

W. L. D. 2

**AGENDA COVER MEMO**



Memo Date: June 16, 2011  
First Reading Date: June 22, 2011

**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works, Land Management Division, Planning Department

**PRESENTED BY:** Mark Rust, AICP, Associate Planner

**AGENDA ITEM TITLE:** **CONSENT AGENDA ITEM/ORDER 11-6-22-\_\_**/In The matter of approving and authorizing County Administrator execution of a modified Intergovernmental Agreement (IGA) with Cottage Grove for Planning Coordination. (Applicant: City of Cottage Grove)(Mark Rust, AICP, Associate Planner)

**I. MOTION**

Move approval of this item on the consent agenda.

**II. AGENDA ITEM SUMMARY**

On April 13, 2011 the Board of County Commissioners adopted Ordinance No. PA 1279 approving the City of Cottage Grove (City) Urban Growth Boundary (UGB) expansion and corresponding amendments to the Cottage Grove Comprehensive Plan. Part of that proposal included the need for a follow up coordinated effort between the County and the City to carry out the respective planning responsibilities that affect the new UGB area. This coordinated effort is in the form of an Intergovernmental Agreement (IGA) between the County and City.

There is an existing IGA between the County and City for planning coordination that was approved by the County on January 16, 2002. Since approval of the existing IGA, there is a new requirement for the City to comply with Oregon Administrative Rule (OAR) 660-011-015 for adopting a public facility plan.

The new required language is included in the IGA as sections A. 3. c, B. 2. C, and B. 3. These provisions do not put any additional requirements on the County. All other portions of the IGA are the same as the previously approved IGA.

The City of Cottage Grove City Council adopted their Resolution No. 1770 on May 9, 2011 authorizing their City Manager to enter into an IGA with Lane County to implement the necessary changes to the IGA. The County Commission is now being asked to approve the attached Order to implement the changes.

**ATTACHMENTS**

1. Order No. 11-6-22-\_\_
2. Exhibit A - Joint Agreement for Planning Coordination Between Lane County and The City of Cottage Grove
3. Cottage Grove Resolution No. 1770, Authorizing the City Manager to Enter into an Intergovernmental Agreement with Lane County for Planning Coordination.
4. Cottage Grove Memorandum to City Council RE: Resolution Authorizing the City Manager to Enter into an Intergovernmental Agreement with Lane County for Planning Coordination

BEFORE THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

Order 11-6-22-\_\_\_

**In The Matter of Approving and Authorizing County Administrator Execution of a Modified Intergovernmental Agreement with Cottage Grove for Planning Coordination. (Applicant: City of Cottage Grove) (Mark Rust, AICP, Associate Planner)**

**WHEREAS**, the city of Cottage Grove and Lane County have entered into an Intergovernmental Agreement regarding coordinated planning and urban services pursuant to ORS 190.003 et. seq. to carry out their respective responsibilities under ORS Chapter 195 and ORS Chapter 197; and

**WHEREAS**, the City of Cottage Grove and Lane County have a desire to enter into an amended agreement for Planning Coordination; 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 rules 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)].

**NOW, THEREFORE, IT IS HEREBY ORDERED** as follows:

**Section 1.** That an intergovernmental agreement with the city of Cottage Grove consistent with OAR 660-03-010 (2) and the form attached as Exhibit "A" and incorporated here by this reference is approved.

**Section 2.** That the County Administrator is authorized to execute an Intergovernmental Agreement substantially similar to the form approved by this Order.

**APPROVED** this \_\_\_ day of June, 2011.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-16-2011 Lane County

  
OFFICE OF LEGAL COUNSEL

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

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 COTTAGE GROVE, 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, Lane 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 or urban growth boundaries (UGBs) shall be a cooperative process between a city and the county that surrounds it; and

WHEREAS, the administrative rules 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 for 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:

1. 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 Hearing Official;
    - (3) Partitions and Subdivisions;
    - (4) Site Reviews;
  - c. Proposed street or road construction or improvement and associated drainage, dedication or vacation;<sup>1</sup>
  - 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.c. **Adoption and amendment of any public facility plan that includes plans for provision of City services on lands outside of city limits and inside the UGB.**

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 low 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;
    - (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 or a jurisdictional wetland or mitigation occurs outside the city limits;
    - (2) Floodway permit approvals;
    - (3) Water and sewer service extensions; and
    - (4) Land Use action 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.

**b.c. Adoption and amendment of any public facility plan that includes plans for provision of City services on lands outside of city limits and inside the UGB.**

3. Prepare, ~~adopt and amend~~ **any** public facility plan that includes plans for the provision of City services within all lands within the urban growth boundary within the planning horizon per OAR 660-011.
- 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.

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

LIANE RICHARDSON, COUNTY ADMINISTRATOR

DATE \_\_\_\_\_ BY \_\_\_\_\_

RICHARD MEYERS, CITY MANAGER, CITY OF COTTAGE GROVE

DATE \_\_\_\_\_ BY \_\_\_\_\_

DRAFT

Resolution No 1770

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER  
INTO AN INTERGOVERNMENTAL AGREEMENT WITH LANE COUNTY  
PLANNING COORDINATION

WHEREAS, the City of Cottage Grove and Lane County have a desire to enter into an agreement for Planning Coordination, and

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any and 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 or urban growth boundaries (UGBs) shall be a cooperative process between a city and the county that surrounds it; and

WHEREAS, the administrative rules 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 for a plan for management of the unincorporated area within the UGB and for modification of the UGB [OAR 660-03-010(2)];


NOW THEREFORE, BE IT RESOLVED that the City Manager is authorized to execute the INTERGOVERNMENTAL AGREEMENT with Lane County for Planning Coordination attached to and forming part of this agreement as Exhibit A.


This resolution shall take effect immediately upon adoption.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 9th  
DAY OF MAY, 2011.

ATTEST:

APPROVED:

  
Richard Meyers, City Manager  
Date: May 9, 2011

  
Gary Williams, Mayor  
Date: May 9 2011





MEMORANDUM

TO: Mayor and City Council

FROM: Howard P. Schesser, Community Development Director

SUBJECT: Resolution Authorizing the City Manager to Enter Into An Intergovernmental Agreement With Lane County For Planning Coordination

DATE: May 4, 2011

Background

In 2001, Lane County and the incorporated municipalities in Lane County entered into a agreement for planning coordination. Each jurisdiction adopted the agreement together with Lane County. That agreement has worked well throughout the years. As we were discussing the application material to be submitted to the Oregon Department of Land Conservation (DLCD) we discovered that the planning coordination agreement did not contain a required clause from OAR 660-011 related to urban growth boundaries. DLCD agreed to process our application knowing that the City and County had agreed to work on making the required amendment to include the missing section.

We now have the agreement with the missing section, which is attached. The wording being added is in **bold lettering** on page 3, as Section 3. With this wording our planning coordination agreement will be in compliance with OAR 660-011.


Recommendation

That the resolution be adopted.

Cost

None

  
Richard Meyers, City Manager

  
Howard P. Schesser, Community  
Development Director