

## Goal 14

COUNTY-WIDE ELEMENT

GOAL 14 URBANIZATION

Adopted July 23, 1980 by  
Clatsop County Board of Commissioners  
Amended by Ordinance 03-11

## Goal 14 - Urbanization

### Goal

To provide for an orderly and efficient transition from rural to urban land use.

### Policies and District Agreements:

#### **Policy:**

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- (2) Need for housing, employment opportunities, and livability;
- (3) Orderly and economic provision for public facilities and services;
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (5) Environmental, energy, economic and social consequences;
- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention Class IV the lowest priority; and
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.

#### **Policy:**

Establishment and change of the urban growth boundaries shall be a cooperative process between a city and the county or counties that surround it.

#### **Policy:**

Land within the urban growth boundaries separating urbanizable land from rural land shall be considered available over a time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:

- (1) Orderly, economic provision for public facilities and services;
- (2) Availability of sufficient land for the various uses to insure choices in the market place;
- (3) LCDC goals or the acknowledged comprehensive plan; and,
- (4) Encouragement of development within urban areas before conversion of urbanizable areas.

#### **Policy:**

Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area, (2) the needs of the forecast population, (3) the carrying capacity of the planning area, and (4) the open space and recreational needs.

### **Urban Growth Boundary Management Agreements:**

Each City and the County have adopted the UGB management agreements. As of June 1996, through the adopted UGB agreements the cities of Astoria, Cannon Beach, Gearhart, Seaside and Warrenton are administering and enforcing the UGB Comprehensive Plan and Zoning Ordinances inside the UGB outside the city.

### **Policy:**

The County shall review these agreements every three to six years, or as needed and update accordingly.

See each respective City's Urban Growth Boundary Plan:

Astoria  
Cannon Beach  
Gearhart  
Seaside  
Warrenton

Clatsop County has adopted each of the UGB plan and zoning for each of the above. They are contained in separate documents in the Clatsop County Community Development Department or respective City Hall.

### **Policy:**

The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

### **Policy:**

Plans providing for the transition from rural to urban land use should take into consideration as to a major determination the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

### **Unincorporated Rural Communities:**

Clatsop County has identified and established boundaries for the following rural communities: Miles Crossing - Jeffers Gardens, Arch Cape, Svensen, Knappa and Westport. Land use plans in these areas recognize the importance of communities in rural Clatsop County.

### **Policy:**

In unincorporated communities outside urban growth boundaries the county may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by OAR 660 rules, which ensure such uses do not;

- (1) Adversely effect agricultural and forest operations, and
- (2) Interfere with the efficient functioning of urban growth boundaries.

### **District Agreements:**

Clatsop County has adopted agreements with the service districts with respect to land use planning and coordination. These agreements are contained in separate documents located in the Clatsop County Community Development Department and the respective district offices.

### **Policy:**

The County shall review these agreements every three to six years, or as needed and update accordingly.

### **Policy Implementation:**

1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.
2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian), and
3. Improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural acres.
4. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.
5. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.
6. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1) tax incentives and disincentives; (2) multiple use and joint development practices (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.
7. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests carrying out the goal.

IN THE BOARD OF COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

JUL 12 1991

(AN ORDINANCE AMENDING THE CLATSOP  
(COUNTY/ASTORIA URBAN GROWTH  
(BOUNDARY MANAGEMENT AGREEMENT,  
(RESCINDING INCONSISTENT PROVISIONS  
(AND DECLARING AN EMERGENCY

ORDINANCE NO. 91- 9

The Board of County Commissioners of Clatsop County, Oregon  
ordains as follows:

SECTION 1. SHORT TITLE.

This ordinance shall be known as the Clatsop County/Astoria  
Urban Growth Boundary Management Agreement Amendment.

SECTION 2.

The Board of County Commissioners of Clatsop County, Oregon  
recognizes the need to adopty the Clatsop County/Astoria Urban  
Growth Boundary Management Agreement. In the interest of the  
health, safety and welfare of the citizens of Clatsop County and  
in accordance with the recommendations of the Clatsop County  
Planning Commission and pursuant to State law, the Board of  
Commissioners hereby determines the necessity of adopting the  
said agreement.

The Board of County Commissioners determines and takes  
notice that the adoption procedure for this ordinance complies  
with the Post Acknowledgement rules of the Land Conservation and  
Development Commission. The County Board of Commissioners has  
sought review and comment and has conducted the public hearing  
process pursuant to the requirements of ORS 215.050 and 215.060.  
The Planning Commission held a hearing on May 23, 1991. The  
Board received and considered the Planning Commission's

recommendation on this request and held a public hearing on this ordinance pursuant to law on July 10, 1991.

SECTION 3. CONFORMITY WITH THE LAW.

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS.

This ordinance shall supercede, control and repeal any inconsistent provision of the Astoria UGB Comprehensive Plan, as amended, the Astoria Zoning Ordinance, as amended, or any other ordinance or regulation made by Clatsop County or the City of Astoria.

SECTION 5. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or any other portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force immediately upon adoption, as set forth in the emergency clause.

SECTION 7. EMERGENCY CLAUSE.

In order to implement the recommendations of the Planning Commission and findings of the Board with the greatest expedience and in order to realize the benefits to be derived from the

adoption of this ordinance amending the Astoria Urban Growth Boundary Management Agreement Amendment, an emergency as set forth in Exhibit "B" attached hereto and by reference herein made a part of this ordinance, is declared to exist and this ordinance shall become effective immediately upon its passage.

SECTION 8. ADOPTION CLAUSE.

The Board of Commissioners hereby adopts the Clatsop County/Astoria Urban Growth Boundary Management Agreement Amendment set forth in Exhibit "A" attached hereto and by reference herein made a part of this ordinance in its entirety.

ADOPTED this 10th day of July, 1991.

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

BY Vickie Miner Barrett  
Vickie Miner Barrett, Chair

BY Debra D. Kraske  
Debra D. Kraske, Recording Secretary

Effective Date: July 10, 1991

Approved as to Form:

\_\_\_\_\_  
Clatsop County Counsel



URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT AGREEMENT  
CLATSOP COUNTY/CITY OF ASTORIA

SECTION 1. INTRODUCTION.

1. The parties to the Joint Management Agreement shall be the City of Astoria, Oregon, hereinafter referred to as the CITY, and Clatsop County, Oregon, hereinafter referred to as the COUNTY.
2. The terms of Joint Management Agreement shall be applicable to the CITY's Urban Growth Boundary Area. For the purposes of this Agreement, the Urban Growth Boundary 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 applicable Urban Growth Boundary Comprehensive Plan, and hereby incorporated into and made a part of this document.

SECTION 2. DEFINITIONS.

1. Words and phrases used in this joint agreement and not defined herein shall be construed in accordance with ORS Chapters 91, 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.
2. Unincorporated Urban Area: Those lands which lie within the designated Urban Growth Boundary, either within or without the unincorporated limits of the City.
3. Urban Growth Area: That portion of the Urban Area which is outside of the incorporated limits of the City.
4. Urban Growth Boundary: The line drawn around the Urban Area which separates rural from urbanizable land, as identified within the Comprehensive Plan for the City.
5. Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area; (2) can be served by public facilities and services; (3) are needed for the expansion of an urban area.
6. Land Use Actions: Land use actions consist of the discretionary approval of a proposed development of land as defined by ORS 197.015(10). The following are land use actions: conditional use permit, variance, actions affecting a non-conforming use or structure, design review approval, subdivision, major partition, and minor partition.

- h. The review of the appeal shall be pursuant to procedures set forth in the Clatsop County Land and Water Development and use Ordinance (Ordinance 80-14, as amended).
  - i. The CITY shall have standing to participate in the appeal.
  - j. The COUNTY shall notify the CITY of its final decision on an appeal within five (5) days of the decision.
2. Amendments to the Urban Growth Boundary Comprehensive Plan, including the Urban Growth Boundary and Plan Map, CITY Urban Growth Boundary Zoning Ordinance map and text, and CITY Urban Growth Boundary Subdivision Ordinance shall be adopted by Ordinance by both CITY and Clatsop COUNTY according to the following procedure:
- a. Application shall be submitted to the CITY on forms provided by the CITY.
  - b. Upon receipt of a complete application, the CITY shall notify the COUNTY Department of Planning and Development of the hearing date at which the matter will be considered before the CITY Planning Commission and CITY Council.
  - c. The COUNTY shall have standing to participate in the public hearing before the CITY Planning Commission and CITY Council.
  - d. The application shall be reviewed by the CITY Planning Commission at a public hearing according to procedures specified in the Urban Growth Boundary Comprehensive Plan, Urban Growth Boundary Zoning Ordinance, or Urban Growth Boundary Subdivision Ordinance.
  - e. The CITY shall notify the COUNTY of the recommendation of the CITY Planning Commission within five (5) working days of the recommendation.
  - f. The CITY Council shall hold a public hearing on the application according to applicable procedures specified in the Urban Growth Boundary Comprehensive Plan, Urban Growth Boundary Zoning Ordinance, or Urban Growth Boundary Subdivision Ordinance.
  - g. The CITY and COUNTY may mutually agree to hold public hearings on amendments concurrently.

### SECTION 3. INTENT OF AGREEMENT.

1. The provisions of this agreement shall establish the procedure for review and action on Comprehensive Plan amendments, implementing Ordinance amendments, land use actions, land use enforcement actions and other related matters.

### SECTION 4. APPLICABLE DOCUMENTS.

1. The CITY's Comprehensive Plan shall serve as the Comprehensive Plan for the urban area.
2. The CITY's Zoning Ordinance and Subdivision Ordinance shall provide the criteria for revising and acting on proposed land use actions in the urban area.

### SECTION 5. LAND USE REGULATORY PROCEDURES.

The CITY shall serve as the lead agency for all development requests with the urban area. The following procedures shall be followed:

1. Land use actions shall be processed according to the following procedure:
  - a. All applications shall be submitted to the CITY and shall be on forms provided by the CITY.
  - b. Upon receipt of a complete application, the CITY shall notify the COUNTY Department of Planning and Development of the hearing date at which the matter will be considered.
  - c. The application shall be reviewed by the CITY Planning Commission as provided for in the Zoning Ordinance and/or Subdivision Ordinance.
  - d. The COUNTY shall have standing to participate in the public hearing.
  - e. The CITY shall notify the COUNTY of the decision of the CITY Planning Commission within five (5) working days of the decision.
  - f. The decision of the CITY Planning Commission shall be final unless appealed by a party to the public hearing.
  - g. An appeal of a decision in the Urban Growth Area of the CITY Planning Commission shall be to the Clatsop County Board of Commissioners.

h. If the CITY Council approves the application, it shall do so by Ordinance. If the CITY Council denies the application, the decision may be appealed to the Land Use Board of Appeals.

i. The CITY shall notify the COUNTY of its final action within five (5) working days of adoption of an Ordinance or denial of the application.

j. Clatsop COUNTY shall hold a public hearing, on applications approved by CITY, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development and Use Ordinance.

k. Clatsop COUNTY shall notify CITY of its final decision within five (5) working days of its decision.

3. Permitted uses shall be processed according to the following procedure:

a. The CITY shall be responsible for issuing development permits in the Urban Growth Area.

b. The CITY shall be responsible for issuing and recording septic compatibility statements, electrical compatibility statements, and water rights statements.

c. Notice of all permits and compatibility statements issued under this section shall be submitted Clatsop County Department of Planning and Development within ten (10) working days of issuance.

4. CITY shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area.

#### SECTION 6. ANNEXATION.

1. Annexation within the CITY Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon Law and the policies of the CITY Comprehensive Plan.

#### SECTION 7. ADMINISTRATION.

1. The CITY shall be responsible for issuing all land use and development permits and compatibility statements within the Urban Growth Boundary.

2. The CITY shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area including any costs associated therewith; provided however that no formal proceedings to

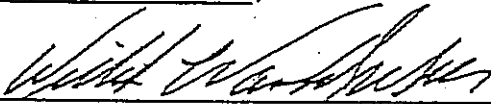
abate a zoning violation may be initiated in State court or before any Planning Commission or City Council, without first obtaining the written consent of the COUNTY.

3. The CITY shall issue addresses for all buildings within the Urban Growth Boundary.
4. The CITY shall maintain records of all land use and development permits and compatibility statements within the Urban Growth Boundary.

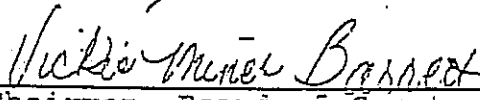
SECTION 8. TERMS OF AGREEMENT.

This Agreement becomes effective as of July 10, 1991. This Agreement shall be reviewed and may be amended at the time established for CITY's Periodic Review of the Plan, or at any other time by mutual consent of both parties.

IN WITNESS WHEREOF, this Urban Growth Boundary Area Joint Management Agreement is signed and executed this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

  
\_\_\_\_\_  
Mayor, City of Astoria

IN WITNESS WHEREOF, this Urban Growth Boundary Area Joint Management Agreement is signed and executed this 10th day of July, 1991.

  
\_\_\_\_\_  
Chairman, Board of County Commissioners  
for Clatsop County

IN THE BOARD OF COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

ORDINANCE NO. 90- 15

(AN ORDINANCE AMENDING THE  
(CLATSOP COUNTY/CANNON BEACH URBAN  
(GROWTH BOUNDARY MANAGEMENT AGREEMENT

The Board of County Commissioners of Clatsop County, Oregon ordains as follows:

SECTION 1. SHORT TITLE.

This ordinance shall be known as the Clatsop County/Cannon Beach Urban Growth Boundary Management Agreement Amendment.

SECTION 2.

The Board of County Commissioners of Clatsop County, Oregon recognizes the need to adopt the Clatsop County/Cannon Beach Urban Growth Boundary Management Agreement. In the interest of the health, safety and welfare of the citizens of Clatsop County and in accordance with the recommendations of the Clatsop County Planning Commission and pursuant to State law, the Board of Commissioners hereby determines the necessity of adopting the said agreement.

The Board of County Commissioners determines and takes notice that the adoption procedure for this ordinance complies with the Post Acknowledgement rules of the Land Conservation and Development Commission. The County Board of Commissioners has sought review and comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060. The Planning Commission held a hearing on November 15, 1990. The Board received and considered the Planning Commission's recommendation on this request and held a public hearing on this ordinance pursuant to law on December 5, 1990.

SECTION 3. CONFORMITY WITH THE LAW.

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS.

This ordinance shall supercede, control and repeal any inconsistent provision of the Clatsop County Comprehensive Plan, as amended, the Clatsop County Land and Water Development and Use Ordinance, as amended, or any other ordinance or regulation made by Clatsop County.

SECTION 5. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or any other portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effective 30 days following the date of recording of this Ordinance.

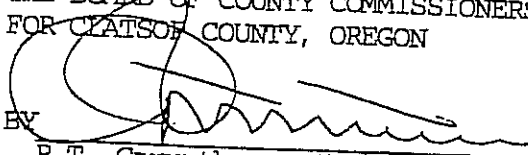
SECTION 7. ADOPTION CLAUSE.

The Board of Commissioners hereby adopts the Clatsop County/Cannon Beach Urban Growth Boundary Management Agreement Amendment set forth in Exhibit "A" attached hereto and by reference herein made a part of this ordinance in its entirety.

ADOPTED this 19th day of December, 1990.

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

BY

  
R.T. Carruthers, Chair

BY

  
Debra D. Kraske, Recording Secretary

Effective Date: 1-18-91

APPROVED AS TO FORM:

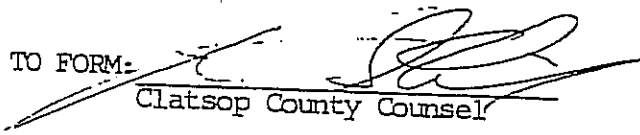
  
Clatsop County Counsel



EXHIBIT "A"

CITY OF CANNON BEACH

URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT  
AGREEMENT WITH CLATSOP COUNTY

SECTION 1. INTRODUCTION.

1. The parties to the Joint Management Agreement shall be the City of Cannon Beach, Oregon, hereinafter referred to as the City, and Clatsop County, Oregon, hereinafter referred to as the County.
2. The terms of the Joint Management Agreement shall be applicable to the City's Urban Growth Boundary Area. For the purposes of this Agreement, the Urban Growth Boundary 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, and hereby incorporated into and made a part of this document.

SECTION 2. DEFINITIONS.

1. Words and phrases used in this joint agreement and not defined herein 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 of two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.
2. Urban Area: Those lands which lie within the designated Urban Growth Boundary, either within or without the City.
3. Urban Growth Area: That portion of the Urban Area which is outside of the incorporated limits of the City.
4. Urban Growth Boundary: The line drawn around the Urban Area which separates rural from urbanizable land, as identified within the Comprehensive Plan for the City.
5. Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area; (2) can be served by public facilities and services; (3) are needed for the expansion of an urban area.
6. Land-use Actions: Land use actions consist of the discretionary approval of a proposed development of land as defined by

ORS 197.015(10). The following are land use actions: conditional use permit, variance, actions affecting a nonconforming use or structure, design review plan approval, subdivision, major partition, and minor partition.

7. Development Permit: A permit which is issued administratively for a development which is in compliance with the standards of the zone in which it is located.

### SECTION 3. INTENT OF AGREEMENT.

1. The provisions of this agreement shall establish the procedure for review and action on Comprehensive Plan amendments, Zoning Ordinance and Subdivision Ordinance amendments, land use actions, land use enforcement actions and other related matters.

### SECTION 4. APPLICABLE DOCUMENTS.

1. The Cannon Beach Comprehensive Plan shall serve as the comprehensive plan for the Urban Area.
2. The Cannon Beach Zoning Ordinance and Subdivision Ordinance shall provide the criteria for acting on proposed land use actions and development permits in the Urban Area.

### SECTION 5. LAND USE REGULATORY PROCEDURES.

Cannon Beach shall serve as the lead agency for all development requests within the urban area. The following procedures shall be followed:

1. Land use actions shall be processed according to the following procedure:
  - (a) All applications shall be submitted to Cannon Beach and shall be on forms provided by the City.
  - (b) Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered.
  - (c) The application shall be reviewed by the Cannon Beach Planning Commission or Design Review Board as provided for in the Cannon Beach Zoning Ordinance and/or Cannon Beach Subdivision Ordinance.

- (d) The County shall have standing to participate in the public hearing.
- (e) The City shall notify the County of the decision of the Cannon Beach Planning Commission or Design Review Board within five (5) working days of the decision.
- (f) The decision of the Cannon Beach Planning Commission or Design Review Board shall be final unless appealed by a party to the public hearing.
- (g) An appeal of a decision of the Cannon Beach Planning Commission or Design Review Board shall be to the Clatsop County Board of Commissioners.
- (h) The review of the appeal shall be pursuant to procedures set forth in the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14 as amended).
- (i) Cannon Beach shall have standing to participate in the appeal.
- (j) Clatsop County shall notify Cannon Beach of its final decision on an appeal within five (5) working days of the decision.

2. Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon Beach Subdivision Ordinance shall be adopted by ordinance by both Cannon Beach and Clatsop County according to the following procedure.

- (a) Application shall be submitted to Cannon Beach on forms provided by the City.
- (b) Upon receipt of a complete application the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered before the Cannon Beach Planning Commission and City Council.
- (c) The County shall have standing to participate in the public hearing before the Planning Commission and City Council.
- (d) Cannon Beach shall hold public hearing(s) in accordance with the procedures specified in the Cannon Beach Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance.

- (e) The City shall notify the County of the recommendation of the Cannon Beach Planning Commission within five (5) working days of the recommendation.
  - (f) If the Cannon Beach City Council approves the application, it shall do so by ordinance. If the City Council denies the application, the decision may be appealed to the Land Use Board of Appeals.
  - (g) The City shall notify the County of its final action within five (5) working days of adoption of an ordinance or the denial of the application.
  - (h) Clatsop County shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development Use Ordinance (Ordinance 80-14, as amended).
  - (i) Clatsop County shall notify Cannon Beach of its final decision within five (5) working days of its decision.
3. Permitted uses shall be processed according to the following procedure:
- (a) The City shall be responsible for issuing development permits in the Urban Growth Area.
  - (b) The City shall be responsible for issuing and recording septic compatibility statements, electrical compatibility statements and water rights statements.
  - (c) Notice of all permits and compatibility statements issued under this section shall be submitted to the Clatsop County Department of Planning and Development within ten (10) working days of issuance.
4. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area, according to the provision of Section 7(2).

SECTION 6. ANNEXATION.

- 1. Annexation within the Cannon Beach Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon law and the policies of the Cannon Beach Comprehensive Plan and Zoning Ordinance.
- 2. The City and County agree that the City shall assume responsibility for and jurisdiction over all County roads (or

portions thereof) that abut the property that is being annexed.

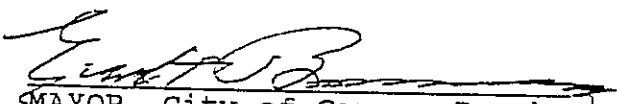
SECTION 7. ADMINISTRATION.

1. The City shall be responsible for issuing all land use and development permits and land use determinations on compatibility statements in the Urban Growth Area.
2. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area including any costs associated therewith; provided however that no formal proceedings to abate a violation may be initiated in state court or before any Planning Commission or City Council, without first obtaining the written consent of the County.
3. The City shall issue addresses for all buildings within the Urban Growth Area.
4. The City shall maintain records of all land use and development permits and compatibility statements within the Urban Growth Area.

SECTION 8. TERMS OF AGREEMENT.

This agreement becomes effective as of \_\_\_\_\_, 19\_\_\_\_.  
This agreement shall be reviewed and amended at the time established for Cannon Beach's periodic review or at any other time by mutual consent of both parties.

IN WITNESS WHEREOF, This Urban Growth Boundary Area Joint Management Agreement is signed and executed this 4th day of October, 1990.

  
MAYOR, City of Cannon Beach

IN WITNESS WHEREOF, This Urban Growth Boundary Area Joint Management Agreement is signed and executed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
CHAIR, Board of County  
Commissioners for Clatsop County

IN THE BOARD OF COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

ORDINANCE NO. 95-8

(AN ORDINANCE AMENDING THE  
(GEARHART URBAN GROWTH BOUNDARY  
(MANAGEMENT AGREEMENT  
(BY THE BOARD OF COMMISSIONERS  
(ADOPTING CERTAIN FINDINGS  
(AND RESCINDING INCONSISTENT  
(PROVISIONS

The Board of County Commissioners of Clatsop County, Oregon ordains  
as follows:

SECTION 1. SHORT TITLE.

This ordinance shall be known as the Gearhart UGB Management  
Agreement.

SECTION 2.

The Board of County Commissioners of Clatsop County, Oregon  
recognizes the need to revise and amend the Gearhart Urban Growth  
Boundary Management Agreement. In the interest of the health, safety  
and welfare of the citizens of Clatsop County and pursuant to State law,  
the Board of Commissioners hereby determines the necessity of amending  
the said Gearhart Urban Growth Boundary Management Agreement. In the  
interest of the health, safety and welfare of the citizens of Clatsop  
County and pursuant to State law, the Board of Commissioners hereby  
determines the necessity of amending the said Gearhart Urban Growth  
Boundary Management Agreement.

The Board of County Commissioners determines and takes notice that  
the adoption procedure for this ordinance complies with the Post  
Acknowledgement rules of the Land Conservation and Development  
Commission. The County Planning Commission has sought review and

comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060. The Planning Commission held a public hearing on March 7, 1995. The Board received and considered the Planning Commission's recommendations on this request and held a public hearing on this ordinance pursuant to law on May 24, 1995.

### SECTION 3. CONFORMITY WITH THE LAW.

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule or regulation of Clatsop County.

### SECTION 4. INCONSISTENT PROVISIONS.

This ordinance shall supersede, control and repeal any inconsistent provision of the Clatsop County Land and Water Development and Use Ordinance, as amended, or any other ordinance or regulation made by Clatsop County.

### SECTION 5. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or any other portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

### SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effective July 1, 1995.

### SECTION 7. ADOPTION CLAUSE.

The Board of Commissioners hereby adopts the Gearhart UGB

Management Agreement, set forth in Exhibit "A" attached hereto and by reference herein made a part of this ordinance in its entirety.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_

Joe E. Bakkensen, Chairman

By \_\_\_\_\_

Recording Secretary

Effective Date: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_  
Clatsop County Counsel



URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT AGREEMENT  
CLATSOP COUNTY/CITY OF GEARHART

SECTION 1.     INTRODUCTION.

1.     The parties to the Joint Management Agreement shall be the City of Gearhart, Oregon, hereinafter referred to as the CITY, and Clatsop County, Oregon, hereinafter referred to as the COUNTY.
2.     The terms of Joint Management Agreement shall be applicable to the CITY's Urban Growth Boundary Area. For the purposes of this Agreement, the Urban Growth Boundary 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 applicable Urban Growth Boundary Comprehensive Plan, and hereby incorporated into and made a part of this document.

SECTION 2.     DEFINITIONS.

1.     Words and phrases used in this joint agreement and not defined herein shall be construed in accordance with ORS Chapters 91, 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.
2.     Unincorporated Urban Area: Those lands which lies within the designated Urban Growth Boundary, either within or without the unincorporated limits of the City.
3.     Urban Growth Area: That portion of the Urban Area which is outside of the incorporated limits of the City.
4.     Urban Growth Boundary: The line drawn the Urban Area which separates rural from urbanizable land, as identified within the Comprehensive Plan for the City.
5.     Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area; (2) can be served by public facilities and services; (3) are needed for the expansion of an urban area.
6.     Land Use Actions: Land use actions consist of the discretionary approval of a proposed development of land as defined by ORS 197.015(10). The following are land use actions: conditional use permit, variance, actions affecting a non-conforming use or structure, design review approval, subdivision, major partition and minor partition.

SECTION 3. INTENT OF AGREEMENT.

1. The provisions of this agreement shall establish the procedure for review and action on Comprehensive Plan amendments, implementing Ordinance amendments, land use actions, land use enforcement actions and other related matters.

SECTION 4. APPLICABLE DOCUMENTS.

1. The CITY's Comprehensive Plan shall serve as the Comprehensive Plan for the urban area.
2. The CITY's Zoning Ordinance and Subdivision Ordinance shall provide the criteria for revising and acting on proposed land use actions in the urban area.

SECTION 5. LAND USE REGULATORY PROCEDURES.

The CITY shall serve as the lead agency for all development requests within the urban area. The following procedures shall be followed:

1. Land use actions shall be processed according to the following procedure:
  - a. All application shall be submitted to the CITY and shall be on forms provided by the CITY.
  - b. Upon receipt of a complete application, the CITY shall notify the COUNTY Department of Planning and Development of the hearing date at which the matter will be considered.
  - c. The application shall be reviewed by the CITY Planning Commission as provided for in the Zoning Ordinance and/or Subdivision Ordinance.
  - d. The COUNTY shall have standing to participate in the public hearing.
  - e. The CITY shall notify the COUNTY of the decision of the CITY Planning Commission within five (5) working days of the decision.
  - f. The decision of the CITY Planning Commission shall be final unless appealed by a party to the public hearing.
  - g. An appeal of a decision in the Urban Growth Area of the CITY Planning Commission shall be to the Clatsop County Board of Commissioners.
  - h. The review of the appeal shall be pursuant to procedures set forth in the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14, as amended).

- i. The CITY shall have standing to participate in the appeal.
  - j. The COUNTY shall notify the CITY of its final decision on an appeal within five (5) days of the decision.
2. Amendments to the Urban Growth Boundary Comprehensive Plan, including the Urban Growth Boundary and Plan Map, CITY Urban Growth Boundary Zoning Ordinance map and text, and CITY Urban Growth Boundary Subdivision Ordinance shall be adopted by Ordinance by both CITY and CLATSOP COUNTY according to the following procedure:
- a. Application shall be submitted to the CITY on forms provided by the CITY.
  - b. Upon receipt of a complete application, the CITY shall notify the COUNTY Department of Planning and Development of the hearing date at which the matter will be considered before the CITY Planning Commission and CITY Council.
  - c. The COUNTY Shall have standing to participate in the public hearing before the CITY Planning Commission and CITY Council.
  - d. The application shall be reviewed by the CITY Planning Commission at a public hearing according to procedures specified in the Urban Growth Boundary Comprehensive Plan, Urban Growth Boundary Zoning Ordinance, or Urban Growth Boundary Subdivision Ordinance.
  - e. The CITY shall notify the COUNTY of the recommendation of the CITY Planning Commission within five (5) working days of the recommendation.
  - f. The CITY Council shall hold a public hearing on the application according to applicable procedures specified in the Urban Growth Boundary Comprehensive Plan, Urban Growth Boundary Zoning Ordinance, or Urban Growth Boundary Subdivision Ordinance.
  - g. The CITY and COUNTY may mutually agree to hold public hearings on amendments concurrently.
  - h. If the CITY Council approves the application, it shall do so by Ordinance. If the CITY Council denies the application, the decision may be appealed to the Land Use Board of Appeals.
  - i. The CITY shall notify the COUNTY of its final action within five (5) working days of adoption of an Ordinance or denial of the application.

- j. Clatsop COUNTY shall hold a public hearing, on applications approved by CITY, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development and Use Ordinance.
  - k. Clatsop COUNTY shall notify CITY of its final decision within five (5) working days of its decision.
3. Permitted uses shall be processed according to the following procedure:
    - a. The CITY shall be responsible for issuing development permits in the Urban Growth Area.
    - b. The CITY shall be responsible for issuing and recording septic compatibility statements, electrical compatibility statements, and water rights statements.
    - c. Notice of all permits and compatibility statements issued under this section shall be submitted to Clatsop County Department of Planning and Development within ten (10) working days of issuance.
  4. CITY shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area.

#### SECTION 6. ANNEXATION.

1. Annexation within the CITY Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon Law and the policies of the CITY Comprehensive Plan.

#### SECTION 7. ADMINISTRATION.

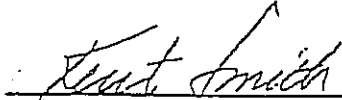
1. The CITY shall be responsible for issuing all building and land use permits and compatibility statements within the Urban Growth Boundary.
2. The CITY shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area including any costs associated therewith; provided however that no formal proceedings to abate a zoning violation may be initiated in State court or before any Planning Commission or City Council, without first obtaining the written consent of the COUNTY.
3. The CITY shall issue addresses for all buildings within the Urban Growth Boundary.

4. The CITY shall maintain records of all building and land use permits and compatibility statements within the Urban Growth Boundary.

SECTION 8: TERMS OF AGREEMENT.

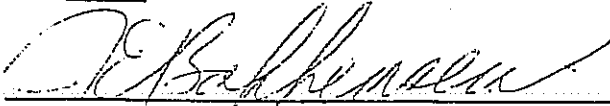
This Agreement becomes effective as of 1 July, 1991. This Agreement shall be reviewed and may be amended at the time established for CITY's Periodic Review of the Plan, or at any other time by mutual consent of both parties.

IN WITNESS WHEREOF, this Urban Growth Boundary Area Joint Management Agreement is signed and executed this 12<sup>th</sup> day of DECEMBER, 1994.



Mayor, City of Gearhart

IN WITNESS WHEREOF, this Urban Growth Boundary Area Joint Management Agreement is signed and executed this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_.



Chair, Board of County Commissioners  
for Clatsop County

ADDENDUM TO  
URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT  
AGREEMENT WITH CLATSOP COUNTY/CITY OF GEARHART

On ~~February~~ <sup>April</sup> 5, 1995, the City of Gearhart, Oregon (hereinafter referred to as the "City"), and Clatsop County, Oregon (hereinafter referred to as the "County"), entered into this addendum to that certain Urban Growth Boundary Area Joint Management Agreement - Clatsop County/City of Gearhart.

R E C I T A L S :

WHEREAS, On or about December 12, 1994, the parties entered into an Urban Growth Boundary Area Joint Management Agreement; and,

WHEREAS, the parties wish to amend that agreement to include a new section regarding obligations over roads.

NOW, THEREFORE, the parties agree as follows:

SECTION 9. ROADS.

1. Jurisdiction over and maintenance obligations over roads and county roads in the City of Gearhart and the City of Gearhart's Urban Growth Boundary shall be as follows:

(a) Hillila Road between old RR R.O.W. and Hwy 101, 20 ft width of hard surface is sufficient to meet City standards.

(b) Cottage St. outside of current city limits. County Public Works to improve with overlay consistent with paving (including width) inside the City. To be completed 1998-2000. When annexed, City agrees to take over R.O.W. from County. Maintenance, etc.

(c) Golf Course Road from Hwy 101 to City limits on Marion. 22 ft of width of hard surface is acceptable. County Public Works to replace Neacoxie Creek Culvert and resurface road. Gearhart Greens corner width to be determined upon resurfacing.

Public works and City to review City assumption of County roads where road is both inside and outside of City due to annexation (jagged city limits line).

(d) Avenue G - County Public Works to replace drainage culvert east of Neacoxie Creek and overlay to 24 feet.

City to take over when above is completed as it is all within the City limits.

(e) Oster - from Hwy 101 east to Railroad Avenue is acceptable now.

East of above is to be widened to 16 feet with hard surface in 1995 or 1996 by County Public Works (Oil Mat).

City to take over when above is completed as it is all within the City Limits.

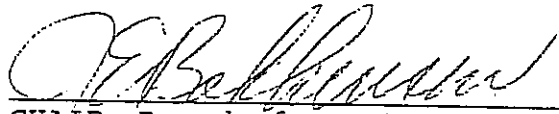
(f) Railroad Avenue (proposed by City) - County Public Works and City jointly to realign and hard surface the Southerly 250 feet of Street to 18' in width.

Except as expressly provided above, the terms of the Urban growth Boundary Area Joint Management Agreement - Clatsop County/City of Gearhart executed by the parties on December 12, 1994, shall remain in full force and effect.

IN WITNESS WHEREOF, This Addendum to Urban Growth Boundary Area Joint Management Agreement is signed and executed this 5th day of April, 1995.

  
\_\_\_\_\_  
Mayor, City of Gearhart

IN WITNESS WHEREOF, This Addendum to Urban Growth Boundary Area Joint Management Agreement is signed and executed this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

  
\_\_\_\_\_  
CHAIR, Board of County Commissioners  
for Clatsop County

BEFORE THE BOARD OF COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

(AN ORDINANCE AMENDING THE  
(SEASIDE URBAN GROWTH BOUNDARY  
(MANAGEMENT AGREEMENT BY THE  
(BOARD OF COMMISSIONERS, ADOPTING  
(CERTAIN FINDINGS AND RESCINDING  
(INCONSISTENT PROVISIONS

ORDINANCE NO. 95- 24

The Board of County Commissioners of Clatsop County, Oregon  
ordains as follows:

SECTION 1. SHORT TITLE.

This ordinance shall be known as the Seaside UGB Management  
Agreement.

SECTION 2.

The Board of County Commissioners of Clatsop County, Oregon  
recognizes the need to revise and amend the Seaside Urban Growth  
Boundary Management Agreement. In the interest of the health,  
safety and welfare of the citizens of Clatsop County and pursuant  
to State law, the Board of Commissioners hereby determines the  
necessity of amending the said Seaside Urban Growth Boundary  
Management Agreement.

The Board of County Commissioners determines and takes  
notice that the adoption procedure for this ordinance complies  
with the Post Acknowledgement rules of the Land Conservation and  
Development Commission. The County Planning Commission has  
sought review and comment and has conducted the public hearing  
process pursuant to the requirements of ORS 215.050 and 215.060.  
The Planning Commission held a public hearing on March 7, 1995. The  
Board received and considered the Planning Commission's



recommendation on this request and held a public hearing on this ordinance pursuant to law on May 24, 1995.

SECTION 3. CONFORMITY WITH THE LAW.

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS.

This ordinance shall supersede, control and repeal any inconsistent provision of the Clatsop County Land and Water Development and Use Ordinance, as amended, or other ordinance or regulation made by Clatsop County.

SECTION 5. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or any other portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effective 30 days following adoption of this ordinance.

SECTION 7. ADOPTION CLAUSE.

The Board of Commissioners hereby adopts the Seaside UGB Management Agreement, set forth in Exhibit "A" attached hereto and by reference herein made a part of this ordinance in its entirety."

ADOPTED this 25<sup>th</sup> day of OCTOBER, 1995.

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By Geoff Stone  
Geoff Stone, Vice Chairman

By Kathleen A. Harrison  
Recording Secretary

Effective Date: NOVEMBER 24, 1995

Approved as to Form:

Kellan  
Clatsop County Counsel

URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT AGREEMENT

CITY OF SEASIDE AND CLATSOP COUNTY



SECTION 1. INTRODUCTION

1. The parties to the Joint Management Agreement shall be the City of Seaside, Oregon, hereinafter referred to as "the City," and Clatsop County, Oregon, hereinafter referred to as "the County."
2. The terms of the Joint Management Agreement shall be applicable to the City's Urban Growth Boundary Area. For the purposes of this Agreement, the Urban Growth Boundary 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 Comprehensive Plan, and hereby incorporated into and made a part of this document.

SECTION 2. DEFINITIONS

Words and phrases used in this joint agreement and not defined herein shall be construed in accordance with ORS Chapter 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.

1. Development Permit: A permit issued for a type of use which is permitted in a particular zone if it is able to meet specified standards and criteria.
2. Land Use Actions: Land use actions consist of the discretionary approval of a proposed development of land as defined by ORS 197.015 (10).
3. Review Use: A use, and accessory uses, permitted when reviewed and approved by the Planning Commission.
4. Urban Area: Those lands which lie within the designated Urban Growth Boundary, either within or without the City.
5. Urban Growth Area: That portion of the Urban Area which is outside of the incorporated limits of the City.
6. Urban Growth Boundary: The line drawn around the Urban Area which separates rural from urbanizable land, as identified within the Comprehensive Plan for the City.
7. Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area; (2) can be served by public facilities and services; (3) are needed for the expansion of an urban area.

SECTION 3. INTENT OF AGREEMENT

1. The provisions of this agreement shall establish the procedure for review and action on Comprehensive Plan amendments, implementing Ordinance amendments, land use actions, land use enforcement actions and other related matters.
2. The City of Seaside Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and Sign Ordinance shall provide the criteria for revising and acting on proposed land use actions in the urban growth area.

#### SECTION 4. APPLICABLE DOCUMENTS

1. *The City of Seaside Comprehensive Plan shall serve as the Comprehensive Plan for the urban growth area*
2. *The City of Seaside Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and Sign Ordinance shall provide the criteria for revising and acting on proposed land use actions in the urban growth area.*

#### SECTION 5. LAND USE REGULATORY PROCEDURES

*The City shall serve as the lead agency for all development requests within the urban growth area. The following procedures shall be followed:*

1. *Land use actions shall be processed according to the following procedures:*
  - (a) *All applications shall be submitted to the City and shall be on forms provided by the City.*
  - (b) *Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered.*
  - (c) *The application shall be reviewed by the City Planning Commission as provided for in the City Zoning Ordinance, City Subdivision Ordinance, and/or City Sign Ordinance.*
  - (d) *The City shall notify the County Department of Planning and Development of the decision of the City Planning Commission within five (5) working days of the decision.*
  - (e) *When notice is required to property owners, all property owners within the required distance will be notified without consideration as to whether or not they are in the City limits.*
  - (f) *The decision of the City Planning Commission, regarding land use actions, shall be final unless appealed by a party to the public hearing.*
  - (g) *An appeal of a decision in the Urban Growth Area of the City Planning Commission shall be to the County Board of Commissioners according to applicable procedures specified in the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinances or Sign Ordinance.*
2. *Amendments to the City of Seaside Comprehensive Plan, including the Urban Growth Boundary and Plan Map, City Zoning Ordinance map and text, and City Subdivision Ordinance and Sign Ordinance that concern the urban growth area shall be adopted by Ordinance by the City according to the following procedure:*
  - (a) *Application for amendment shall be submitted to the City on forms provided by the City.*
  - (b) *Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which time the matter will be considered before the City Planning Commission and City Council.*

- (c) *The application shall be reviewed by the City Planning Commission at a public hearing according to procedures specified in the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, or Sign Ordinance.*
  - (d) *The City shall notify the County of the recommendation of the City Planning Commission within five (5) working days of the recommendation.*
  - (e) *When notice is required to property owners, all property owners within the required distance will be notified without consideration as to whether or not they are in the City limit*
  - (f) *The City Council shall hold a public hearing on the application according to applicable procedures specified in the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, or Sign Ordinance*
  - (g) *The city shall notify the County of its final action within five (5) working days of adoption of an Ordinance or denial of the application.*
3. *Amendments to the City of Seaside Comprehensive Plan, including the Urban Growth Boundary and Plan Map, City Zoning Ordinance map and text, and City Subdivision Ordinance and Sign Ordinance that concern the urban growth area shall be adopted by Clatsop County subject to applicable review procedure. The review shall follow the public hearing procedures as listed in the Clatsop County Land and Water Development and Use Ordinance.*
  4. *The City and County shall notify all Urban Service providers of proposed amendments to the City of Seaside Comprehensive Plan, including the Urban Growth Boundary and Plan Map, City Zoning Ordinance map and text, City Subdivision Ordinance and Sign Ordinance that concern the urban growth area.*
  5. *Permitted and Review Uses shall be processed according to the following procedure:*
    - (a) *The City shall be responsible for issuing development permits in the Urban Growth Area except septic compatibility statements, electrical compatibility statements and water rights statements.*
  6. *The City shall be responsible for the enforcement of the provisions of the Comprehensive Plan, Zoning, Sign Code, Road Systems Development Fee, subdivision Ordinances, and Building Code Enforcement in the Urban Growth Area.*
  7. *Wetland delineations will be made on a project-by-project basis or as required by City Ordinance and will be the responsibility of the developers.*

#### **SECTION 6. ANNEXATION**

1. *Annexation within the City Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon law, City Comprehensive Plan and other implementing ordinances.*

#### **SECTION 7. ADMINISTRATION**

1. *The City shall be responsible for issuing all land use permits including, but not limited to, development permits in the Urban Growth Area, except septic compatibility statements, electrical compatibility statements and water rights statements.*

2. The City shall be responsible for the enforcement of the provisions of the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Sign Ordinance in the Urban Growth Area including any costs associated therewith; provided however, that no formal proceedings to correct a violation may be initiated by the City in a court of law or before any Planning Commission or City Council, without first notifying the County.
3. The City shall issue addresses for all building within the Urban Growth Boundary.
4. The City shall maintain records of all land use permits it issues and actions it takes within the Urban Growth Boundary. This includes public notices, where appropriate, building permits, manufactured home placement permits, site design plans for parking, signs, addresses, etc.

#### SECTION 8. AMENDMENTS TO THE JOINT MANAGEMENT AGREEMENT

Amendments to this Agreement shall be adopted by a majority of both full City Council and the County Board of Commissioners, after recommendations have been received from the Planning Commissions of the City and County.

#### SECTION 9. 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.

#### SECTION 10. TERMS OF AGREEMENT

This agreement becomes effective as of DECEMBER 28, 19 95.  
This agreement shall be reviewed and may be amended at the time established for City's Periodic Review of the plan, or at any other time by mutual consent of both parties.

IN WITNESS WHEREOF, this Urban Growth Boundary Area Joint Management Agreement is signed and executed this 29<sup>TH</sup>

day of NOVEMBER, 19 95

Olivier Vermet  
Mayor, City of Seaside

IN WITNESS WHEREOF, this Urban Growth Boundary Area Joint Management Agreement is signed and executed this 8 day of December, 19 95.

J. E. Bakken  
Chairman, Board of County Commissions  
for Clatsop County

## - URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT AGREEMENT

The parties to the Joint Management Agreement shall be the City of Warrenton, Oregon, hereinafter referred to as the City, and Clatsop County, Oregon hereinafter referred to as the County.

The terms of the Joint Management Agreement shall be applicable to the City's urban growth boundary area. For the purposes of this Agreement, the urban growth boundary 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 (adopted June 4, 1980 with amendments through April 19, 1982 ) Ordinance and hereby incorporated into and made a part of this document.

This Joint Management Agreement is entered into pursuant to ORS Chapter 190 and 197 and the Oregon Statewide Planning Goals for the purpose of facilitating an orderly transition from rural to urban land uses within the City's urban growth boundary area.

Words and phrases used in this joint 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 boundary area. Such actions include the preparation of the City Comprehensive Plan, the cooperative establishment of an urban growth boundary, coordination with affected governmental units, and County review of the City comprehensive plan and implementing ordinances.
- B. The City Council has adopted, by ordinance, a comprehensive plan which included an urban growth boundary and planning goals, objectives and policies. The City has also adopted a zoning ordinance to implement the provisions of the comprehensive plan.

### II. General Comprehensive Plan Provisions

- A. The County shall retain responsibility for land use decisions and actions affecting the City's urban growth boundary 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 boundary 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 those portions of the City's Comprehensive Plan which are applicable to the urban growth boundary area into the County Comprehensive Plan.
- C. All public sector actions which fall within the scope of the City's Comprehensive Plan shall be consistent with the Plan.
- D. 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 boundary areas.

## III. Zoning and Subdivision Ordinances

- A. The substantive, as opposed to procedural, portions of the City's Zoning Ordinance shall be incorporated into and be made a part of the County Zoning Ordinances.
- B. For the purposes of this Joint Management Agreement, 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 zoning map.
- C. The County's Land Division section of its Land and Water Development and Use Ordinance shall apply to minor partitions, major partitions and subdivisions.
- D. The above mentioned incorporated Ordinances shall be applied to a zone change, review use, conditional use, variance, subdivision, major partition, minor partition requests affecting the City's urban growth boundary area.

## IV. Referred Application/Situations

- A. The County Planning Department shall refer each request affecting the City urban growth boundary area to the City for its review and comment within five days of the date the request was filed with the County Planning Department.
- B. The City shall review the request and submit its recommendation to the County Planning Department within fifteen days of the date the request was received by the City, unless the City Zoning Administrator determines that the proposed action should be reviewed by the City Planning Commission, in which case the City shall submit its recommendation within five days after the first Planning Commission meeting after receipt of the request from the County. The City Zoning Administrator shall notify the County of his determination that a proposed action will be forwarded to the City Planning Commission.
- C. The County shall retain final decision-making responsibility for all land use actions affecting the City urban growth boundary area, but such decisions shall only be made after receipt of timely recommendations from the City.
- D. Should no recommendations be forthcoming within established response time, absent a request for an extension, the City shall be presumed to have no negative comment regarding the application.
- E. After the County makes a decision on the application, the City shall be promptly informed of the action taken by the County.

## V. City Services

This section should include City policies regarding the extension of services to sites within the urban growth boundary area, e.g.:

- A. The City may extend city services to any site located within the City urban growth boundary area at the affected property owner's request and expense, consistent with City Comprehensive Plan policies.
- B. For the purposes of this Joint Management Agreement, city services are sanitary sewer and water service.

## VI. Annexation

Annexation of sites within the City urban growth boundary area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes, Oregon case law, and the City Comprehensive Plan.



## VII. Roads

The County and City shall cooperatively develop an implementation policy regarding streets and roads within the City urban growth boundary 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 public streets and roads, other than subdivisions, will be developed within the City urban growth boundary area.

## VIII. Appeals

- A. Appeals from land use decisions and actions within the urban growth boundary area shall be in accordance with the appeals procedure specified in the County Land and Water Development Ordinance.
- 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 Joint Management Agreement, the City shall have standing to appeal as provided in Section VIII. A., above.

## IX. Amendments to the Joint Management Agreement

Amendments to this Agreement shall be adopted by a majority of both full City Council and the County, after recommendations have been received from the Planning Commissions of the City and County.

## 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 Urban Growth Boundary Joint Management Agreement is signed and executed this 27th day of JULY, 1982

COUNTY

CITY

Bob M. Smith  
Chairman, Board of County Commissioners

Leslie W. Newton  
Mayor, City of Warrenton

AMENDMENT

That certain Urban Growth Boundary Area Joint Management Agreement between the City of Warrenton and Clatsop County is amended to provide:

XI. Termination

This Agreement may be terminated upon thirty (30) days written notice from one party to the other.

All references to the City Council shall refer to the City Commission of Warrenton rather than a council.

DATED this 7<sup>th</sup> day of July, 1982.