To: Washington County Board of Commissioners

From: Andy Back, Manager
Planning and Development Services

Subject: PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 821 - An
Ordinance Amending the Washington County – Sherwood Urban Planning Area
Agreement

STAFF REPORT

For the September 5, 2017 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10:00 a.m.)

I. STAFF RECOMMENDATION

Conduct the first required public hearing on the engrossed ordinance. At the conclusion of public
 testimony, continue the hearing to September 26, 2017.

II. BACKGROUND

At its August 1, 2017 public hearing for proposed Ordinance No. 821, the Board directed
engrossment of the ordinance and continued the hearing to September 5, and September 26,
2017. The Board further directed staff to provide notice of the changes and engrossment hearings
schedule as required by Chapter X of the County Charter.

Notices of A-Engrossed Ordinance No. 821 were mailed August 21, 2017 to community
participation organizations (CPOs), cities, and special service districts. On the same day, staff
prepared and mailed Individual Notice No. 2017-11 which describes changes to Ordinance
No. 821 and lists the two engrossment hearing dates. Notice was also posted on Long Range
Planning’s land use ordinance webpage.

A few minor amendments are proposed to the text of the filed ordinance to refine annexation
provisions, clarify the intention of the Urbanization Forum, and ensure that the precise wording
within the UPAA document corresponds to the descriptions found in the legend of Exhibit A, the
Urban Planning Area Map.

Department of Land Use & Transportation
Planning and Development Services • Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
phone: 503-846-3519 • fax: 503-846-4412
www.co.washington.or.us/lut • lutplan@co.washington.or.us
Copies of A-Engrossed Ordinance No. 821 and all notices listed above are included in the Board’s meeting materials.

III. SUMMARY OF ENGROSSMENT

The Board directed staff to incorporate changes proposed in Attachment A to the August 1 staff report to Ordinance No. 821. The changes to the County – Sherwood UPAA are generally described below:

- Clarify the content of the Urbanization Forum resolution
- Ensure that the precise wording within the UPAA document corresponds to the descriptions found in the legend of Exhibit A, the Urban Planning Area Map
- Refine the annexation provision concerning County support
Individual Notice No. 2017-11

At your request, Long Range Planning is providing you with Individual Notice No. 2017-11, which describes changes that were made to proposed Land Use Ordinance No. 821. These changes have been incorporated into proposed A-Engrossed Ordinance No. 821.

Initial Notice

Persons on the General Notification List were mailed a notice June 8, 2017 from Washington County Long Range Planning regarding initial public hearings before the Planning Commission and Board of Commissioners (Board) for proposed Land Use Ordinance No. 821.

After public hearings for Ordinance No. 821, the Board ordered minor amendments to this ordinance. These changes have been incorporated into proposed A-Engrossed Ordinance No. 821 and are summarized below. As required by Chapter X of the County Charter, the Board has directed staff to prepare and provide you with notice of these amendments. This notice, which describes the changes to proposed Ordinance No. 821, is the second Individual Notice you have received regarding this ordinance this year.

Purpose and Description of Proposed Ordinance

As originally filed, Ordinance No. 821 proposed the following amendments to the Washington County – Sherwood Urban Planning Area Agreement:

- Minor changes to the processes and policies for coordinating comprehensive planning in the Urban Planning Area
- A new Section III, (Concept Planning for the Urban Reserve Areas) of the UPAA that includes a process for coordinating concept planning in the Urban Reserve Area
- Deletion of Exhibit A of the 2010 UPAA and replacement with a new Exhibit A reflecting the addition of the ‘Urban Reserve Planning Area’, the ‘Urban Reserve – Planning Responsibility Undefined Area’ and recent city annexations
- Minor text changes throughout the document to provide consistency and clarity

Who is Affected

Owners of land in the area proposed to be identified in the Sherwood Urban Planning Area and Urban Reserve Area boundary.

What Land is Affected

Properties proposed to be identified in the Sherwood Urban Planning Area and Urban Reserve Area boundary.

Public Hearings

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<th>Time and Place</th>
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<tr>
<td>September 5, 2017</td>
<td>September 26, 2017</td>
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Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St.,
Hillsboro, Oregon.

At its September 26, 2017, hearing the Board may choose to adopt the ordinance,
make additional changes to it, continue the hearing to a future date, or reject the
ordinance. If adopted September 26, the ordinance would become effective
October 26, 2017.

- Clarify the content of the Urbanization Forum resolution
- Ensure the precise wording within the UPAA document corresponds to the
descriptions found in the legend of Exhibit A, the Urban Planning Area map
- Refine the annexation provision concerning County support

- Washington County – Sherwood Urban Planning Area Agreement

How to Submit
Comments

- Submit oral or written testimony to the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Board in advance of the
public hearings in care of Long Range Planning.
- Include the author's name and address with any public testimony.

Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
Telephone: 503-846-3519     Fax: 503-846-4412
Email: lutplan@co.washington.or.us

Staff Contact

Michelle Miller, Senior Planner
Telephone: 503-846-8101
Email: michelle Miller@co.washington.or.us

Proposed ordinance is
available at the
following locations:

- Department of Land Use & Transportation at the address listed above
- [www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs); Call 503-846-6288 for a directory of
CPOs.
August 21, 2017

To: Community Participation Organizations, Cities, Service Districts, Interested Parties

From: Andy Back, Manager Planning and Development Services

Subject: PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 821

June 2, 2017, you were notified about initial public hearings for proposed Ordinance No. 821 before the Planning Commission July 5, 2017, and the Board of Commissioners August 1, 2017. The Board ordered minor amendments to this ordinance August 1, 2017. These changes have been incorporated into proposed A-Engrossed Ordinance No. 821 and are summarized below.

If you have any questions about the ordinance, or if you would like additional information, please contact Long Range Planning at 503-846-3519. This ordinance is posted at:

www.co.washington.or.us/landuseordinances

Ordinance Purpose and Summary
A-Engrossed Ordinance No. 821 proposes to amend the 2010 Washington County-Sherwood Urban Planning Area Agreement, an element of the County Comprehensive Plan. The proposed update includes adding policies and processes for coordinating concept planning in the Urban Reserves within Sherwood’s area of interest and minor changes to the process for comprehensive planning in the Urban Planning Area. The Urban Planning Area map is revised to reflect Sherwood’s Urban Reserve Area, changes to the Urban Planning Area and annexations since the last update.

Who is Affected
Owners of land in the area proposed to be identified in the Sherwood Urban Planning Area and Urban Reserve Area boundary.

What Land is Affected
Properties proposed to be identified in the Sherwood Urban Planning Area and Urban Reserve Area boundary.

Original Ordinance No. 821 Provisions
As originally filed, Ordinance No. 821 proposed the following amendments to the Washington County – Sherwood Urban Planning Area Agreement:

- Minor changes to the processes and policies for coordinating comprehensive planning in the Urban Planning Area
- A new Section III, (Concept Planning for the Urban Reserve Areas) of the UPAA that includes a process for coordinating concept planning in the Urban Reserve Area
- Deletion of Exhibit A of the 2010 UPAA and replacement with a new Exhibit A reflecting the addition of the ‘Urban Reserve Planning Area’, the ‘Urban Reserve - Planning Responsibility Undefined Area’ and recent city annexations
- Minor text changes throughout the document to provide consistency and clarity

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Proposed A-Engrossed Ordinance No. 821 incorporates all of the above-described amendments plus the following proposed amendments:

- Clarify the content of the Urbanization Forum resolution
- Ensure the precise wording within the UPAA document corresponds to the descriptions found in the legend of Exhibit A, the Urban Planning Area map
- Refine the annexation provision concerning County support

Public Hearings - Time and Place
Board of Commissioners

September 5, 2017
10 a.m.

September 26, 2017
6:30 p.m.

Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St., Hillsboro, Oregon.

At its September 26, 2017 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted September 26, the ordinance would become effective October 26, 2017.

Washington County Comprehensive Plan Element Amended

- Washington County – Sherwood Urban Planning Area Agreement

How to Submit Comments

- Submit oral or written testimony to the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Board in advance of the public hearings in care of Long Range Planning.
- Include the author’s name and address with any public testimony.

Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
Telephone: 503-846-3519 Fax: 503-846-4412
Email: lutplan@co.washington.or.us

Staff Contact
Michelle Miller, Senior Planner
Telephone: 503-846-8101
Email: michelle_miller@co.washington.or.us

Proposed A-Engrossed Ordinance No. 821 is available at the following locations:

- Department of Land Use & Transportation, at the address listed above
- [www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs); call 503-846-6288 for a directory of CPOs
BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 821

An Ordinance Amending the
Washington County - Sherwood Urban
Planning Area Agreement, an Element
of the Washington County
Comprehensive Plan

The Board of County Commissioners of Washington County, Oregon ("Board") ordains as
follows:

SECTION 1

A. The Board recognizes that the Urban Planning Area Agreement with the City of
Sherwood ("City") was adopted by Ordinance No. 263 on June 28, 1983 and subsequently amended
by Ordinance Nos. 307, 332, 668, and 723.

B. Subsequent ongoing planning efforts by Washington County ("County") indicate a
need to amend the Urban Planning Area Agreement with the City relating to the City’s Urban
Planning Area and the need to coordinate planning of the new urban reserve lands and urban
services. The Board recognizes that such changes are necessary from time to time for the benefit
and welfare of the residents of Washington County, Oregon.

C. The County and City recognized, through Washington County Resolution and
Order 09-63 and City of Sherwood Resolution 2009-046, that the City shall govern and urbanize
all future urban growth boundary additions. And that further, the Oregon Legislature enacted
House Bill 4078-A in 2014 and HB 2047 in 2015 which acknowledged the urban growth
boundary, and rural and urban reserves with respect to the County and City.
D. Under the provisions of Washington County Charter Chapter X, the Department of
Land Use and Transportation has carried out its responsibilities, including preparation of notices,
and the County Planning Commission has conducted one or more public hearings on the proposed
amendments and has submitted its recommendations to the Board. The Board finds that this
Ordinance is based on those recommendations and any modifications made by the Board are a
result of the public hearings process.

E. The Board finds and takes public notice that it is in receipt of all matters and
information necessary to consider this Ordinance in an adequate manner, and finds that this
Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption
as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County
Charter, the Washington County Community Development Code, and the Washington County
Comprehensive Plan.

SECTION 2

The following Exhibit, attached and incorporated herein by reference, is hereby adopted as
an amendment to the Washington County - Sherwood Urban Planning Area Agreement Element of
the Washington County Comprehensive Plan as follows:

A. Exhibit 1 (12 pages) –

1. Adds language related to coordination of planning activities in the Urban
   Reserves;

2. Makes minor changes to the coordination of planning activities in the Urban
   Planning Area;
3. Deletes Map “Exhibit A” of the Washington County - Sherwood Urban Planning Area Agreement effective March 3, 2010; and


SECTION 3

All other Comprehensive Plan provisions that have been adopted by prior ordinance, which are not expressly amended or repealed herein, shall remain in full force and effect.

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

SECTION 5

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 6

The Office of County Counsel and Department of Land Use and Transportation are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages or sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Washington County Comprehensive Plan format.

/ / /
SECTION 7

This Ordinance shall take effect 30 days after adoption.

ENACTED this ____ day of __________, 2017, being the _________ reading and
_____ public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

CHAIRMAN

RECORDING SECRETARY

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VOTE:  Aye: ______________________

Recording Secretary: ______________________

Nay: ______________________

Date: ______________________
WASHINGTON COUNTY – SHERWOOD
Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the “COUNTY”, and the CITY OF SHERWOOD, an incorporated municipality of the State of Oregon, hereinafter referred to as the “CITY”.

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that city, county, state and federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon State Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary (UGB) will be implemented; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-63, and the CITY through Resolution 2009-046, agreed that all future additions to the UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and also agreed to urge Metro to expand the UGB only to such areas as are contiguous to incorporated areas of Washington County; and

WHEREAS, the State legislature, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, validated the acknowledged UGB and Urban and Rural Reserves established through the Metro Regional process involving both the COUNTY and the CITY; and

WHEREAS, the COUNTY and CITY desire to amend the Urban Planning Area Agreement (UPAA) to reflect the changes to the UGB, the CITY’s Urban Planning Area, and the need for urban planning of the new urban reserve lands; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. An Urban Planning Area Agreement incorporating both a site-specific Urban Planning Area within the Regional UGB within which both the COUNTY and the CITY maintain an interest in comprehensive planning and an Urban Reserve Planning Area outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning; and

abcdef Proposed additions
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2. A process for coordinating comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and

3. Policies regarding comprehensive planning and development in the Urban Planning Area and concept planning in the Urban Reserve Planning Area; and

4. A process to amend the Urban Planning Area Agreement.

WHEREAS, Metro expanded the Regional UGB in December 2002 and June 2004. LCDC acknowledged the 2002 UGB expansion in July 2003 and the 2004 expansion in July 2005; and

WHEREAS, the COUNTY and CITY desire to amend the UPAA to reflect the changes in the Regional UGB and the need for urban planning of the new urban land.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and Urban Reserve Planning Area, mutually defined by the COUNTY and the CITY, includes the areas designated on the Washington County - Sherwood UPAA Map “Exhibit “A” to this Agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive Plan” amendments do not include small tract comprehensive plan map changes.

For purposes of this agreement, Electronic Mail (i.e., e-mail) means the transmission of messages (including public hearing notices, agency comments or other communications relating to this agreement) over communications networks in an electronic form. Attachments, including public hearing notices and agency comments, to an e-mail shall be formatted as a Microsoft Word document, a PDF file or other format as agreed upon by the originating and responding agencies.

Implementing Regulation means any local government zoning ordinance, land
division ordinance adopted under ORS 92.044 or 92.046 or similar general
ordinance establishing standards for implementing a comprehensive plan.
“Implementing regulation” does not include small tract zoning map
amendments, conditional use permits, individual subdivision, partitioning or
planned unit development approvals or denials, annexations, variances, building
permits and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to
participate, review and comment on proposed amendments to or adoption of the
COUNTY comprehensive plan or implementing regulations. The CITY shall
provide the COUNTY with the appropriate opportunity to participate, review
and comment on proposed amendments to or adoption of the CITY
comprehensive plan or implementing regulations. The following procedures
shall be followed by the COUNTY and the CITY to notify and involve one
another in the process to amend or adopt a comprehensive plan or implementing
regulation.

a. The CITY or the COUNTY, whichever has jurisdiction over the proposal,
hereinafter the originating agency, shall notify the other agency,
hereinafter the responding agency, by first class mail or as an attachment
to electronic mail of the proposed action at the time such planning efforts
are initiated, but in no case less than thirty-four (3545) days prior to
the first final hearing on adoption. For COUNTY or CITY comprehensive
plan updates with the potential to affect the responding agency’s land use
or transportation system, the originating agency shall provide the
responding agency with the opportunity to participate in the originating
agency’s planning process prior to the notification period, such as serving
on the originating agency’s advisory committee.
The specific method and level of involvement shall be finalized by
“Memorandums of Understanding” negotiated and signed by the planning
directors of the CITY and the COUNTY. The “Memorandums of
Understanding” shall clearly outline the process by which the responding
agency shall participate in the adoption process. If, at the time of being
notified of a proposed action, the responding agency determines it does
not need to participate in the adoption process, it may waive the
requirement to negotiate and sign a Memorandum of Understanding”.

b. For COUNTY or CITY comprehensive plan updates with the potential to
affect the responding agency’s land use or transportation system, the
originating agency shall transmit the draft amendments and any proposed actions to the responding agency for its review and
comment before finalizing. Unless otherwise agreed to in a “Memorandum of
Understanding”, the responding agency shall have ten (10) days after
receipt of a draft to submit comments orally or in writing. Lack of
response shall be considered “no objection” to the draft.

abcdef Proposed additions
abcdef Proposed deletions
c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.

d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small tract zoning or comprehensive plan map amendments, conditional or special use permits, individual subdivisions, partitionings, and subdivisions, or planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process which is quasi-judicial in nature.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and Urban Reserve Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of designated Urban Planning Area or the COUNTY’s transportation network.

3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:

   a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or as an
attachment to electronic mail a copy of the public hearing notice or comment period notice with no public hearing which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing or end of the comment period. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.

c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.

d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

e. The originating agency shall utilize tracking options to ensure that the responding agency receives the public hearing notice in a timely manner. In the event that tracking indicates that the responding agency did not receive the e-mailed notice within twenty-four (24) hours of being sent, the originating agency shall send no later than the next business day a copy of the notice by first class mail.

f. The originating and responding agencies shall keep copies of all electronic mail as part of the public record consistent with state archive laws.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.

a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearing agendas.
which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written or electronic form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.

c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:

   a. Future expansion over a long-term period (40-50 years), and

   b. The cost-effective provision of public facilities and services when the lands are included within the UGB.

2. Urban Reserve Planning Area means those Urban Reserves identified as ultimately being governed by the CITY at such time as the UGB is amended to include the Urban Reserve Area.

3. Urban Reserve - Planning Responsibility Undefined means those Urban Reserves that the CITY and at least one other city may have an interest in ultimately governing, but no final agreement has been reached. These areas are not considered part of the Urban Reserve Planning Area.

B. The CITY’s Urban Reserve Planning Area and the Urban Reserve - Planning Responsibility Undefined are identified on “Exhibit A” to this Agreement.

C. The CITY and COUNTY shall be jointly responsible for developing a concept plan for the Urban Reserve Planning Area in coordination with Metro and appropriate service districts. The concept plan shall include the following:

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1. An agreement between the COUNTY and CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads in the Urban Reserve Planning Area. The agreement should describe any changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this agreement.

2. An agreement between the COUNTY and CITY that preliminarily identifies the likely providers of urban services, as defined in ORS 195.065(4), when the area is urbanized.

D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.

E. Upon completion and acknowledgement of the concept plan by the CITY and COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the Urban Reserve Planning Area shall be designated as part of the Urban Planning Area. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.

IV III. Comprehensive Planning and Development Policies for Urban Planning Areas

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY’s Urban Planning Area is designated on “Exhibit #A” to this Agreement.

B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.

C. The CITY and COUNTY will implement the applicable Urban Reserve concept plan and related agreements as the comprehensive plan is prepared for the Urban Planning Area to ensure consistency and continuing applicability with the original concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding.

DG. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-011 within the Urban Planning Area.

ED. As required by OAR 660-011-0010, the CITY is identified as the appropriate
provider of local water, sanitary sewer, storm sewer and transportation facilities within the Urban Planning Area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

**FB.** The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 20-Acre District (FD-20).

**GF.** The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY’s Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.

**HG.** The COUNTY will not oppose any orderly, logical annexation of land to the City of Sherwood CITY within the CITY’s Urban Planning Area.

**VIV. Amendments to the Urban Planning Area Agreement**

**A.** The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:

1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.

2. The formal request shall contain the following:
   a. A statement describing the amendment.
   b. A statement of findings indicating why the proposed amendment is necessary.
   c. If the request is to amend the planning area boundary, a map that clearly indicates the proposed change and surrounding area.

3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within forty-five (45) days of the date the request is received.

4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may
approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:

a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section VIW. A. (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.

b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties will jointly review this Agreement periodically, or as every two (2) years, or more frequently if mutually-agreed upon, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. The review process shall commence two (2) years from the date of execution and shall be completed within sixty (60) days. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of the sixty (60) day review period inconsistencies still remain, either party may terminate this Agreement.

C. Any boundary changes due to annexation into the CITY or updates to the UGB are automatic and do not require an amendment to “Exhibit A”.

VIW. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County-Sherwood Urban Planning Area Agreement effective March 3, 2010 November 20, 2006. The effective date of this Agreement shall be the last date of signature on the signature page.
IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the
date set opposite their signatures.

CITY OF SHERWOOD

By ____________________________ Date ____________________________
   Mayor

Approved as to Form:

By ____________________________ Date ____________________________
   City Attorney

By ____________________________ Date ____________________________
   City Recorder

WASHINGTON COUNTY

By ____________________________ Date ____________________________
   Chair, Board of Commissioners

Approved as to Form:

By ____________________________ Date ____________________________
   County Counsel

By ____________________________ Date ____________________________
   Recording Secretary

abcdef Proposed additions
abcdef Proposed deletions
Delete Map “Exhibit A” of the Washington County - Sherwood Urban Planning Area Agreement effective March 3, 2010 as shown:
Add new map “Exhibit A” Washington County - Sherwood Urban Area Planning Agreement as shown: