

RESOLUTION NO. 2279


NOW, THEREFOR, BE IT RESOLVED by the Albany City Council that it does adopt the attached Exhibit "A" known as the "Agreement Between the City of Albany, Oregon and Benton County, Oregon for the Management of The Albany Comprehensive Plan as it Pertains to the Urban Growth Boundary, and the Urban Growth Area," which will be the governing procedure for the implementation of the Albany Urban Growth Boundary and plan for the Albany Fringe pursuant to ORS 197.190.

DATED this 26th day of August, 1981.



Mayor

ATTEST:



City Recorder

AGREEMENT BETWEEN THE CITY OF ALBANY,
OREGON AND BENTON COUNTY, OREGON FOR THE MANAGEMENT OF
THE ALBANY COMPREHENSIVE PLAN AS IT PERTAINS TO THE URBAN GROWTH
BOUNDARY, AND THE URBAN GROWTH AREA

1. The City of Albany, Oregon (hereafter called the "City") and Benton County, Oregon (hereafter called "County") hereby agree to establish a joint management procedure pursuant to ORS 197.190 for the implementation of the Albany Urban Growth Boundary and plan for the Albany Fringe, both of which form an integral part of the Albany Comprehensive Plan. The area situated inside the Albany Urban Growth Boundary and outside the Albany City limits as revised shall be referred to as the Urban Fringe.
2. The City and County further agree to utilize the provisions of this agreement, the Albany Comprehensive Land Use Plan as amended, and the Benton County Comprehensive Land Use Plan as amended as the basis for review and action on Comprehensive Plan amendments, development proposals and implementing regulations which pertain to the Urban Fringe.
3. The City and County recognize that Oregon statutes and Statewide Planning Goals require a generalized, coordinated Comprehensive Plan map and policy statement for the Urban Fringe. The City and County agree to the following process for amendment of the Albany Comprehensive Plan text, map and Urban Growth Boundary as they pertain to the Urban Fringe.

A plan may only be amended semi-annually or after a determination by both City and county that there exists a significant community need to consider an amendment. If the determinations of the City and County differ, then the application for amendment will be considered at the next semi-annual review. The County will accept all applications for amendments and refer such applications to the City to allow for concurrent review.

The City and County staffs will jointly set the public hearing schedule for the amendment application(s). A joint public hearing will be held before the Albany and Benton County Planning Commissioners. Following the close of the public hearing, the Planning Commissions shall deliberate either jointly or separately and forward a separate recommendation to their respective governing body.

A joint public hearing will be held before the Albany City Council and the Benton County Board of Commissioners. Within 30 days following the close of the public hearing each governing body shall reach a preliminary decision. Notice of the preliminary decision shall be forwarded to the other governing body. If the positions of the two jurisdictions are identical, then the preliminary decision shall become final by passage of an ordinance by the governing bodies. If the positions of the two jurisdictions differ, either party may accept the decision of the other. If either party does not accept the decision, a joint meeting of the City Council and the Board of Commissioners will be held within 30 days of the last preliminary decision to resolve the differences prior to final action by either jurisdiction.

4. The City and County further agree to the following process for review and action on development proposals, and implementing programs which pertain to the Urban Fringe:

a. The City shall make recommendations to the County on development proposals, and implementing programs and projects which pertain to the Urban Fringe, but which are a responsibility of the County, including the following:

- 1) Conditional use permits
- 2) Planned Unit Developments
- 3) Fill Permits and Drainage Projects
- 4) Land Division
- 5) Variance
- 6) Public improvement projects
- 7) Recommendations for the designation of health hazard areas
- 8) Requests for amendment or establishment of special districts
- 9) Zoning Ordinance text and map changes

For Zoning Ordinance text or map changes where there is City-County disagreement a joint meeting shall be held between the City Council and the Benton County Board of Commissioners to attempt to resolve those differences.

Any action listed above, which would require an amendment to the Albany Comprehensive Plan, would be subject to Section 3 for amending the Comprehensive Plan prior to final action under this section.

b. The County shall make recommendations to the City on development proposals, and implementing programs which pertain to the Urban Fringe but which are a responsibility of the City, including the following:

- 1) Transportation facility improvements or extensions
- 2) Sanitary sewer, or drainage system improvements or extensions
- 3) Public facility or utility improvement or extensions
- 4) Requests for annexation and contiguous delayed annexation

c. Whichever jurisdiction, City or County, has authority for making a decision with regard to items listed in a. and b. above shall formally request the other jurisdiction to review and recommend action for consistency with its comprehensive plan. This request for review and recommendation shall allow the reviewing jurisdiction a minimum of twenty-one (21) days within which to respond. If no response is received or extension requested it will be assumed that the reviewing jurisdiction has no comment. If the positions of the two jurisdictions differ, every effort will be made to arrive at an agreement. If the reviewing jurisdiction makes a comment or requests it, the jurisdiction having authority for making a decision (in regards to "a" and "b" above) shall advise the reviewing jurisdiction of its ultimate action.


5. Annexation proposals to the City which are for areas outside the Urban Growth Boundary shall be considered as a request for an amendment to the Urban Growth Boundary and shall be subject to the approval of the City and the County as an amendment to the comprehensive plan.

6. The Benton County Board of Commissioners shall not approve the creation or modification of any special districts pertaining to the Urban Fringe for the provision of utilities, transportation, recreation, or other public facilities or services unless such districts:
 - a. recognize the City as the ultimate provider of urban service, and
 - b. are created with adequate safeguards to assure that the ability of the City to provide adequate services will not be impaired.

7. This agreement may be terminated by either party provided that the following procedure is used:
 - a. A public hearing shall be called by the party considering termination. That party shall give the other party notice of hearing at least 40 days prior to the scheduled hearing date. This 40-day period shall be used by both parties to seek resolution of any differences.
 - b. Public notice of the hearing shall be in accordance with applicable state and local statutes and goals.
 - c. An established date for termination of the agreement shall be at least 180 days after public hearing in order to provide ample time for resolution of differences, reconsideration of the decision and the adoption of a replacement Urban Growth Management Agreement which complies with statewide goals, statutes and administrative rules.

Dated this _____ day of _____, 1981

CITY OF ALBANY


Donald Brudvig, Mayor

August 27, 1981

Date

BENTON COUNTY BOARD OF COMMISSIONERS

Dale D. Schrock, Chairman

Date