

Memorandum of Understanding  
County of Umatilla  
City of Pendleton  
April 11, 2000

Amendment  
October 7, 2005

Whereas, The County of Umatilla and the City of Pendleton entered into a Memorandum of Understanding on April 11, 2000, attached, and

Whereas, the Memorandum of Understanding, at paragraph 2 d) 3) provides that the City will accept transfer of certain roads, including Goad Road (County Road No. 371) from Highway 30 to 1-84 to provide access to certain property owned by the City of Pendleton; and

Whereas, the contingencies have been met by which the City of Pendleton was to assume jurisdiction over Goad Road (County Road No. 371) from Highway 30 to 1-84; and

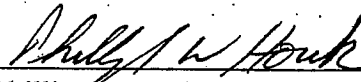
Whereas, The City of Pendleton and The County of Umatilla recognize that it is more efficient for the City of Pendleton to assume jurisdiction over SW Hailey Avenue (County Road No. 1305) between SW 30th Street and SW 37th Street, and over SW 37th Street (County Road No. 1305) between SW Hailey Avenue and SW Kirk Extension, in Pendleton, Umatilla County, Oregon and, in exchange, the County of Umatilla retain jurisdiction over Goad Road (County Road No. 371) from Highway 30 to 1-84;

Now, therefore, the City of Pendleton and Umatilla County agree that the Memorandum of Understanding dated April 11, 2000, be amended to replace paragraph 2. D) 3) as follows:

~~Goad Road (County Road No. 371) from Highway 30 to 1-84 to provide access to the Goad property identified as I OD on Map Exhibit V-1. SW Hailey Avenue (County Road 1305) between SW 30th Street and SW 37th Street, and SW 37th Street (County Road No. 1305) between SW Hailey Avenue and SW Kirk Extension in Pendleton, Umatilla County, Oregon.~~

DATED: October 7, 2005

Approved as authorized by the Pendleton City Council April 6, 2004.

  
Phillip W. Houk, Mayor

Attest:

  
Judi Zoske, City Recorder

Approved on behalf of Umatilla County, October 18, 2005.

Umatilla County



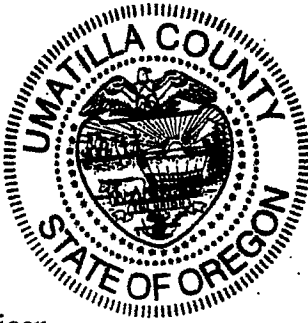
Emile M. Holeman 10-18-05  
Emile M. Holeman, Chair Date

**ABSENT**

William S. Hansell Commissioner Date

Dennis D. Doherty 10-18-05  
Dennis D. Doherty, Commissioner Date

ATTEST:



Records Officer

Office of County Records

Gene Churchill

APPROVED AS TO FORM:

[Signature]  
Umatilla County Counsel

[Signature]  
Peter H. Wells  
City Attorney

MEMORANDUM OF UNDERSTANDING

COUNTY OF UMATILLA  
CITY OF PENDLETON

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 11 day of APRIL, 2000, by and between the City of Pendleton, an Oregon Municipal Corporation, hereinafter referred to as "City", and Umatilla County, a political subdivision of the State of Oregon, hereinafter referred to as "County".

RECITALS

1. This Memorandum of Understanding is the culmination of discussions between the County and the City, conducted on February 14, 2000. The City is intent on the County co-adopting the Urban Fringe Land Use Study, Phase II (hereinafter referred to as "Study"), which relates to the expansion of the City's Urban Growth Boundary (hereinafter referred to as "UGB"); said Study having gone through a lengthy planning process and a series of public hearings and actions intended to facilitate the orderly and efficient development of land in and around the City; and,

2. The City Planning Commission has held two public hearings on the draft Study, with the final hearing on July 15, 1999, being a matter of record and resulting in a recommendation to the City Council for adoption of the draft Study; and,

3. The City Council held a public hearing on September 21, 1999, and following closure of the public hearing, adopted Ordinance No. 3612, which adopts the Study, and amends the Comprehensive Plan document, Chapter VII and Part II, and Land Use Plan Map-1; and,

4. Pursuant to the Pendleton Planning Area Joint Management Agreement, V. URBAN GROWTH AREA, Section 17, amendments to the Comprehensive Plan and implementing ordinances applicable to the Urban Growth Area (hereinafter referred to as "UGA") are reviewed and adopted first by the City Planning Commission and the City Council, and then referred to the County Planning Commission and Board of Commissioners for adoption following the required public hearings. The county Planning Commission held a public hearing on December 2, 1999, and following closure of the hearing forwarded a favorable recommendation to the Board of Commissioners to adopt the Study; and,

5. The County Board of Commissioners heard a public hearing on this matter on January 20, 2000, and following closure of the portion of the hearing for testimony, continued deliberations to a meeting on February 2, 2000, at which the Board of Commissioners expressed a desire to discuss and negotiate further with the City for resolution of concerns pertaining to the impacts on storm drainage and on county roads serving the new areas being proposed to be included in the UGB, and Item V, Urban Growth Area, Sections 23 and 24 of the Joint Management Agreement; and,

6. On February 14, 2000, the County Board of Commissioners met with County and City staff representatives to discuss mutual concerns relative to (i) storm drainage; (ii) impacted county roads serving the proposed new areas to be included within the City UGB, and (iii) governance issues relative to imposing Transportation System Development Charges ("SDCs"), obligations for infrastructure improvements and building code administration for new developments within the UGA.

THE PARTIES AGREE AS FOLLOWS:

1. The County will co-adopt the following City land use measures for application within the UGA:

- A) The Pendleton Urban Fringe Land Use Study, Phase II, prepared for the City and dated July 15, 1999.
- B) The Pendleton Comprehensive Plan document, Chapter VII to be deleted in entirety and replaced with the new Chapter VII amendment.
- C) The Pendleton Comprehensive Plan document, PART II: NEEDS, OBJECTIVES, POLICIES & PROGRAMS; SOCIETY, THE ECONOMIC PLAN to be amended by the inclusion of the new amendment.
- D) The Pendleton Comprehensive Plan - Land Use Map - I, to be amended to include the amendments to the UGB as depicted on the new map exhibit V.1 entitled "City of Pendleton Proposed UGB Amendment".

2. The City and the County will initiate the process to amend the Pendleton Planning Area Joint Management Agreement to incorporate the following for application within the UGA:

- A) Adoption by the County of the State of Oregon Structural Speciality Code, Mechanical Speciality Code and Plumbing Specialty Code, and delegation to the City to administer and to enforce the same.
- B) Adoption by County ordinance the City's Transportation System Development Ordinance No. 3587 and implementing Resolution No. 1980, passed on July 21, 1998, and delegation to the City to administer and to enforce the same.
- C) Adoption by County ordinance the City's infrastructure improvement Ordinance No. 3481, passed and approved on January 5, 1993, and delegation to the City to administer and to enforce the same.
- D) Agreement by City to amend Item V., URBAN GROWTH AREA, Section 23, to require the City to accept transfer of the following county roads into the City's street system, as is, with the City thereafter to be fully responsible for the roads, at such time as any portion of the referenced property is annexed or developed:

*DELETE*

- ~~1) Johns Lane (County Road No. 237) from existing City limits to north line of the Fritz Hill property identified as Site R-OA on Map Exhibit V.1.~~
- 2) Avenue "A" (Stage Gulch Road/County Road No. 109) from NW 56th Drive to northeast corner of the Pinkerton property identified as Site R-OE on Map Exhibit V.1.
- 3) Goad Road (County Road No. 371) from Highway 30 to I-84 to provide access to the Goad property identified as I-OD on Map Exhibit V.1.

*(NWH) 3*  
*WJW*  
*SAH*

*Hal Phillips made agreement to switch Goad Rd for Highway*

3. The City believes that time is of the essence for the County's co-adoption of the Study. This Memorandum of Understanding sets forth the means by which the County can adopt the Study at its meeting on March 9, 2000, and pursuant to which the City and the County will initiate the process to amend the Pendleton Planning Area Joint Management Agreement on the terms and the conditions outlined in this Memorandum and in accordance with state-wide land use rules and procedures.

Approved on behalf of the City of Pendleton this 7th day of March, 2000.

CITY OF PENDLETON  
A Municipal Corporation

By: Phyllis W. Hawk, Council President  
for Mayor Ramirez

ATTEST: Judi A. Pyske  
City Recorder

Approved on behalf of Umatilla County this 11 day of APRIL, 2000.

UMATILLA COUNTY

William S. Hansell  
William S. Hansell, Chairman

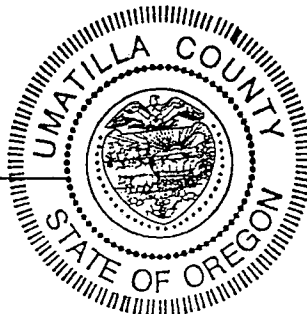
Dennis D. Doherty  
Dennis D. Doherty, Commissioner

Emile M. Holeman  
Emile M. Holeman, Commissioner

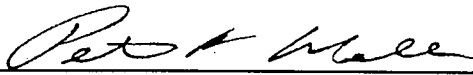


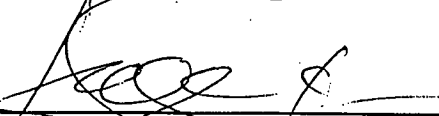
ATTEST:  
Office of County Records

Jean Humphreys  
Records Officer



Approved as to form:

  
\_\_\_\_\_  
Pete Wells, City Attorney

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

Gerry Carlson, City Administrator for Stanfield, explained that two problems arose in the city. One was a request by an applicant for an RV park on a 7 acre parcel. The City discovered that there were very few zones that would allow an RV park, one of which was the Tourist Commercial zone located at the freeway interchange. In order to accommodate the applicant's request, the City decided to amend its zoning ordinance to allow development of RV parks in certain zones. The action of the Stanfield Planning Commission was not to designate certain zones for RV parks, but to have certain zones where they are not allowed. The proposed ordinance which would allow this is Ordinance #267.

The other ordinance proposed for co-adoption (#266) relates to the continued use of property in industrial and commercial zones, specifically for houses that have been established for many years. Mr. Carlson noted that these zones at present do not allow homes to be rebuilt, if they are in a deteriorating condition or are destroyed by flood, fire, etc. He stated that several residents felt this wasn't fair because it made it difficult for them to obtain financing by the buyer when trying to sell their house. So the City changed its commercial and industrial zonings to allow the rebuilding of residential dwellings by virtue of an outright permitted use instead of a conditional use.

No one was present to speak in opposition to the proposed ordinances.

Following some general clarification questions by the commission members, Commissioner Hill moved to recommend to the Board of County Commissioners co-adoption of Ordinances #266 and #267, as proposed. The motion was seconded by Commissioner Alexander. Question was called for with a 3-1 vote, with Commissioners Hill, Reeder and Alexander voting in favor of the motion, and Commissioner Miller abstaining from voting due to being a member of the Stanfield City Council.

Consideration of an amendment to the Joint Management Agreement between Umatilla County and the City of Pendleton, at the request of the City, to co-adopt Ordinance No. 3481 "Development Improvements Ordinance" affecting land within the Urban Growth Boundary.

Mike Hyde, Planning Director for the City of Pendleton, explained that in January 1993 the Pendleton City Council adopted a "Development Improvements Ordinance". It is based on a Hermiston ordinance that was adopted in 1988. Mr. Hyde stated this type of ordinance is something the City has wanted to have but never got around to until they encountered some problems in 1992, with some people that were developing land in undeveloped portions of the Reservation Addition on



the south hill. The City discovered they had no laws requiring the installation of city standard streets, sidewalks, and utilities in conjunction with building these homes. Mr. Hyde stated the proposed ordinance is a way for the City to legally require public improvements for new construction. He also pointed out that some of the existing residential areas of town without sidewalks could be required to have new ones installed if there are improvements to these properties.

Mr. Hyde stated he would like to have the proposed ordinance in effect in the urban growth area so that as people build new homes or remodel existing ones, they can be committed to an irrevocable consent agreement for city standard improvements, if this can't be accomplished via a conditional use permit or a subdivision platting.

Hyde stated so far, the ordinance has worked well for the City. There have been several cases where people have made significant improvements to their homes and where consent agreements have been attached. Hyde referred to Section 4 of the proposed ordinance, which notes the kinds of development that will have to comply with the improvement requirements. He discussed these with the commission members, noting examples of the type of improvements required for each. It was pointed out that these improvements pertain to situations where substantial investment in a property or area is proposed, so a financial burden is not imposed on the property owner.

Mr. Hyde said if the ordinance is approved, the improvements could only be applied in conjunction with a conditional use, annexation, or a subdivision plat.

Vice-Chairman Reeder expressed concern with Section 9, "Violations and Penalties." In particular, he cited (B), which states: "Every full day during which an activity continues to be conducted in violation of this Ordinance shall be considered a separate offense." He asked how this would be administered since there is no moderating language in this clause. Mr. Hyde stated this is a standard violations and penalties clause, which the City has in all its ordinances, that was recommended by former City Attorney Rudy Murgo. Hyde explained that the specific violation would be documented by dated photos and logs. Then Municipal Judge Robert Ridgway would have an opportunity to impose a fine for more than one day after a certain period of warning time had expired. He would also have the power to moderate the penalty fee in order to grant time for the violation to be corrected.

Commissioner Reeder stated none of the above is in the language under the "Violations and Penalties" section. However, he noted he personally finds the language of (B)

"offensive" because it has no moderating language. He discussed this point in more detail with Mr. Hyde.

Reeder also expressed concern with (D) under "Violations and Penalties" which states: "Confiscation. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied or maintained in violation of this Ordinance may be confiscated by the City and, may be disposed of as provided by applicable State law or City ordinance." Reeder stated if he reads this correctly, it means a minor violation could cost a person their house. Further, there is no provision for the house to be sold and the amount over and above the penalty in fines being returned to the property owner. Reeder felt that confiscation is being used too widely; and if good judgment is not used in applying it, there will be some constitutional violations. Mr. Hyde said he doubted this stipulation would ever be used unless the violation is very serious. Reeder reiterated his concern with the language of this clause "opening the door" for a substantial constitutional challenge.

No one was present to speak in opposition to the proposed ordinance. Vice-Chairman Reeder closed the public hearing and entertained a motion for disposition of the request.

Commissioner Miller moved to recommend to the Board of County Commissioners co-adoption of Ordinance #3481, as proposed. The motion was seconded by Commissioner Hill. Question was called for, with a vote of four commission members in favor, and none opposed.

\*\* \*\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

At this time the Planning Commission decided to proceed with discussion about the US Generating Company site certificate application as their representative, Roy Skinner, was present.

Mr. Skinner explained that the proposal by US Generating Company is to build a gas-fired cogeneration facility adjacent to Lamb-Weston in Hermiston. It will generate approximately 274 megawatts of electricity in bi-waste steam for use in Lamb-Weston's potato processing plant. The company will be receiving gas from a 4-mile long inner-tied pipeline to Pacific Gas Transmission (an existing pipeline). They will also be upgrading an electrical transmission line from their plant up to the McNary substation (about 12 miles away).

Mr. Skinner stated at this time they are negotiating with several utility companies for the sale of power from their facility.

UMATILLA COUNTY BOARD OF COMMISSIONERS  
MEETING OF TUESDAY, JULY 6, 1993  
1:30 P.M., COMMISSIONERS CONFERENCE ROOM  
COURTHOUSE, PENDLETON

\*\* \*\* \* \* \* \* \* \*\* \* \* \* \* \* \*\* \* \* \* \* \* \*\* \* \* \* \* \* \*\* \* \* \* \* \* \*\* \* \* \* \* \*

COMMISSIONERS PRESENT: Chairman Emile Holeman, Vice-Chairman Bill Hansell, Commissioner Glenn Youngman.

PLANNING STAFF PRESENT: Tamra Mabbott, Valeri Thorne.

GUESTS PRESENT: Mike Hyde.

\*\* \*\* \* \* \* \* \* \*\* \* \* \* \* \* \*\* \* \* \* \* \* \*\* \* \* \* \* \* \*\* \* \* \* \* \*

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. HOWEVER, A TAPE OF THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.

CALL TO ORDER:

Chairman Holeman called the meeting to order at 1:30 p.m.

APPROVAL OF MINUTES:

The minutes of June 3, 1993 were unanimously approved as presented.

NEW HEARINGS:

Consideration of an amendment to the Joint Management Agreement between Umatilla County and the City of Pendleton, at the request of the City, to co-adopt Ordinance #3481 "Development Improvements Ordinance" affecting land within the Urban Growth Boundary.

Mike Hyde, Planning Director for the City of Pendleton, explained that the Pendleton City Council adopted Ordinance #3481 back in January in response to a problem the City encountered with people developing properties within existing subdivisions. He explained the City had no mechanism in their code to require improvements such as city standard streets, sidewalks, and utilities in conjunction with development in new subdivisions, and substantial improvement to existing ones.

Hyde said the City had a copy of a Development Improvements Ordinance adopted by the City of Hermiston in 1988, which they reviewed and decided would be applicable for the City of

Pendleton as well. So they took the Hermiston ordinance and modified it to meet their needs. Hyde stated the ordinance gives the City more leverage to require public improvements by the developer instead of the general taxpaying public.

Chairman Holeman asked if the City has any way to address past projects which do not meet city standards. Mr. Hyde indicated the proposed ordinance has no retroactive feature to it to address past projects. Holeman felt provision should be made to address these developments as well.

Tamra Mabbott, Senior Planner for Ordinance Administration, noted there was no quorum at the June 24 Planning Commission meeting. However, the consensus of those members present was to recommend to the Board of Commissioners co-adoption of Ordinance #3481. Mabbott also stated there was discussion concerning the applicability of this ordinance for subdivisions in the county. Staff pointed out that enforcement of this type of ordinance could be difficult from a practical and political standpoint; and although there are existing subdivisions that are in similar circumstances, the County does not experience the same growth pressure as the City. Ms. Mabbott also noted that the County has agreements, such as Irrevocable Consent Agreements, to require improvements in conjunction with new developments.

Chairman Holeman felt the proposed ordinance is a good approach for the City of Pendleton, and is a very necessary tool to manage development problems within the urban growth boundary. He also concurred with the County Planning Commission's recommendation to adopt the ordinance.

Commissioner Hansell moved to co-adopt Ordinance #3481 "Development Improvements Ordinance" as proposed by the City of Pendleton. The motion was seconded by Commissioner Youngman and carried unanimously.

Consideration of a Comprehensive Plan Amendment, at the request of the City of Hermiston, to convert 143 acres from Urbanizable to Urban designation, in order to allow land owned by the City of Hermiston and Tom Able, et al, to be annexed into the city.

Tamra Mabbott explained that the Tom Able family had 68 acres they wanted to subdivide. Tom Able, Jr. visited the Planning Department to discuss with staff how this might be done. Staff recommended he have the property annexed into the city. Mabbott noted the subject property is within the urban growth boundary and is designated Urbanizable. In order for it to be annexed into the city, the property must be converted to Urban. The City has already voted to approve the conversion from Urbanizable to Urban, and to approve the annexation. Technically, what the Board needs to do is adopt the

ADJOURNMENT:

There being no further discussion, the meeting was adjourned  
at 1:50 p.m.

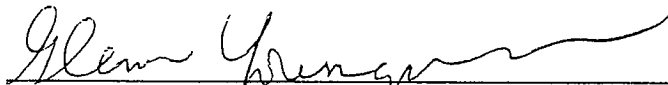
Respectfully submitted,

Valeri C. Thorne  
Secretary, for

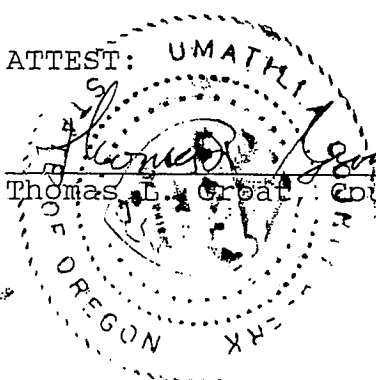

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
Emile Holeman, Chairman

William S. Hansell, Vice-Chairman

  
Glenn Youngman, Commissioner

DATE APPROVED: 7/8/93

ATTEST:   
  
Thomas D. Great, County Clerk

PENDLETON PLANNING AREA  
JOINT MANAGEMENT AGREEMENT

COUNTY OF UMATILLA  
CITY OF PENDLETON RESOLUTION #1277  
(As amended by Resolution adopted September 27, 1983;  
Resolution No. 1366 adopted August 21, 1984 and  
Resolution No. 1564 adopted May 2, 1989).

I. PARTIES

This Agreement is made and entered into this 2nd day of March 1983, by and between the City of Pendleton, an Oregon Municipal Corporation, hereinafter referred to as "City," and Umatilla County, a political subdivision of the State of Oregon, hereinafter referred to as "County."

II. RECITALS

1. This Joint Management Agreement is the culmination of a lengthy planning process and a series of actions intended to facilitate the orderly and efficient development of land in and around the City of Pendleton. Such actions include the preparation and adoption of city's comprehensive plans, the cooperative establishment of an urban growth boundary and urban transition areas, coordination with affected governmental units and mutual review of the City and County Comprehensive Plans. This process has been accomplished pursuant to Oregon's Statewide Land Use Planning Program as enumerated by Oregon Revised Statutes (ORS) and the Oregon Land Conservation and Development Commission.

2. The City adopted a Comprehensive Plan, hereinafter referred to as the "Comprehensive Plan," on the 27th day of January 1983, to replace the Comprehensive Plan of 1965 and to comply with applicable Statewide Planning Goals.

3. The City and County desire to plan for the orderly management and development of the entire Pendleton planning area as provided in their respective Comprehensive Plans and through their joint efforts and cooperation. Therefore, they enter into this Joint Management Agreement pursuant to Oregon Statewide Planning Law and as authorized by ORS 215.100.

III. DEFINITIONS

1. The City's 1983 Comprehensive Plan has designated areas outside but adjacent to the City's corporate limits, and within the jurisdiction of the County, as

"Urban Growth Areas" and Urban Transition Areas," which are defined as follows:

a) Urban Growth Area: that area of land extending from the City's corporate limits to the City's Urban Growth Boundary, as referenced and mapped on the City's Comprehensive Plan, and within which the City may annex land and allow its development in an orderly and efficient manner.

b) Urban Transition Areas: areas extending beyond the City's Urban Growth Boundary (UGB) and/or City's corporate limits as referenced and mapped on the City's Comprehensive Plan, within which the City may not annex land, but which the City will consider as the highest priority areas for future extension of the UGB to include additional area for low-density residential development.

2. There is a need to designate official "spheres of influence" for planning and land development purposes on behalf of the City and County within each other's area of jurisdiction. Within these "spheres of influence" each jurisdiction has a valid interest in and may be impacted by planning programs or land use actions of the other jurisdiction, and should be invited to participate in or review and comment on such activities.

a) The City's "sphere of influence" extends outward from the city limits, UGA and UTA to include rural residential areas northeast, south and west of town, the Barnhart interchange on I-84 and a two-mile wide area around the municipal airport (See Exhibit B).

b) The County's "sphere of influence" includes County Roads, County road service areas, County facilities and adjacent areas within the City, as well as all lands outside the perimeter of the City which adjoin the City's corporate limits and which therefore adjoin agricultural and other lands under County jurisdiction (See Exhibit B attached hereto and by this reference incorporated herein).

3. The Urban Growth Area (UGA) and the Urban Transition Area (UTA) are depicted on Exhibit A attached hereto and by this reference herein incorporated. The City's and County's spheres of influence are depicted on Exhibit B attached hereto and by this reference incorporated herein. Detailed definition of the boundaries of the UGA and UTA and City/County's sphere of influence are illustrated on applicable Umatilla County Tax Assessors' Maps available for viewing and reproduction at the County and City Planning Department offices.

4. Words and phrases used in the Joint Management Agreement shall be construed in accordance with the City's Comprehensive Plan; Zoning Ordinance; and Subdivision Ordinance.

#### IV. CONSIDERATION

The consideration for this Agreement is the mutual benefit of the City and the County.

#### V. URBAN GROWTH AREA

It is agreed by and between the parties as follows:

1. The County shall adopt by ordinance as an amendment to the County Comprehensive Plan, the City's Comprehensive Plan including the Urban Growth Boundary, Plan Map, Plan Policies and Street Plan to apply to land within the UGA.

2. The County shall adopt by ordinance as an amendment to the County's Land Development Code for application within the UGA only:

a) The City's 1983 Zoning Ordinance, excepting Section 156B (appeals) and certain features of the Zoning Map noted below in Item V-3;

b) the City's 1983 Subdivision Ordinance, excepting Article V (creation of public streets), Article IX (vacation of a street or plat), and Section 54B and 54C (appeals), and;

Note: Change the Allowance of Keeping the EFU-Co. Zoning on lands brought into the UGA.

the City's Sign Code (Ordinance No. 2775 as (Article V, Section 2, as amended by No. 1366 adopted August 15, 1984).

County will adopt by ordinance as an amendment to the County's Zoning Map the Zoning Map of the City's 1983 Zoning Ordinance for application within the UGA, whereby rezoning the UGA to applicable City zones, excepting that County Exclusive Farm use zoning will be retained on land within the UGA whose owners so notify the City and County in writing. Subsequent rezoning of said land shall be to City zones as indicated on the City's Zoning Map in effect at the time of application for rezoning.

4. As empowered by ORS 215.020 and 215.406, the County hereby creates a Pendleton UGA Planning Commission, which shall function in the capacity of a County Planning Commission and County Hearings Officer for the Pendleton



UGA only and which shall operate in compliance with the written rules of the County Planning Commission and County Hearings Officer, respectfully.

5. The County appoints the City's Planning Commission as the Pendleton UGA Planning Commission and appoints the City's Planning Department as the Pendleton UGA Planning Department to function as the staff for the Pendleton UGA Planning Commission and as the planning administrators for the UGA.

6. The City shall create an additional ex-officio position on the City's Planning Commission to be filled by a member of the County Planning Commission. To fill this position, the County shall appoint one member of the County Planning Commission as the regular ex-officio member and another member as an Alternate.

7. All applications for land use requests within the UGA, including but not limited to subdivisions, variances, conditional uses, zoning permits, minor partitions and amendments to the Comprehensive Plan, and Implementing Ordinances applicable to the UGA shall be made through the City's Planning Department.

8. The County adopts the City's application fee schedule for use within the UGA.

9. The County empowers the City to collect, for the City's use, the application fees for all land use requests within the UGA initiated through the City's Planning Department.

10. The City Planning Department will refer to the County Planning Department for review and comment all land use requests within the UGA for which a public hearing is required. Such notice shall be sent at least ten (10) days prior to the date of the first public hearing on each request. The City shall send the County the staff reports on such requests at least one week prior to the first public hearing.

11. If adequate time is available, the County Planning Commission will review and comment on each such UGA land use request notice, otherwise the County Planning Department will review and comment on the behalf of the County Planning Commission, and will so notify them at the next Planning Commission meeting. The County will relay to the City comments on each such request by the date of the first public hearing or at said public hearing, even if the County response is "no comment."

12. The City Planning Department will refer back to the County prior to final action any such request in the UGA for which amendments by the applicant or City were made subsequent to the first or additional public hearings together with relevant new staff comments. The same ten-day notice period will apply.

13. The City Planning Department will notify the County Planning Department in writing of all Pendleton UGA Planning Commission actions and staff permit approvals within the UGA, including building permit approvals, within five (5) business days of such action or approval.

14. All subdivisions which are approved within the UGA by the Pendleton UGA Planning Commission shall be sent to the County Board of Commissioners for their signatures.

15. All City Planning Department staff permit approvals, administrative interpretations, or other actions made pursuant to this Agreement may be appealed to the UGA Planning Commission within fifteen (15) days of such actions or rulings. Such appeals shall be filed in writing with the City Planning Department and shall be accompanied by the appropriate filing fee. The UGA Planning Commission will hold a public hearing and act on the appeal within thirty (30) days of its filing unless a longer period of time is agreed upon by the Commission and the appellant in written form by the end of the thirty days. Failure of the UGA Planning Commission to hold a hearing within 30 days of the filing of the appeal, shall constitute a denial of the appeal, except where parties agree in writing for a longer period of time as provided above.

16. Appeals of Pendleton UGA Planning Commission decisions shall be made to the County Board of Commissioners within fifteen (15) days of the decision. Appeals pursuant to this Section shall be filed in writing with the County Board of Commissioners along with the applicable filing fee. The County Board of Commissioners will hold a de novo public hearing on the appeal within thirty (30) days of its filing. The City Planning Department shall provide staff support to the County Board of Commissioners and shall be responsible for processing such appeals. Within ten (10) days of filing such an appeal, copies of the record shall be transmitted to the County Board of Commissioners. The record shall include at least:

a) The final UGA Planning Commission decision, including the findings and conclusions.

b) All exhibits, maps, documents, or other written

materials.

c) All written testimony submitted in the course of the UGA Planning Commission's proceedings.

d) The minutes of said proceedings as required by law.

All such appeals shall also be referred within ten (10) days of filing to the County Planning Commission and City Council for their review and comment, along with a copy of the record.

At least ten (10) days prior to the scheduled public hearing, the UGA Planning Commission will send a report and recommendation on each appeal to the County Board of Commissioners, County Planning Commission, and City Council. The County Board of Commissioners may remand, amend, rescind, or affirm the decision of the UGA Planning Commission. A decision not appealed within fifteen (15) days will be considered final. A decision of the UGA Planning Commission for which no hearing is held within thirty (30) days and for which no written extension has been entered into shall be considered final.

17. Amendments to the Comprehensive Plan, and Implementing Ordinances applicable to the UGA may be initiated by the City, the County or an affected person, by application through the City Planning Department. Application for such amendments shall be referred to the County within five (5) days of receipt and shall be processed by City ordinance amendment procedure. All such applications shall be reviewed first by the City Planning Commission and then by the City Council. If any proposed amendments are approved, by the City Planning Commission and City Council, they shall be referred to the County Planning Commission and Board of Commissioners for adoption as amendments to the County Comprehensive Plan and Land Development Code with respect to the UGA, following required public hearings. Unless the County adopts amendments approved by the City, such amendments may not be applied in the UGA.

18. Decisions of the County Board of Commissioners regarding appeals of Pendleton UGA Planning Commission decisions and amendments to the Comprehensive Plan, and Implementing Ordinances for the UGA may be appealed to the appropriate tribunal. The applicant for a land use request or amendment bears the burden of proof regarding the request or amendment and the responsibility of defending an appeal. The applicant affected by an appeal

shall be required to notify the County in writing within five (5) days of receiving notice whether he desires to undertake his own defense or will withdraw the requested land use action or amendment. In the absence of such written communication, the County may either:

- a) Tender the defense to the applicant, or the City or
- b) Elect to defend its decision at County expense, should the issue be determined to be of county-wide significance.

The County Board of Commissioners and/or the City of Pendleton may elect to participate jointly or singly in all or a portion of the cost of defending such an appeal, if the issues are determined to be of county-wide or city-wide significance.

If any suit or action is instituted by the applicant in connection with any controversy arising out of this request, there shall be taxed and allowed to the City and/or County as a part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees in such suit or action, both at trial and upon appeal.

19. The City shall refer all annexation proposals submitted to the UGA Planning Commission to the County for review and comment at least ten (10) days prior to the first public hearing on the annexation. The City will allow additional County review and comment if changes are made in the annexation proposal following initial or subsequent hearings.

20. The City shall extend water, sewer and streets into the UGA after first attempting in good faith to:

- 1) annex the land into the city; or
- 2) acquire a recorded irrevocable consent to annex at some time in the future from all affected property owners. (Article V, Section 20, as amended by Resolution adopted November 8, 1983.)

21. The City will provide notice to the County and allow the County a ten (10) day period within which to review and comment on any proposal to extend water, sewer and street services within the UGA.

22. Any adjacent County road rights-of-way will be included within the boundaries of all annexations.

23. The City will neither accept nor maintain any County

road within an annexed area or elsewhere in the UGA unless and until it meets City Standards in effect at the time and is acceptable to the City's Public Works Department. The County will not relinquish control and responsibility for any such improved County road and will continue to maintain all existing County roads unless so approved by the County Board of Commissioners.

24. As a condition of annexation, the City will require the applicant to agree to improve to City Standards any included or impacted portions of County roads by:

1) irrevocable consent to participate in a Local Improvement District to improve to City Standards by all affected property owners;

2) improve to City Standards prior to any development on any of the said property.

25. Streets platted after the effective date of the agreement shall be designed and constructed to City Standards.

26. The City, through its Planning staff and City Attorney, shall have the authority to enforce all ordinances applicable within the Urban Growth Boundary, except that only the County may authorize suit in Circuit Court on its behalf upon the recommendation of the City Planning staff or City Attorney. Suits filed by the County in Circuit Court shall be at County expense.

27. The city and county agree that it shall be the responsibility of the city to prepare the public facilities plan required by Oregon statute and administrative rule. Adoption and amendment of the public facilities plan shall be treated in the same manner as adoption and amendment of other portions of the comprehensive plan. (See Section V. #17 above). (Article V, Section 27, as added by Resolution No. 1564 adopted May 2, 1989).

#### VI. URBAN TRANSITION AREA

It is agreed by and between the parties as follows:

1. The County will adopt by ordinance as an amendment to the County Comprehensive Plan, the City's 1983 Comprehensive Plan with respect to the Urban Transition Area, including the plan map, urban transition area boundaries, and applicable policies.

2. It is the intent of the County to take a need

exception for the UTA, and to designate and zone the exception areas as "rural residential. However, existing Exclusive Farm Use Zoning will remain in effect if so desired by the individual property owner(s). Until such time as adequate exception documents have been adopted by the County, the land will retain its existing zoning.

3. The County will require that any subdivision or series of partitions or individual partitions shall be built to current County Standards, but shall also be designed for redevelopment to City low-density residential densities and City road and subdivision improvement standards. Road improvements, either immediate or future, will be required in accordance with the County's proposed Land Development Code. The County shall also require all property owners to consent in advance by recorded irrevocable consent to participate in future Local Improvement Districts or other funding mechanism acceptable to the City to redevelop the subdivision or series of partitions or individual partitions to City Standards upon inclusion of the property inside the UGB or initiation of annexation.

4. The County will utilize the City street plan for the UTA and will require construction of designated roads or will require dedication of designated rights-of-way as necessary, pursuant to the County's proposed or adopted Land Development Code. The County will require all property owners to record an irrevocable consent to participate in a local improvement district or appropriate funding mechanism acceptable to the City for future road development or improvement, as part of each subdivision partition, or series of partitions.

5. The County will provide notice to the City at least ten (10) days prior to the first public hearing regarding a land use request within the UTA for which a public hearing is required.

6. The City Planning Commission shall review and comment on any subdivision or partition within the UTA.

7. The County will notify the City in writing of all County Planning Commission or Hearings Officer actions and all staff permit approvals within the UTA within five (5) business days of such action or approval.

8. The County will retain full plan administration responsibilities within the UTA, utilizing the County's Comprehensive Plan and Implementing Ordinances.

9. Amendments to the UTA boundaries, plan map and plan policies shall be initiated, processed and acted upon in the same manner as for the UGA pursuant to Section V-17.

10. Zoning Map Amendments within the UTA shall be heard solely by the County Planning Commission, unless a corresponding Comprehensive Plan Amendment is also required, pursuant to Section VI-9.

#### VII. CITY'S SPHERE OF INFLUENCE

It is agreed by and between the parties as follows:

1. The County will send the City notice on land use requests and land use actions within the City's sphere of influence in the same manner as for the UTA pursuant to Sections VI-5 and VI-7.

2. The County will coordinate with the City the development of new roads and road routings within the City's sphere of influence.

3. The City will review and comment on the development and future amendment of the County Comprehensive Plan and Implementing Ordinances for the City's sphere of influence area.

4. The County will adopt by ordinance as an amendment to the Land Development Code the boundaries and standards of the City's Airport Hazard Zone as mapped by the City with respect to the area outside the City's corporate limits.

#### VIII. COUNTY'S SPHERE OF INFLUENCE

It is agreed by and between the parties as follows:

1. The City will send notices to the County on land use requests and land use actions within the County's sphere of influence in the same manner as for the UGA pursuant to Sections V-10 through V-13.

2. The City will require all applicants whose property fronts on a County road to obtain a necessary access permit from the County Road Department before creating or altering access to the county road in question.

3. The County will review and comment on the development of any future updates, revisions, or amendments to the City's Comprehensive Plan and implementing regulations with respect to the County's sphere of influence.

## IX. GENERAL PROVISIONS

It is agreed by and between the parties as follows:

1. This Agreement represents the final and complete written agreement of the parties with respect to joint management of planning and land development activities within the Pendleton planning area, and replaces all existing oral or written agreement.

2. The provisions of the 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 the Agreement.

3. If the City Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance, as applied to the UGA, UTA, and County sphere of influence, or the County Comprehensive Plan and Land Development Code, as applied to the UTA and City sphere of influence fail to comply with Oregon Revised Statutes, the non-conforming document will be amended as necessary as soon as practicable, after the expiration of all appeal periods.

4. This Agreement may be amended only by mutual agreement by the City Council and County Board of Commissioners after recommendations have been received from both the City and County Planning Commissions.

5. In the event the City disagrees with County action within the land use area of this Agreement, the City has standing to appeal the decision to the appropriate tribunal at City expense. Likewise, if the County disagrees with the City action, within the land use area of this Agreement, the Commissioners may initiate its own review pursuant to Sections V-15 and V-16, to the appropriate tribunal at County expense.

6. Adoption actions required by this Agreement shall take place within sixty (60) days of the effective date of this agreement by the respective parties.

7. In the event additional review time is required, the City Staff, County Staff, or the applicant, may request an automatic fourteen (14) day extension of the mutual review and comment periods provided for in this Agreement upon notice prior to the public hearing involved pursuant to Sections V-10, V-12, V-20, V-22, VI-6, VII-1, and VIII-1.

8. If a dispute should arise pursuant to this



Agreement, the parties shall submit their dispute to intergovernmental arbitration pursuant to ORS 190.710 through 190.800. Each of the parties shall bear its own expense of attorney fees and arbitration. Arbitration shall be the exclusive remedy of the parties pursuant to this Agreement.

APPROVED on behalf of the CITY OF PENDLETON this 15 day of OCTOBER, 1991.

Joe McLaughlin  
Mayor

ATTEST:

Judi A. Zoske  
City Recorder

APPROVED on behalf of UMATILLA COUNTY this 2<sup>ND</sup> day of OCTOBER 1991.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Glenn Younger  
CHAIRMAN

William S. Hansell  
VICE-CHAIRMAN

Emile M. Holman  
COMMISSIONER

ATTEST:

THOMAS L. GROAT Umatilla County Clerk

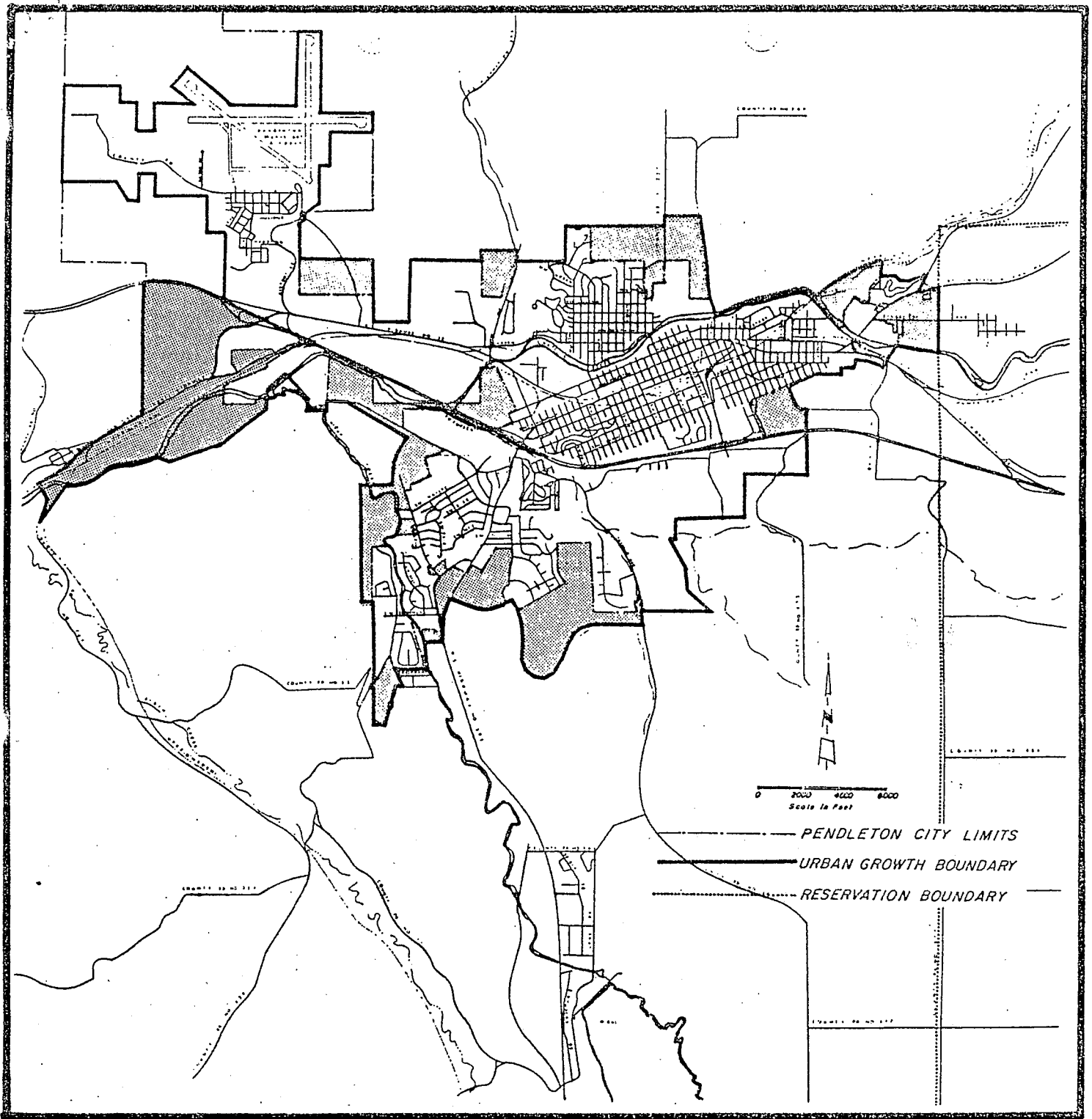
Bob Conacher, Deputy  
COUNTY RECORDER

APPROVED AS TO FORM:

Rudy M. Murgo, City Attorney

APPROVED AS TO FORM:

C. Haggerty-Loster  
COUNTY COUNSEL



MAP 120  
JOINT MANAGEMENT AREAS

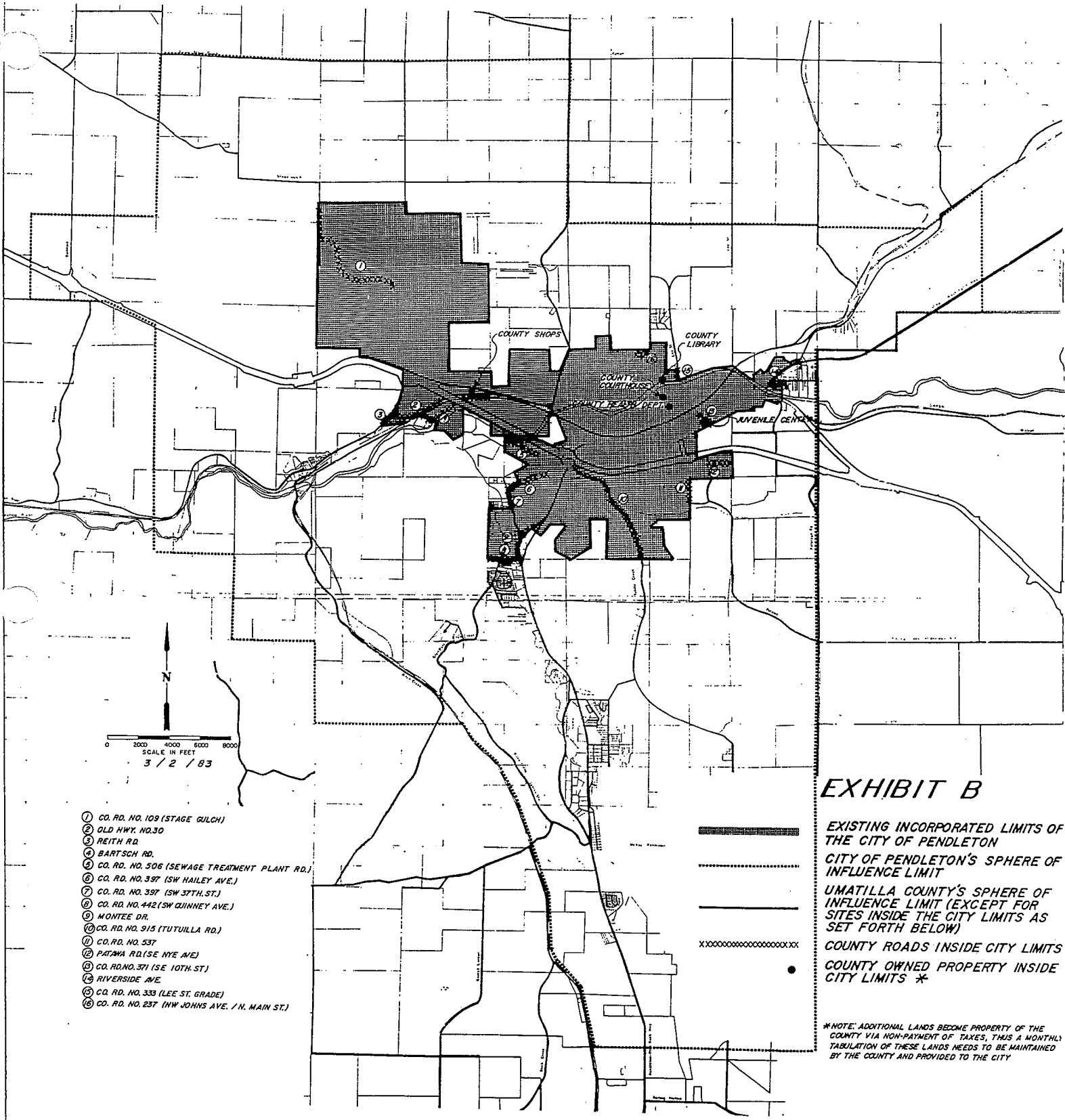


Urban Growth Areas

Source: City of Pendleton

Date: January 1, 1989

EXHIBIT A  
JOINT MANAGEMENT AGREEMENT



## EXHIBIT B

- EXISTING INCORPORATED LIMITS OF THE CITY OF PENDLETON
- CITY OF PENDLETON'S SPHERE OF INFLUENCE LIMIT
- UMATILLA COUNTY'S SPHERE OF INFLUENCE LIMIT (EXCEPT FOR SITES INSIDE THE CITY LIMITS AS SET FORTH BELOW)
- COUNTY ROADS INSIDE CITY LIMITS
- COUNTY OWNED PROPERTY INSIDE CITY LIMITS \*

\*NOTE: ADDITIONAL LANDS BECAME PROPERTY OF THE COUNTY VIA NON-PAYMENT OF TAXES, THUS A MONTHLY TABULATION OF THESE LANDS NEEDS TO BE MAINTAINED BY THE COUNTY AND PROVIDED TO THE CITY

- ① CO. RD. NO. 109 (STAGE GULCH)
- ② OLD HWY. NO. 30
- ③ REITH RD.
- ④ BARTSCH RD.
- ⑤ CO. RD. NO. 306 (SEWAGE TREATMENT PLANT RD.)
- ⑥ CO. RD. NO. 397 (SW HAILEY AVE.)
- ⑦ CO. RD. NO. 397 (SW 37TH ST.)
- ⑧ CO. RD. NO. 442 (SW QUINNEY AVE.)
- ⑨ MONTEE DR.
- ⑩ CO. RD. NO. 915 (TUTUILLA RD.)
- ⑪ CO. RD. NO. 537
- ⑫ PATAMA RD. (SE NYE AVE)
- ⑬ CO. RD. NO. 371 (SE 10TH ST.)
- ⑭ RIVERSIDE AVE.
- ⑮ CO. RD. NO. 333 (LEE ST. GRADE)
- ⑯ CO. RD. NO. 237 (NW JOHNS AVE. / N. MAIN ST.)

UMATILLA COUNTY, OREGON

ORDINANCE # 91-1

CO-ADOPTING THE CITY OF PENDLETON ORDINANCE #3453, AMENDING THE CITY'S CO-ADOPTED ZONING AND SUBDIVISION ORDINANCES, FOR APPLICATION WITHIN THE PENDLETON URBAN GROWTH AREA.

WHEREAS, The City of Pendleton adopted Ordinance #3453 on February 19, 1991, amending Ordinances #3250 and #3251, the zoning and subdivision regulations, respectively; and

WHEREAS, The amendments were made in response to the need to address: (1) The increasing cost of processing land use requests; (2) Provisions of the Federal Fair Housing Act; and (3) A need to provide more flexibility in the City's processing of home occupations and neighborhood commercial uses; and

WHEREAS, The City has requested the County co-adopt this Ordinance for applicability within the Pendleton Urban Growth Area, so as to insure consistency of standards between county and city areas within the Urban Growth Boundary; and

WHEREAS, The County and the City have entered into a Joint Management Agreement to apply city planning, subdivision, and zoning regulations on areas within the Urban Growth Boundary, which have not yet been annexed to the city, to carry out the requirements of ORS 197 and 227; and

WHEREAS, The Umatilla County Planning Commission reviewed the Ordinance on March 14, 1991, and recommended unanimously that Ordinance #3453 be co-adopted; and

WHEREAS, The County Board of Commissioners held a duly-advertised public hearing on Tuesday, March 26, 1991, at which time no opposition was raised; and

WHEREAS, Immediately following their hearing, the Board of Commissioners voted to co-adopt City of Pendleton Ordinance #3453.

NOW THEREFORE, be it ordained that the attached City of Pendleton Ordinance #3453 is hereby co-adopted for application within the Pendleton Urban Growth Area, as an amendment to the City's Zoning Ordinance (#3250) and Subdivision Ordinance (#3251), which are already co-adopted, and thereby amending the following Ordinances:

#83-08, the initial co-adoption of the Pendleton Comprehensive Plan and zoning and subdivision ordinances, as previously amended; and

#84-03, the current Umatilla County Development Ordinance, as previously amended.

BE IT ALSO ORDAINED that an "emergency" exists in order for these amendments to be applicable immediately, so as to conform to the City's action of February 19, 1991.

SIGNED this 26<sup>th</sup> day of March, 1991.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Glenn Youngman  
Glenn Youngman, Chairman

William S. Hansell  
William S. Hansell, Vice-Chairman

Emile M. Holeman  
Emile Holeman, Commissioner

ATTEST:

THOMAS L. Groat Umatilla County Clerk

By: Bev Smoot Deputy  
Thomas L. Groat  
County Clerk

ATTACHMENT: City of Pendleton Ordinance #3453

Co. Planning Dept.

ORDINANCE # 83-02

UMATILLA COUNTY  
STATE OF OREGON

AN ORDINANCE CO-ADOPTING THE CITY OF PENDLETON'S COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION ORDINANCES FOR APPLICATION WITHIN THE PENDLETON URBAN GROWTH AREA, AND THEREBY AMENDING THE FOLLOWING ORDINANCES:

UMATILLA COUNTY COMPREHENSIVE PLAN OF 2 APRIL 1972, as amended;  
UMATILLA COUNTY ZONING ORDINANCE OF 19 JULY 1972, as amended;  
UMATILLA COUNTY SUBDIVISION ORDINANCE OF FEBRUARY 1970, as amended.

WHEREAS, on 20 July 1977, the Umatilla County Board of Commissioners adopted by resolution procedures and standards for County review of City Comprehensive Plans, in fulfillment of the County's mandated coordination responsibilities pursuant to ORS 197.190 and 197.255, and

WHEREAS, pursuant to said resolution, the City of Pendleton Draft Comprehensive Plan was formally reviewed by the Umatilla County Planning Commission on 12 August 1982, and by the Umatilla County Board of Commissioners on 18 August 1982, and

WHEREAS, a subcommittee of the Planning Commission, working with Mike Hyde, the City's senior planner, and Steve Randolph, the County's planning coordinator, reviewed the Draft Plan, discussed issues of mutual concern, and prepared a report recommending certain policies and considerations, which was accepted by the Planning Commission and Board of Commissioners and was relayed to the City as official County comment, and

WHEREAS, the City revised their Draft Comprehensive Plan during the fall of 1982, incorporating many changes suggested by citizens, other agencies, and the County, and

WHEREAS, in mid-January the City released their Final Draft Comprehensive Plan for public review, held hearings on the Plan, made some further revisions, and formally adopted the Final Plan on 27 January 1983, and

WHEREAS, on Friday, 21 January 1983, the City mailed notices of the proposed City hearings as well as County co-adoption hearings to all owners of property within the proposed Urban Growth Area and Urban Transition Area and within 250 feet of the outer boundaries of this area, and

WHEREAS, on Wednesday, 16 February 1983, the City and County staffs reached agreement on the text of the Pendleton Planning Area Joint Management Agreement, and

WHEREAS, on Thursday, 17 February 1983, the Umatilla County Planning Commission conducted their public hearing on the new Pendleton Comprehensive Plan, and following reports by Mr. Randolph and Edd Rhodes, the City's planning director, recommended to the Board of Commissioners that the City's Plan be co-adopted and the Joint Management Agreement be approved, and

WHEREAS, the Umatilla County Board of Commissioner's scheduled co-adoption public hearing on Wednesday, 2 March 1983, was advertised in the East Oregonian on Saturday, 19 February 1983, and

WHEREAS, the Pendleton City Council approved and signed the Pendleton Planning Area Joint Management Agreement on 1 March 1983, and

WHEREAS, the Board of Commissioners held the public hearing as scheduled on 2 March 1983, and after receiving reports from Mr. Randolph and Mr. Rhodes, and after receiving no substantial public opposition, accepted the recommendations of the Planning Commission and made the following findings:

1. The City's Comprehensive Plan is in substantial compliance with Oregon's Statewide Planning Goals.
2. The City's adopted Urban Growth Boundary is justifiable, but the City needs to present a more complete explanation and analysis of the Urban Growth Boundary to Land Conservation and Development Commission.
3. The issues of mutual City and County concern and the County's official comments of 18 August 1982 have been favorably addressed in the Comprehensive Plan and Joint Management Agreement.
4. The City Planning Commission and staff is well qualified to take over planning administration responsibilities within the Urban Growth Area.
5. The County supports the concept of the Urban Transition Area and intends to take a "needs exception" to Statewide Planning Goal #3, Agricultural Lands, to designate the Urban Transition Area for interim residential development.
6. There is a definite need to submit Pendleton's Plan to Land Conservation and Development Commission as soon as possible.

WHEREAS, the Board of Commissioners therefore approved the Pendleton Planning Area Joint Management Agreement following the hearing and signed it as Resolution # \_\_\_\_\_, effective at 5 p.m., 2 March 1983,

NOW THEREFORE,

in fulfillment of the Pendleton Planning Area Joint Management Agreement (Resolution # \_\_\_\_\_), the Umatilla County Board of Commissioners hereby ordains that the Pendleton Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are co-adopted by Umatilla County and are amended into the following County ordinances, for application only within the Pendleton Urban Growth Area:

1. Umatilla County Comprehensive Plan of 2 April 1972, as amended;
2. Umatilla County Zoning Ordinance of 19 July 1972, as amended;
3. Umatilla County Subdivision Ordinance of February 1970, as amended;

excepting as follows:

4. Section 156 B (appeals) of the Pendleton Zoning Ordinance;
5. Section 54 B (appeals), Article V (creation of public streets) and Article IX (vacation of a street or plat) of the Pendleton Subdivision Ordinance;


6. Rezoning of properties from F-1, Exclusive Farm Use, to the appropriate City zone, as requested in writing by the property owner(s).

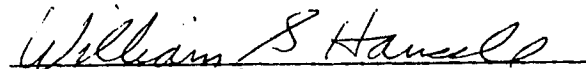
The Umatilla County Board of Commissioners does hereby declare that an emergency exists, and that this Ordinance is effective at 5 p.m. the day it is signed.

APPROVED this 2ND day of MARCH, 1983.

Umatilla County Board of Commissioners

  
Robert E. Ten Eyck, Chairman

  
A. L. "Bud" Draper, Vice-Chairman

  
William Hansell

ATTEST:

  
J. Dean Fouquette, Sr.  
Umatilla County Recorder

Note: Copies of the Joint Management Agreement, Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are on file at the Umatilla County Planning Department, Umatilla County Clerk's Office and Pendleton City Hall.



PENDLETON PLANNING AREA  
JOINT MANAGEMENT AGREEMENT

CITY OF PENDLETON RESOLUTION # 1277

UMATILLA COUNTY RESOLUTION

I. PARTIES

This Agreement is made and entered into this 2nd day of March 1983, by and between the City of Pendleton, an Oregon Municipal Corporation, hereinafter referred to as "City", and Umatilla County, a political subdivision of the State of Oregon, hereinafter referred to as "County".

II. RECITALS

1. This Joint Management Agreement is the culmination of a lengthy planning process and a series of actions intended, to facilitate the orderly and efficient development of land in and around the City of Pendleton. Such actions include the preparation and adoption of city's comprehensive plans, the cooperative establishment of an urban growth boundary and urban transition areas, coordination with affected governmental units and mutual review of the City and County Comprehensive Plans. This process has been accomplished pursuant to Oregon's Statewide Land Use Planning Program as enumerated by Oregon Revised Statutes (ORS) and the Oregon Land Conservation and Development Commission.

2. The City adopted a Comprehensive Plan, hereinafter referred to as the "Comprehensive Plan", on the 27th day of January 1983, to replace the Comprehensive Plan of 1965 and to comply with applicable Statewide Planning Goals.

3. The City and County desire to plan for the orderly management and development of the entire Pendleton planning area as provided in their respective Comprehensive Plans and through their joint efforts and cooperation. Therefore, they enter into this Joint Management Agreement pursuant to Oregon Statewide Planning Law and as authorized by ORS 215.100.

III. DEFINITIONS

1. The City's 1983 Comprehensive Plan has designated areas outside but adjacent to the City's corporate limits, and within the jurisdiction of the County, as "Urban Growth Areas" and Urban Transition Areas", which are defined as follows:

- a. Urban Growth Area: that area of land extending from the City's corporate limits to the City's Urban Growth Boundary, as referenced and mapped on the City's Comprehensive Plan, and within which the City may annex land and allow its development in an orderly and efficient manner.

- b. Urban Transition Areas: areas extending beyond the City's Urban Growth Boundary (UGB) and/or City's corporate limits as referenced and mapped on the City's Comprehensive Plan, within which the City may not annex land, but which the City will consider as the highest priority areas for future extension of the UGB to include additional area for low-density residential development.

2. There is a need to designate official "spheres of influence" for planning and land development purposes on behalf of the City and the County within each other's area of jurisdiction. Within these "spheres of influence" each jurisdiction has a valid interest in and may be impacted by planning programs or land use actions of the other jurisdiction, and should be invited to participate in or review and comment on such activities.

- a) The City's "sphere of influence" extends outward from the city limits, UGA and UTA to include rural residential areas northeast, south and west of town, the Barnhart interchange on I-84 and a two-mile wide area around the municipal airport. (See Exhibit B)

- b) The County's "sphere of influence" includes County roads, County road service areas, County facilities and adjacent areas within the City, as well as all lands outside the perimeter of the City which adjoin the City's corporate limits and which therefore adjoin agricultural and other lands under County jurisdiction. (See Exhibit B). Exhibit B is attached hereto and by this reference incorporated herein.

3. The Urban Growth Area (UGA) and the Urban Transition Area (UTA) are depicted in Exhibit A attached hereto and by this reference herein incorporated. The City's and County's sphere of influence are depicted in Exhibit B attached hereto and by this reference incorporated herein. Detailed definition of the boundaries of the UGA and UTA and City/County's sphere of influence are illustrated on applicable Umatilla County Tax Assessors' Maps available for viewing and reproduction at the County and City Planning Department offices.

4. Words and phrases used in this Joint Management Agreement shall be construed in accordance with the City's Comprehensive Plan; Zoning Ordinance; and Subdivision Ordinance.

#### IV. CONSIDERATION

The consideration for this Agreement is the mutual benefit of the City and the County.

#### V. URBAN GROWTH AREA

It is agreed by and between the parties as follows:

1. The County shall adopt by ordinance as an amendment to the County Comprehensive Plan, the City's Comprehensive Plan including the Urban Growth Boundary, Plan Map, Plan Policies and Street Plan to apply to land within the UGA.

2. The County shall adopt by ordinance as an amendment to the County's Land Development Code for application within the UGA only:

a) the City's 1983 Zoning Ordinance, excepting Section 156 B (appeals) and certain features of the Zoning Map noted below in Item V-3, and;

b) the City's 1983 Subdivision Ordinance, excepting Article V (creation of public streets), Article IX (vacation of a street or plat), and Section 54B and 54C (appeals).

3. The County will adopt by ordinance as an amendment to the County's Zoning Map the Zoning Map of the City's 1983 Zoning Ordinance for application within the UGA, thereby rezoning the UGA to applicable City zones, excepting that County Exclusive Farm Use zoning will be retained on land within the UGA whose owners so notify the City and County in writing. Subsequent rezoning of said land shall be to City zones as indicated on the City's Zoning Map in effect at the time of application for rezoning.

4. As empowered by ORS 215.020 and 215.406, the County hereby creates a Pendleton UGA Planning Commission, which shall function in the capacity of a County Planning Commission and County Hearings Officer for the Pendleton UGA only and which shall operate in compliance with the written rules of the County Planning Commission and County Hearings Officer, respectfully.

5. The County appoints the City's Planning Commission as the Pendleton UGA Planning Commission and appoints the City's Planning Department as the Pendleton UGA Planning Department to function as the staff for the Pendleton UGA Planning Commission and as the planning administrators for the UGA.

6. The City shall create an additional ex officio position on the City's Planning Commission to be filled by a member of the County Planning Commission. To fill this position, the County shall appoint one member of the County Planning Commission as the regular ex officio member and another member as an Alternate.

7. All applications for land use requests within the UGA, including but not limited to subdivisions, variances, conditional uses, zoning permits, minor partitions and amendments to the Comprehensive Plan, and Implementing Ordinances applicable to the UGA shall be made through the City's Planning Department.

8. The County adopts the City's application fee schedule for use within the UGA.

9. The County empowers the City to collect, for the City's use, the application fees for all land use requests within the UGA initiated through the City's Planning Department.

10. The City Planning Department will refer to the County Planning Department for review and comment all land use requests within the UGA for which a public hearing is required. Such notice shall be sent at least ten (10) days prior to the date of the first public hearing on each request. The City shall send the County the staff reports on such requests at least one week prior to the first public hearing.

11. If adequate time is available, the County Planning Commission will review and comment on each such UGA land use request notice, otherwise the County Planning Department will review and comment on the behalf of the County

Planning Commission, and will so notify them at the next Planning Commission meeting. The County will relay to the City comments on each such request by the date of the first public hearing or at said public hearing, even if the County response is "no comment".

12. The City Planning Department will refer back to the County prior to final action any such request in the UGA for which amendments by the applicant or City were made subsequent to the first or additional public hearings together with relevant new staff comments. The same ten-day notice period will apply.

13. The City Planning Department will notify the County Planning Department in writing of all Pendleton UGA Planning Commission actions and staff permit approvals within the UGA, including building permit approvals, within five (5) business days of such action or approval.

14. All subdivisions which are approved within the UGA by the Pendleton UGA Planning Commission shall be sent to the County Board of Commissioners for their signatures.

15. All City Planning Department staff permit approvals, administrative interpretations, or other actions made pursuant to this Agreement may be appealed to the UGA Planning Commission within fifteen (15) days of such actions or rulings. Such appeals shall be filed in writing with the City Planning Department and shall be accompanied by the appropriate filing fee. The UGA Planning Commission will hold a public hearing and act on the appeal within thirty (30) days of its filing unless a longer period of time is agreed upon by the Commission and the appellant in written form by the end of the thirty days. Failure of the UGA Planning Commission to hold a hearing within 30 days of the filing of the appeal, shall constitute a denial of the appeal, except where parties agree in writing for a longer period of time as provided above.

16. Appeals of Pendleton UGA Planning Commission decisions shall be made to the County Board of Commissioners within fifteen (15) days of the decision. Appeals pursuant to this Section shall be filed in writing with the County Board of Commissioners along with the applicable filing fee. The County Board of Commissioners will hold a de novo public hearing on the appeal within thirty (30) days of its filing. The City Planning Department shall provide staff support to the County Board of Commissioners and shall be responsible for processing such appeals. Within ten (10) days of filing such an appeal, copies of the record shall be transmitted to the County Board of Commissioners. The record shall include at least:

- a) The final UGA Planning Commission decision, including the findings and conclusions.
- b) All exhibits, maps, documents, or other written materials.
- c) All written testimony submitted in the course of the UGA Planning Commission's proceedings.
- d) The minutes of said proceedings as required by law.

All such appeals shall also be referred within ten (10) days of filing to the County Planning Commission and City Council for their review and comment, along with a copy of the record.

At least ten (10) days prior to the scheduled public hearing, the UGA Planning Commission will send a report and recommendation on each appeal to the County Board of Commissioners, County Planning Commission, and City Council. The County Board of Commissioners may remand, amend, rescind, or affirm the decision of the UGA Planning Commission. A decision not appealed within fifteen (15) days will be considered final. A decision of the UGA Planning Commission for which no hearing is held within thirty (30) days and for which no written extension has been entered into shall be considered final.

17. Amendments to the Comprehensive Plan, and Implementing Ordinances applicable to the UGA may be initiated by the City, the County or an affected person, by application through the City Planning Department. Application for such amendments shall be referred to the County within five (5) days of receipt and shall be processed by City ordinance amendment procedure. All such applications shall be reviewed first by the City Planning Commission and then by the City Council. If any proposed amendments are approved, by the City Planning Commission and City Council, they shall be referred to the County Planning Commission and Board of Commissioners for adoption as amendments to the County Comprehensive Plan and Land Development Code with respect to the UGA, following required public hearings. Unless the County adopts amendments approved by the City, such amendments may not be applied in the UGA.

18. Decisions of the County Board of Commissioners regarding appeals of Pendleton UGA Planning Commission decisions and amendments to the Comprehensive Plan, and Implementing Ordinances for the UGA may be appealed to the appropriate tribunal. The applicant for a land use request or amendment bears the burden of proof regarding the request or amendment and the responsibility of defending an appeal. The applicant affected by an appeal shall be required to notify the County in writing within five (5) days of receiving notice whether he desires to undertake his own defense or will withdraw the requested land use action or amendment. In the absence of such written communication, the County may either:

- a) Tender the defense to the applicant, or the City or
- b) Elect to defend its decision at County expense, should the issue be determined to be of county-wide significance.

The County Board of Commissioners and/or the City of Pendleton may elect to participate jointly or singly in all or a portion of the cost of defending such an appeal, if the issues are determined to be of county-wide or city-wide significance.

If any suit or action is instituted by the applicant in connection with any controversy arising out of this request, there shall be taxed and allowed to the City and/or County as a part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees in such suit or action, both at trial and upon appeal.

19. The City shall refer all annexation proposals submitted to the UGA to the County for review and comment at least ten (10) days prior to the first public hearing on the annexation. The City will allow additional County review

and comment changes to be made in the annexation proposal following initial or subsequent hearings.

20. The City may extend water, sewer and streets into the UGA after first attempting in good faith to:

- (1) annex the land into the city; or
- (2) acquire a recorded irrevocable consent to annex at some time in the future from all affected property owners.

21. The City will provide notice to the County and allow the County a ten (10) day period within which to review and comment on any proposal to extend water, sewer and street services within the UGA.

22. Any adjacent County road rights-of-way will be included within the boundaries of all annexations.

23. The City will neither accept nor maintain any County road within an annexed area or elsewhere in the UGA unless and until it meets City Standards in effect at the time and is acceptable to the City's Public Works Department. The County will not relinquish control and responsibility for any such improved County road and will continue to maintain all existing County roads unless so approved by the County Board of Commissioners.

24. As a condition of annexation, the City will require the applicant to agree to improve to City Standards any included or impacted portions of County roads by;

- (1) irrevocable consent to participate in a Local Improvement District to improve to City Standards by all affected property owners;
- (2) improve to City Standards prior to any development on any of the said property.

25. Streets platted after the effective date of the agreement shall be designed and constructed to City Standards.

26. The City, through its Planning staff and City Attorney, shall have the authority to enforce all ordinances applicable within the Urban Growth Boundary, except that only the County may authorize suit in Circuit Court on its behalf upon the recommendation of the City Planning staff or City Attorney. Suits filed by the County in Circuit Court shall be at County expense.

## VI. URBAN TRANSITION AREA

It is agreed by and between the parties as follows:

1. The County will adopt by ordinance as an amendment to the County Comprehensive Plan of the City's 1983 Comprehensive Plan with respect to the Urban Transition Area, including the plan map, urban transition area boundaries, and applicable policies.

2. It is the intent of the County to take a need exception for the UTA, and to designate and zone the exception areas as "rural residential. However, existing Exclusive Farm Use Zoning will remain in effect if so desired by the

individual property owner(s). Until such time as adequate exception documents have been adopted by the County, the land will retain its existing zoning.

3. The County will require that any subdivision or series of partitions or individual partitions shall be built to current County Standards, but shall also be designed for redevelopment to City low-density residential densities and City road and subdivision improvement standards. Road improvements, either immediate or future, will be required in accordance with the County's proposed Land Development Code. The County shall also require all property owners to consent in advance by recorded irrevocable consent to participate in future Local Improvement Districts or other funding mechanisms acceptable to the City to redevelop the subdivision or series of partitions or individual partitions to City Standards upon inclusion of the property inside the UGB or initiation of annexation.

4. The County will utilize the City street plan for the UTA and will require construction of designated roads or will require dedication of designated rights-of-way as necessary, pursuant to the County's proposed or adopted Land Development Code. The County will require all property owners to record an irrevocable consent to participate in a local improvement district or appropriate funding mechanism acceptable to the City for future road development or improvement, as part of each subdivision partition, or series of partitions.

5. The County will provide notice to the City at least ten (10) days prior to the first public hearing regarding a land use request within the UTA for which a public hearing is required.

6. The City Planning Commission shall review and comment on any subdivision or partition within the UTA.

7. The County will notify the City in writing of all County and Planning Commission or Hearings Officer actions and all staff permit approvals within the UTA within five (5) business days of such action or approval.

8. The County will retain full plan administration responsibilities within the UTA, utilizing the County's Comprehensive Plan and Implementing Ordinances.

9. Amendments to the UTA boundaries, plan map and plan policies shall be initiated, processed and acted upon in the same manner as for the UGA pursuant to Section V-17.

10. Zoning Map Amendments within the UTA shall be heard solely by the County Planning Commission, unless a corresponding Comprehensive Plan Amendment is also required, pursuant to Section VI-9.

## VII. CITY'S SPHERE OF INFLUENCE

It is agreed by and between the parties as follows:

1. The County will send the City notice on land use requests and land use actions within the City's sphere of influence in the same manner as for the UTA pursuant to Sections VI-5 and VI-7.

2. The County will coordinate with the City the development of new roads and road routings within the City's sphere of influence.

3. The City will review and comment on the development and future amendment of the County Comprehensive Plan and Implementing Ordinances for the City's sphere of influence area.

4. The County will adopt by ordinance as an amendment to the Land Development Code the boundaries and standards of the City's Airport Hazard Zone as mapped by the City with respect to the area outside the City's corporate limits.

#### VIII. COUNTY'S SPHERE OF INFLUENCE

It is agreed by and between the parties as follows:

1. The City will send notices to the County on land use requests and land use actions within the County's sphere of influence in the same manner as for the UGA pursuant to Sections V-10 through V-13.

2. The City will require all applicants whose property fronts on a County road to obtain a necessary access permit from the County Road Department before creating or altering access to the county road in question.

3. The County will review and comment on the development of any future updates, revisions, or amendments to the City's Comprehensive Plan and implementing regulations with respect to the County's sphere of influence.

#### IX. GENERAL PROVISIONS

It is agreed by and between the parties as follows:

1. This Agreement represents the final and complete written agreement of the parties with respect to joint management of planning and land development activities within the Pendleton planning area, and replaces all existing oral or written agreement.

2. The provisions of the 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.

3. If the City Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance, as applied to the UGA, UTA, and County sphere of influence, or the County Comprehensive Plan and Land Development Code, as applied to the UTA and City sphere of influence fail to comply with Oregon Revised Statutes, the non-conforming document will be amended as necessary as soon as practicable, after the expiration of all appeal periods.

4. This Agreement may be amended only by mutual agreement by the City Council and County Board of Commissioners after recommendations have been received from both the City and County Planning Commissions.

5. In the event the City disagrees with County action within the land use area of this Agreement, the City has standing to appeal the decision to the



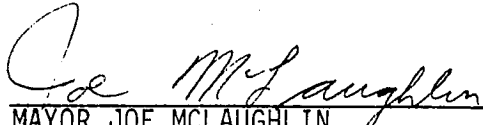
appropriate tribunal at City expense. Likewise, if the County disagrees with the City action, within land use area this Agreement, the Commissioners may initiate its own review pursuant to Section V-15 and V-16, to the appropriate tribunal at County expense.

6. Adoption actions required by this Agreement shall take place within sixty (60) days of the effective date of this agreement by the respective parties.

7. In the event additional review time is required, the City Staff, County Staff, or the applicant, may request an automatic fourteen (14) day extension of the mutual review and comment periods provided for in this Agreement upon notice prior to the public hearing involved pursuant to Sections V-10, V-12, V-20, V-22, VI-6, VII-1, and VIII-1.

8. If a dispute should arise pursuant to this Agreement, the parties shall submit their dispute to intergovernmental arbitration pursuant to ORS 190.710 through 190.800. Each of the parties shall bear its own expense of attorney fees and arbitration. Arbitration shall be the exclusive remedy of the parties pursuant to this Agreement.

APPROVED on behalf of the CITY OF PENDLETON this 1<sup>st</sup> day of MARCH 1983

  
MAYOR JOE MCLAUGHLIN

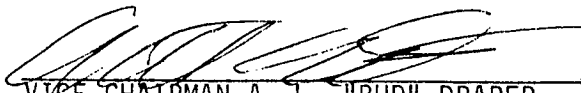
ATTEST:


  
DUANE R. COLE, CITY RECORDER

APPROVED on behalf of UMATILLA COUNTY this 2<sup>ND</sup> day of MARCH 1983

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
CHAIRMAN ROBERT TEN EYCK

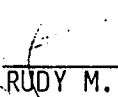
  
VICE-CHAIRMAN A. L. "BUD" DRAPER

  
COMMISSIONER WILLIAM HANSELL

ATTEST:

  
J. DEAN FOUQUETTE, SR., COUNTY RECORDER

APPROVED AS TO FORM:

  
RUDY M. MURGO, CITY ATTORNEY

APPROVED AS TO FORM:

  
MICHELLE HALLMAN, COUNTY COUNSEL

NOV 11 1983  
10:00 AM

AMENDMENT  
8 NOVEMBER 1983  
PENDLETON PLANNING AREA  
JOINT MANAGEMENT AGREEMENT

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF PENDLETON'S RESOLUTION #1277, APPROVED 1 MARCH 1983, AND THE UMATILLA COUNTY RESOLUTION OF 2 MARCH 1983, WITH RESPECT TO JOINT MANAGEMENT OF PLANNING AND DEVELOPMENT ACTIVITIES IN THE PENDLETON PLANNING AREA.

WHEREAS, the co-adopted City of Pendleton Comprehensive Plan and implementing ordinances were submitted to the Oregon Land Conservation and Development Commission (LCDC), in early March 1983, for required State approval; and

WHEREAS, LCDC Staff, in their review of the City's Plan, indicated overall approval of the Pendleton Planning Area Joint Management Agreement, except for Section 20 of Article V; and

WHEREAS, per LCDC Staff comments, City Staff therefore proposed to change the word "may" in line 1 of said section to read "shall" with regard to the City requiring annexation or irrevocable consent to annex prior to extension of water, sewer, and streets into the Urban Growth Area (UGA); and

WHEREAS, changes in the Urban Growth Boundary (UGB) were also necessitated in response to the LCDC Staff report thereby changing the boundaries of the area of application of this agreement as presented on Exhibit A; and

WHEREAS, the City Planning Commission recommended approval of said changes on 20 September, and 27 September 1983; and

WHEREAS, the County Planning Commission recommended approval of said changes on 22 September and 27 October 1983; and

WHEREAS, these changes are being carried out in conjunction with a number of LCDC required revisions to the City's Comprehensive Plan which were adopted by the City Council on 27 September 1983, and which will also be co-adopted by the County,

NOW THEREFORE,

Article V Section 20 of the Pendleton Planning Area Joint Management Agreement is hereby amended to read as follows (with new language in italics, and old language crossed out,):

The City may *shall* extend water, sewer and streets into the UGA after first attempting in good faith to:

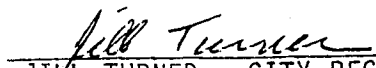
- (1) annex the land into the city; or
- (2) acquire a recorded irrevocable consent to annex at some time in the future from all affected property owners.

And, Exhibit "A" is revised, as portrayed on the attached map, to indicate the newly-adjusted UGB.

APPROVED on behalf of the CITY OF PENDLETON this 4<sup>TH</sup> day of Nov 1983, following City Council Approval on 27 September 1983.

  
 \_\_\_\_\_  
 MAYOR JOE MCLAUGHLIN

ATTEST:

  
 \_\_\_\_\_  
 JILL TURNER, CITY RECORDER

APPROVED on behalf of UMATILLA COUTNY this 5<sup>TH</sup> day of NOVEMBER 1983

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
 \_\_\_\_\_  
 CHAIRMAN ROBERT TEN EYCK

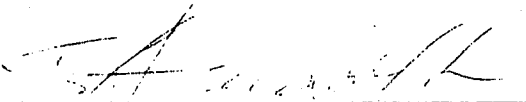
  
VICE-CHAIRMAN A.L. "BUD" DRAPER

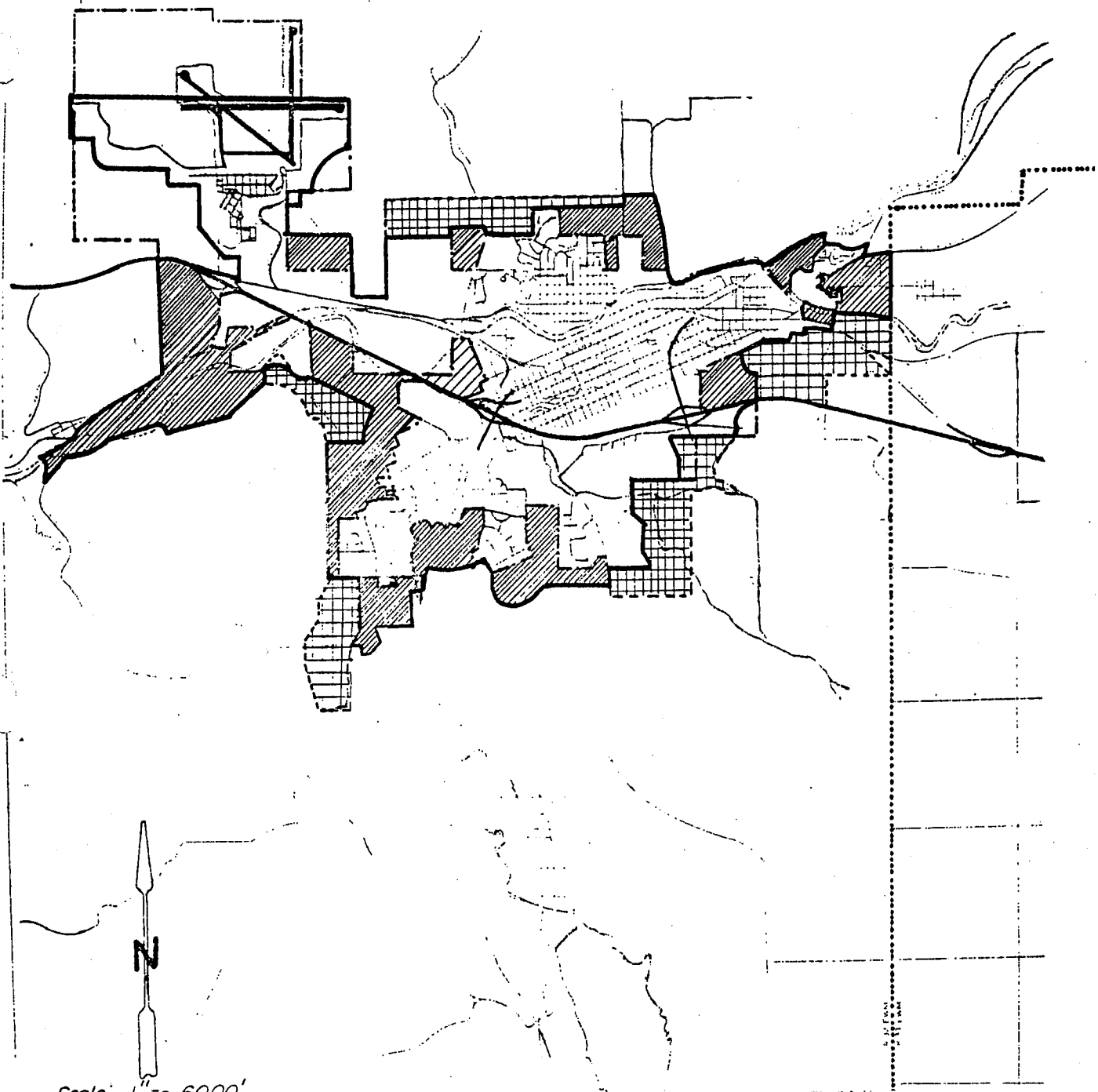
  
COMMISSIONER WILLIAM HANSELL

ATTEST:

J. DEAN FOUQUETTE, SR., COUNTY RECORDER


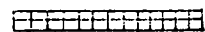


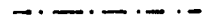

SUBMITTED BY:

  
Steve Randolph, UMATILLA COUNTY  
PLANNING COORDINATOR



Scale: 1" = ~6000'  
3 / 2 / 83

### EXHIBIT A

-  AREA OUTSIDE THE EXISTING CITY LIMITS AND INSIDE THE CITY'S URBAN GROWTH BOUNDARY
-  AREA OUTSIDE THE CITY'S URBAN GROWTH BOUNDARY AND INSIDE THE DESIGNATED URBAN TRANSITION AREA
-  URBAN GROWTH BOUNDARY
-  URBAN TRANSITION AREA BOUNDARY
-  CITY LIMIT BOUNDARY
-  UMATILLA INDIAN RESERVATION BOUNDARY

NOTE: This map for reference only. Detailed boundary maps are available at the City and County Planning Departments.