban Growth Boundary (UGB): A legal boundary line jointly adopted by the City and County to separate urban and urbanizable land from rural land.
- ~~2.13-2.14.~~ Urban Growth Management Agreement (UGMA): A written agreement between the City and the County pursuant to OAR 660-03010(2)(c) setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the Comprehensive Plan for the Urban Growth Area may be amended.

3. Amendments to the City Plan

- 3.1. All City Plan text or map amendments affecting the UGA shall be enacted in accordance with the procedures established in this Section.

- 3.1.1. All amendments affecting the City plan or map referenced in Subsection 3.1 shall be initially processed by the City, which may hold a joint hearing with the County Planning Commission, where the City Planning Commission Chair shall preside.
- 3.1.2. The City shall notify the County and all other required parties of the proposed amendment at least forty-five (45) days before the Planning Commissions' first hearing.
- 3.1.3. The Planning Commissions' recommendation shall be forwarded to the City Council for their final decision. The Board of Commissioners may provide additional comments prior to the City Council's final decision. In making its decision, the Council shall consider the comments of the Board. The City shall notify the County Board of Commissioners of its decision and request the appropriate hearing(s) be conducted as required under the County's Code.
- 3.1.4. The Board of Commissioner shall establish a hearing date for its review, which shall be held within thirty (30) days from the date the Board is given notice to review. Notice and opportunity to be heard shall be de novo and any person may appear and be heard. The Board shall render a decision on the review within thirty (30) days after the close of its hearing.
- 3.1.5. If the Board of Commissioners disagrees with the Council's decision the Council's decision shall not take effect in the UGA and the City may appeal the County's decision to the Land Use Board of Appeals.

4. Process for Land Use Actions

- 4.1. Subsection 4.2 applies to the following and other quasi-judicial or similar land use actions being considered within or about the UGA:
 - a) Conditional Use Permits
 - b) Planned Unit Developments
 - c) Subdivisions
 - d) Partitions
 - e) Variances
 - f) Alterations or expansions of Non-conforming Uses
- 4.2. All applications for land use actions referenced in Subsection 4.1 shall be processed by the County, unless a valid delayed annexation agreement has been filed on the property, in which case the applications shall be processed by the City. The County shall notify the City of each application and shall give the City at least twenty-one (21) days to comment. The City's review shall address consistency of the proposal with the City Plan and this agreement.
 - 4.2.1. The City's failure to make a timely response to the notice shall mean no comment regarding the proposal.

- 4.2.2. In making its decision, the County shall consider as appropriate all timely filed comments made by the City with regard to the notice. The County shall notify the City in writing of all land use decisions listed in Subsection 4.1, whether or not the City has commented. If a timely response is received from the City, the City shall have standing to appeal the County's decisions. The City will have no such standing if the City does not file timely comments prior to the decision.

5. Process for Building Permits

5.1. Subsection 5.2 applies to the following building permits being considered within the UGA and that have entered into a delayed annexation agreement with the City:

- a) Structural
- b) Mechanical
- c) Plumbing
- d) Electrical
- e) Mobile Home Placement

5.2. All applications for building permits referenced in Subsection 5.1 shall be processed as specified in the current (the date of the agreement) Intergovernmental Agreement between the City and the County.

5.6. Review Process for Activities

5.1-6.1. The City and County shall use the following process for review and action on legislative amendments not covered under Section 3 of this agreement and public improvement projects that affect land use within the UGA.

5.2-6.2. The County shall coordinate with and seek comments from the City with regard to the following items, for which the County has ultimate decision-making authority.

5.2-1-6.2.1. Major public works projects sponsored by the County for transportation improvements, or plan amendments, for sewer, water, drainage, solid waste or transportation.

5.2-2-6.2.2. 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.

5.2-3-6.2.3. Recommendations for designation of an area as a health hazard.

5.2-4-6.2.4. Road vacations

5.3-6.3. The City shall seek comment from the County with regard to the following items, for which the City has ultimate decision making authority, and which affect land use within the UGA. The County's comments shall address consistency of the proposal with the City Plan and this agreement.

5.3-1-6.3.1. Proposal or plan amendments for sewer, water, drainage, solid waste or transportation.

5.3.2-6.3.2. Proposals for the extraterritorial extension of any City service, utility or facility, or the service area for any of the above.

5.3.3-6.3.3. Major public works projects sponsored by the City for transportation improvements.

5.4-6.4. The initiating jurisdiction shall allow the responding jurisdiction thirty (30) days to comment with regard to the items listed in Subsection 5.2 and 5.3. Failure to timely respond to the proposal shall mean no comment.

5.5-6.5. The initiating jurisdiction shall consider the comments of the responding jurisdiction in making its decision.

6.7. Annexations

6.1-7.1. The City may annex land or enter into agreements for delayed annexation or utility extension in accordance with state and local law.

7.2. City zoning, as provided by the City’s Plan, shall apply to land annexed into the City or subject to a delayed annexation agreement, unless otherwise dictated by the annexation approval.

6.2-7.3. At least twenty (20) days prior to the City's action, the City shall notify the County of any proposed annexation or delayed annexation agreement and permit the County to make comments.

7.4. Proposals for annexations to the City, which are for areas outside the UGB, shall be considered concurrently with a proposal to amend the UGB in accordance with Section 3.

6.3-7.5. The City shall notify the County within twenty (20) days of a completed annexation or delayed annexation agreement.

7.8. Urban Services in the UGA

7.1-8.1. The extension, development and maintenance of sewer, water and storm-drainage facilities shall be consistent with the City Plan and any other applicable agreement that has been made for the extension, development and maintenance of these facilities.

7.2-8.2. The City shall be responsible for urban service planning within the UGA unless other arrangements are provided for as set forth in Subsection 1.9. Other public facility planning shall be coordinated between the City and County in a manner consistent with Section 5.

8.9. Standards for Urban Growth Boundary Streets

8.1-9.1. Standards for Construction of New Streets.

8.1.1-9.1.1. All new streets in the UGA, which are part of a new land division or planned development, shall be constructed to City standards. The coordinated

standards would apply County construction standards that would be coordinated to allow for other amenities or improvements the City may require in the future.

~~8.1.2-9.1.2.~~ All new streets within the UGA that are not part of a land division or planned development shall be constructed to coordinated urban street construction standards. The coordinated standards would apply County construction standards that would be coordinated to allow for other amenities or improvements the City may require in the future.

~~8.2-9.2.~~ Existing Streets Within the UGA.

~~8.2.1-9.2.1.~~ Upon annexation the City shall accept jurisdiction and maintenance responsibility of all public streets except collectors and arterials.

~~8.2.2-9.2.2.~~ The County shall continue to be responsible for operation and maintenance of all collectors and arterials within the County road system unless otherwise agreed to by the City and County.

9.10. Enforcement

~~10.1.~~ In the UGA, the County shall be responsible for enforcement of County implementing ordinances (or codes) ~~and State building codes, unless a valid delayed annexation has been filed on the property, in which case the City shall be responsible for enforcement of City implementing ordinances (or codes).~~

~~9.1-10.2.~~ In the UGA, the County shall be responsible for enforcement of State building codes, unless otherwise specified in the current (the date of the agreement) Intergovernmental Agreement between the City and the County.

10.11. Amendments and Termination

~~10.1-11.1.~~ Both the City Council and County Board of Commissioners may amend this agreement at any time by mutual consent of the parties.

~~10.2-11.2.~~ Either party may terminate this agreement after providing notice of such at least sixty (60) days in advance. Both parties shall use the sixty (60) day period to seek resolution of differences.

~~10.3-11.3.~~ Final action on termination shall not be taken until at least ninety (90) days after the initial notice.

~~10.4-11.4.~~ This Urban Growth Management Agreement is signed and executed this _____ day of _____ 2004

CITY OF PHILOMATH, OREGON

BOARD OF COMMISSIONERS OF

Mayor

Chair

Attest:

Commissioner

City Recorder

Commissioner

Approved as to Form:

City Attorney

County Counsel