

ORDINANCE NO. 4146

McMINNVILLE URBAN GROWTH BOUNDARY MANAGEMENT AGREEMENT

An Ordinance adopting an agreement between the City of McMinnville and Yamhill County which sets forth the policies and procedures for managing certain lands within the McMinnville Urban Growth Boundary.

RECITALS:

The City of McMinnville and Yamhill County, in accordance with the requirements of the statewide planning statutes found in ORS Chapter 197, have created an agreement establishing the rights and responsibilities of each jurisdiction in the management of certain lands lying within the McMinnville Urban Growth Boundary. The agreement includes policy directives that shall be applied by the City and County to land use decisions under each jurisdiction's respective purview, and includes procedural guidelines that will insure that the decision making process of the City and the County are coordinated.

It is the desire of the City Council that this Urban Growth Boundary Management Agreement be adopted; now, therefore,

THE CITY OF McMINNIVILLE ORDAINS AS FOLLOWS:

Section 1. That the McMinnville Urban Growth Boundary Management Agreement, which is attached hereto and by this reference incorporated herein, is adopted.

This ordinance passed by the City Council on June 2, 1981.

McMINNVILLE URBAN GROWTH BOUNDARY MANAGEMENT AGREEMENT

SECTION I - POLICIES

INTRODUCTION

The purpose of this Agreement shall be to direct development within the McMinnville Urban Growth Boundary at urban level densities in a phased and orderly manner, and with the provision of an adequate level of urban services, and to provide a mechanism for Urban Growth Boundary amendments.

GENERAL POLICIES

Lands within the McMinnville Urban Growth Boundary but outside the city limits shall be designated as FUL (Future Urbanizable Lands) on the County Comprehensive Plan Map. Until such time as FUL-designated lands are annexed into the City, the existing County zones shall apply. Development of urban uses on lands designated as FUL shall be preceded by annexation of the land to the City of McMinnville. The plan designation placed on the affected lands by the City of McMinnville, as it exists at the time of the proposed annexation or as it is amended prior to annexation, shall be used as the standard for determining the appropriateness of the proposed urban use.

Agricultural uses shall be retained on FUL-designated lands until annexation, and County zone changes to densities greater than 20-acre minimum lot sizes shall be prohibited.

“Urban level densities” shall be considered as (1) residential developments at city densities from R-1 (single-family residential) to R-4 (multi-family residential); and (2) commercial, industrial and public uses that adhere to the goals and development requirements of the McMinnville Comprehensive Plan. Development proposals shall comply with applicable City Comprehensive Plan and land development requirements, including subdivision and zoning standards.

SPECIFIC POLICIES

The City and County agree to the application of the following policies and procedures regarding lands between the city limits and the Urban Growth Boundary:

- A. All annexations shall follow the procedures set out in the City of McMinnville Annexation Ordinance No. 4130.
- B. Developments at urban densities shall not occur within the FUL area until such time as the land is annexed by the City.
- C. “Phased and orderly development” shall be considered the extension of urban services and densities into areas in which the following conditions have been met:

- (1) Sufficient public facilities and services, including but not limited to sewer, water, police and fire services are available within three (3) years. An assessment of the need for community facilities and schools as a result of the proposed development shall be made. All of the above shall be included in a formation of conclusionary judgments either for or against the proposed land use action.
 - (2) Documentation shall be made on the availability and suitability of other sites in the city limits and of other lands within the UGB, but outside the city limits, for the proposed use. Documentation shall also be made on the cost effectiveness of extending services to the proposed site in comparison to alternative sites and shall include analysis of the developer's share of the cost. These findings shall be made to allow for the formation of conclusionary judgments either for or against the proposed land use action.
 - (3) Assurances that the resulting development shall be compatible with future urbanization of surrounding land areas, including necessary future utility easement agreements and waivers of remonstrance against annexation and assessment for public roadway and utility improvements as conditions of approval.
 - (4) Assurances that no extension of urban land areas or city water and sewer services beyond the designated Urban Growth Boundary shall occur, with the exception of individual water hook-ups by established policy of the McMinnville Water and Light Commission.
- D. The City shall annex any islands of non-incorporated territory within a year of the annexation which created the island.
- E. The designated residential area west of Hill Road (beyond the limits of the first water service level and the service boundary of the trunk sewer line that is being extended to the corner of Hill Road and West Second Street) shall not be allowed to develop at an urban density until all other designated residential areas within the Urban Growth Boundary are substantially developed. "Substantially developed" shall mean that 75 percent of the future residentially designated land area outside the city limits, but within the UGB (excluding the designated West Hills area and the Three Mile Lane residential area) at the time of LCDC acknowledgement of the Urban Growth Boundary, is developed or under development.
- F. The designated PUD Area along Three Mile Lane shall be designated for the uses shown on the McMinnville Comprehensive Plan Map. County land adjacent to Three Mile Lane shall remain in a resource zone. In addition the Area shall be developed in accordance with the following principles:
- (1) The minimization of entrances onto Three Mile Lane;

- (2) The development of on-site circulation systems;
 - (3) The provision of deep setbacks, landscaping, buffer strips, sign controls, and the setting of an adequate setback line from the existing right-of-way line; and
 - (4) The provision of acceleration and deceleration lanes and left-turn refuges when and where necessary and practicable in accordance with the State Highway Division's improvement project for Highway 18.
- G. Before Yamhill county shall create any special district for the provision of utilities, transportation, or other public facilities or services, the matter shall be referred to the City for a recommendation. The County shall not act contrary to such recommendation without a unanimous decision of the Board.
- H. (1) The City and County shall evaluate street and road development within the Urban Growth Boundary consistent with the City Comprehensive Plan according to the following criteria:
- (a) The circumstances under which the City will assume ownership or maintenance responsibility for County roads within the corporate limits;
 - (b) The conditions under which new public streets and roads will be developed within the Urban Growth Boundary;
 - (c) The conditions under which existing roads designated as future arterials in the City Comprehensive Plan will be improved; and
 - (d) The conditions under which the County and other roads should meet City standards within the Urban Growth Boundary. Roads should be compatible with City street alignments and extensions. Upon annexation of property, roads adjacent to (and which serve) such property shall also be annexed.
 - (e) The City shall request surrender of jurisdiction by the County of all County roads pursuant to criteria H(1)(a) through H(1)(d).
- (2) The County and City shall cooperatively develop an implementation policy to include, but not be limited to, items listed in H(1).

AIRPORT MANAGEMENT POLICY

The City shall coordinate the McMinnville Airport Master Plan update with the County, including joint review and adoption by both jurisdictions for areas within the FUL and the designated Area of Influence.

URBAN GROWTH BOUNDARY AMENDMENT POLICIES

- A. Lands outside the Urban Growth Boundary shall be considered “rural” and shall be controlled by the County plan designations and zoning districts. Upon inclusion into the Urban Growth Boundary, rural lands shall be considered “urbanizable” but shall not be developed at urban level densities until annexation occurs.

- B. Amendments to the Urban Growth Boundary shall be based upon consideration of:
 - (1) Goals and policies of the McMinnville Comprehensive Plan;
 - (2) Goals and policies of the Yamhill County Comprehensive Plan; and
 - (3) LCDC criteria as follows:
 - (a) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
 - (b) Need for housing, employment opportunities, and livability;
 - (c) Orderly and economic provision for public facilities and services;
 - (d) Maximum efficiency of land uses within and on the fringe of the existing urban area;
 - (e) The long-term environmental, energy, economic and social consequences to the locality, the region and the state as the result of allowing urbanization and not preserving and maintaining the land for agricultural or forest uses, whichever is applicable;
 - (f) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV being the lowest priority;
 - (g) Compatibility of the proposed urban uses with other adjacent uses; and
 - (h) Demonstration that there are no alternative locations within the area which could better be used for the proposed use(s).

McMINNVILLE WATERSHED AREA OF INFLUENCE POLICY

- A. The County shall provide notification to the City of all land use actions that affect the water quality of the City within the Watershed Area of Influence.

SECTION II - POLICIES

DEFINITIONS

- A. Area of Influence - An area of land designated by the City and County that extends outside the Urban Growth Boundary wherein the County shall give the City an opportunity to participate in land use actions to be taken by the County. McMinnville's Area of Influence is shown on Map #_____
- B. Urban Growth Boundary - A line jointly adopted by the City and the County that encircles the City and separates rural from urbanizable and urban land. McMinnville's Urban Growth Boundary is shown on Map #_____
- C. Watershed Area of Influence - An area of land designated by the City and that encompasses lands outside the Urban Growth Boundary wherein the County shall give the City an opportunity to participate in land use actions to be taken by the County. McMinnville's Watershed Area of Influence is shown of Map #_____
- D. Concurrence and Recommendation - Actions undertaken by the City or County concerning certain items of mutual interest included in this Agreement.
- (1) Where concurrence is required, the City and County shall agree upon a decision. If agreement cannot be reached, the procedures set out under item #6 of the Urban Growth Boundary Amendment Procedures of this Agreement shall be in effect.
- (2) Where recommendation is required, the City and County need not agree upon a decision. The right to object to any item referred to a jurisdiction for recommendation shall be waived after the stated referral deadline unless special arrangements are made with the other jurisdiction. Each jurisdiction shall have standing to appeal the decision of the other governing body.

TERMS OF THIS AGREEMENT AND AMENDMENT PROCEDURE

- A. The term of this agreement shall run from June 2, 1981 to June 2, 1982 and may be extended thereafter by increments of one year. During the term of the Agreement or extension, the Agreement may be changed by mutual consent of the City and County. This Agreement shall be automatically renewed at the end of such term or extension unless either the City or the County request revision of the Agreement by so notifying the other party at least ninety days before the end of the current term or extension.

RECOMMENDATION PROCEDURES

- A. Annexation shall occur in accordance with the City Comprehensive Plan and by the procedures set forth in the McMinnville Annexation Ordinance No. 4130. Prior to final action, the City shall forward the proposal to the County Board of Commissioners for review and recommendation.

- B. Prior to final action, land use actions within the McMinnville Area of Influence shall be forwarded by the County to the City for review and recommendation. Land use actions shall include, but not be limited to the following:
- (1) Plan Map Amendments;
 - (2) Conditional Use Permits;
 - (3) Planned Unit Developments;
 - (4) Subdivisions and Partitions;
 - (5) Public Improvement Projects;
 - (6) Health Hazards;
 - (7) Special Exceptions;
 - (8) Zone Changes;
 - (9) Capital Improvement Program; and
 - (10) Major Transportation Improvements.
- C. Prior to final action, land use actions within the McMinnville Watershed Area of Influence shall be forwarded by the County to the City for review and recommendation.
- D. The City shall continue to forward proposed land use actions within the city limits to the County for review and recommendation prior to final action.
- E. Plan text amendments to the McMinnville Comprehensive Plan shall be forwarded to the County for review and recommendation. Plan text amendments to the Yamhill County Comprehensive Plan that affect land use actions within the Urban Growth Boundary and Area of Influence shall be forwarded to the City for review and recommendation.

CONCURRENCE PROCEDURE

- A. Plan map amendments to land outside the city limits and within the Urban Growth Boundary may be initiated by the City or the County. Such amendments shall require concurrence by the City and the County prior to adoption of said Plan Map changes. In those cases where a plan amendment is proposed simultaneously with an annexation, concurrence shall not be required. Instead, the plan amendment and annexation request shall be referred to the County for recommendation prior to final action by the City.

URBAN GROWTH BOUNDARY AMENDMENT PROCEDURE

- A. Amendment of the Urban Growth Boundary may be initiated by the Yamhill County Board of Commissioners, the McMinnville City Council, or by an individual owner(s) of property who request(s) inclusion in or exclusion from the Urban Growth Boundary. The proposal shall be treated as a Plan Map amendment to both City and County Comprehensive Plans, thus requiring concurrence of both governing bodies.
- (1) The City of McMinnville and Yamhill County do hereby establish the McMinnville Urban Area Management Commission (MUAMC) as a hearings officer for amendments to the McMinnville Urban Growth Boundary in accordance with ORS 215.406. The MUAMC shall be composed of the following members:
 - (a) Commissioner of the Yamhill County Board of Commissioners designated by the Board;
 - (b) Mayor or Council person of the City of McMinnville designated by the City Council;
 - (c) Member of the McMinnville Planning Commission designated by the City Council;
 - (d) Member of the Yamhill County Planning Commission designated by the Board of Commissioners;
 - (e) Member of the McMinnville Planning Advisory Committee designated by the Board of County Commissioners;
 - (f) Member of the McMinnville Citizen's Advisory Committee designated by the City Council; and
 - (g) Member-at-large chosen by the above MUAMC members and ratified by the City Council and the County Board.
 - (2) The MUAMC shall function in accordance with bylaws to be adopted by the McMinnville City Council and Yamhill County Board of Commissioners. It shall be the responsibility of the McMinnville Urban Area Management Commission to hold hearings, make findings and present its maps to City and County governing bodies as outlined in this Agreement and the by-laws.
 - (3) Applications and maps shall be filed with the McMinnville Planning Department which shall collect the joint fee and forward the Yamhill County fee along with notice the Yamhill County Department of Planning and Development. Applications must be complete prior to processing for

hearing by the McMinnville Urban Area Management Commission. The joint fee for individual amendments shall be the sum of fees established from time to time by each governing body.

- (4) Applications shall be accumulated and referred twice yearly to the McMinnville Urban Area Management Commission for a public hearing for which at least ten days advance notice shall be given publication in a newspaper of general circulation in the County.
- (5) Following the public hearing, the MUAMC shall make and forward its findings and decision directly to the governing body of each jurisdiction. Each governing body may then make a determination based upon the facts and record presented at the MUAMC hearing without holding an additional public hearing thereon. However, nothing in this process prohibits the City or County from referring the application to its respective Planning Commissions for information. A final decision shall be rendered by the governing bodies within sixty (60) days of receipt of MUAMC's deliberations and decision.
- (6) If the governing bodies do not concur in their final decision a joint meeting shall be scheduled to resolve differences. If agreement cannot be reached by joint meeting(s), one governing body shall appeal the other governing body's decision to the Land Use Board of Appeals, or the appropriate appellate body.