July 24, 2017

To: Washington County Board of Commissioners

From: Andy Back, Manager
Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 821 - An Ordinance Amending the Washington County-Sherwood Urban Planning Area Agreement, an Element of the Washington County Comprehensive Plan

STAFF REPORT

For the August 1, 2017 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10:00 a.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing for Ordinance No. 821. At the conclusion of the hearing, order engrossment of the ordinance to incorporate the proposed amendments shown in Attachment A of this staff report.

Continue the hearing for the engrossed ordinance to September 9 and September 26, 2017 and direct staff to provide mailed notice of the changes consistent with requirements of Chapter X of the County Charter.

II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission (PC) conducted a public hearing for Ordinance No. 821 July 5, 2017. No one testified at the public hearing. The PC voted 6-0 to recommend engrossment of Ordinance No. 821 to the Board to include the amendments as shown in Attachment A of this staff report. The PC draft deliberations are included as Attachment B.
III. OVERVIEW

Ordinance No. 821 proposes to amend the 2010 Washington County-Sherwood Urban Planning Area Agreement (UPAA), 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.

IV. BACKGROUND

State law allows local governments to enter into agreements that outline and acknowledge the responsibilities for coordinating comprehensive planning activities within the Regional Urban Growth Boundary (UGB). Additionally, Statewide Planning Goal #2 (Land Use Planning) requires that governmental plans related to land use must be consistent with adopted County and city comprehensive plans and regional plans.

In 1983, Washington County entered into individual UPAAs with cities within the UGB describing their site-specific urban planning areas and policies for coordinating comprehensive planning and development within these planning areas, in compliance with statewide planning goals and laws. The adopted individual UPAAs with the cities are included as elements of the County Comprehensive Plan. Over time, amendments have been made to some of the UPAAs in order to expand or modify a city’s planning area boundary and provide updates to regional comprehensive planning policies.

The Washington County-Sherwood UPAA was originally adopted in 1983 and updates occurred in 1986, 1988 and 2006. The last amendment to the Washington County-Sherwood UPAA was adopted via Ordinance No. 723 in 2010 at the city’s request. The amendment added 300 acres to Sherwood’s planning area in order to develop a concept plan for land brought into the UGB for industrial use. The 2010 UPAA included additional changes to the Urban Planning Area Map identifying the SW 124th Avenue extension south of Tualatin-Sherwood Road as the future boundary between Sherwood and Tualatin. This was based on a Memorandum of Understanding between the cities that formally identified the shared city boundary.

In 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing Urban and Rural Reserve land designations for the region, including approximately 1900 acres of Urban Reserve land within the unincorporated areas surrounding Sherwood. Title 11 of Metro’s Urban Growth Management Functional Plan (UGMFP) identifies the planning responsibilities and guiding policies and requirements for the Urban Reserve areas as they transition from rural to urban uses.

Also in 2015, the County participated in development of a preliminary concept plan for Sherwood West, Urban Reserve Area 5B. This approximately 1300-acre area is adjacent to the city’s western boundary, but outside of the UGB. In March 2017, the Sherwood School District
requested a Major Boundary Amendment from Metro under Title 14 of the UGMFP to add approximately 82 acres of land in this Urban Reserve area to the UGB for a high school campus. The request included the realignment of the intersection of SW Kruger Road and SW Elwert Road, a County arterial. A hearing on the matter was held May 24, 2017. The Metro Hearing Officer’s decision on the request is pending.

Authorization for this ordinance was granted by the Board as part of the 2017 Long Range Planning Work Program, adopted April 4, 2017.

**Ordinance Notification**

Ordinance No. 821 and an accompanying summary were mailed to community participation organizations (CPOs) and interested parties June 2, 2017. A display advertisement regarding the proposed ordinance was published June 16, 2017 in *The Oregonian* newspaper. Individual Notice 2017-02 describing proposed Ordinance No. 821 was mailed to 327 people on the General Notification List June 7, 2017. A copy of this notice was also mailed to the Planning Commission at that time.

**V. ANALYSIS**

County staff worked with Sherwood staff to craft amendments to the UPAA to address the variety of factors that have changed since 2010. Because the UPAA was last updated prior to the Urban and Rural Reserve land designation process, amendments are necessary to address concept planning within the Urban Reserve lands surrounding Sherwood in compliance with the planning requirements of UGMFP Title 11. The 2017 UPAA proposes a new Section III (Concept Planning for Urban Reserve Areas) that describes and defines the Urban Reserve lands, outlines the planning responsibility for concept planning, and includes a description of the general expectations of the concept plan to fully comply with Title 11.

The 2010 Washington County-Sherwood UPAA did not identify the concept planning responsibilities or likely urban service providers for coordinating concept planning in the Urban Reserve areas described above. The County has an interest in assuring that the planning for the unincorporated area meets the expectations for road funding, access management, any potential jurisdictional transfer of roadways and appropriate serviceability to the area in compliance with Title 11 of the UGMFP. Thus, the 2017 UPAA amendment provides the opportunity to clearly identify and coordinate planning responsibilities and a process that will guide the concept planning expectations for the proposed Sherwood school site and the overall Sherwood West Urban Reserve Area in a timely manner.

The Urban Reserve areas adjacent to the existing city boundary are clearly within Sherwood’s area of interest, and the city is responsible for coordinating with the County to concept plan these areas. These Urban Reserve Planning Areas are identified in Exhibit A of the proposed UPAA. Since the last update, the County has also refined the alignment of SW 124th Avenue and acquired the necessary right-of-way, helping to clearly identify the future common boundary
between Sherwood and Tualatin as described above. The updated Urban Planning Area map, (Exhibit A of the UPAA) identifies the revised alignment of SW 124th Avenue, representing the agreed upon common boundary between the two cities.

Sherwood, along with other cities in the area, has also expressed an interest in ultimately governing certain other Urban Reserve lands that are not directly adjacent to Sherwood. Since more than one city has an interest in assuming planning responsibility for this Urban Reserve Area and no agreement has been reached that would designate planning responsibility to one city over another, this area is described in the UPAA text and on Exhibit A, as “Urban Reserve-Planning Responsibility Undefined.” This area is not included within the Urban Planning Area for any city at this time.

Other updates include removing outdated provisions concerning notice and coordination requirements in the comprehensive planning process and providing more flexibility in the timing of amendments to the current UPAA. Annexations since 2010, including the recent Brookman Road Area Annexation, are shown as additional changes to the map in Exhibit A.

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. The proposed changes are highlighted in gray in Attachment A to this staff report.

A copy of the proposed UPAA amendments contained in Ordinance No. 821 was provided to the city of Sherwood for the city’s consideration and approval. The city has been supportive of the proposed amendments and the Sherwood City Council reviewed the draft UPAA and map at their June 20, 2017 Council meeting and authorized the signing of the agreement on behalf of the city. The city provided a letter of support for Ordinance No. 821 included in this staff report as Attachment C.

**Summary of Proposed Changes**

Ordinance No. 821 proposes to amend the 2010 Washington County-Sherwood Urban Planning Area Agreement, an element of the County Comprehensive Plan.

Key provisions:

- 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
- Exhibit A of the 2010 UPAA is deleted and replaced with a new Exhibit A reflecting the addition of the ‘Urban Reserve Planning Area,’ the ‘Undefined Urban Reserve Planning Area,’ and recent city annexations
- Minor text changes throughout the document to provide consistency and clarity
List of Attachments
The following attachments identified in this staff report are provided:

Attachment A: Proposed Amendments to Ordinance No. 821
Attachment B: Planning Commission Draft Deliberations from July 5, 2017 hearing
Attachment C: City of Sherwood letter dated July 3, 2017 in support of Ordinance No. 821
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
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

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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 (35-45) 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/recommendations on 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.

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 divisions, 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

   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.
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. Undefined Urban Reserve - Planning Area 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 Undefined Urban Reserve - Planning Responsibility Undefined Area 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:

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, to allow for CITY comprehensive planning and annexation. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.

IVIII. 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.

DC. 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.

FE. 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).

FG. 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 IV. 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 needed, 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 or “Exhibit A” to this Agreement.

VII. 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
Draft Deliberations


Staff present: Andy Back, Theresa Cherniak, John Floyd and Susan Aguilar, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel.

Summary

a. Ordinance No. 821 – Sherwood UPAA
Theresa Cherniak, principal planner for the Community Planning group provided a PowerPoint presentation regarding Ordinance No. 821 - Sherwood UPAA. Staff provided an overview and background on Urban Planning Area Agreements (UPAA) in Washington County, and the ordinance under consideration.

Staff provided key provisions and summary of the ordinance, which included the following:
- Updating the map in Exhibit A to reflect boundary changes and the adoption of urban and rural reserves
- Adding a new section to address concept planning in the Urban Reserve Areas
- Minor updates throughout the UPAA, including notification requirements, address implementation of comprehensive plans for urban reserves, and provide greater flexibility in future amendments to the UPAA.

Staff identified engrossments that originated from work on similar agreements with other cities. The following were proposed:
- Add language to clarify the intent of the Urbanization Forum
- Match terms in the UPAA and attached map
- Refine language regarding annexation
Recommendation
- Recommend engrossment of Ordinance No. 821 to the Board of Commissioners (Board) to include proposed amendments as shown in Attachment A.

Written Testimony received in support of Ordinance No. 821

Discussion
- Questions regarding state or regional requirements regarding UPAAs
- Questions regarding continuation of County planning responsibility in the Urban Reserves.
- Questions regarding the difference between Conceptual and Comprehensive Planning.

Final Vote
Commissioner Wellner moved to recommend engrossment of Ordinance No. 821 to the Board to include the proposed amendments as shown in Attachment A of the staff report. Commissioner Bartholemy seconded motion. Vote: 6 - 0. Motion passes.

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End of deliberations.
July 3, 2017

Planning Commission
ATTN: Michelle Miller
Planning and Development Services, Long Range Planning
155 N. First Ave, Suite 350, MS14
Hillsboro, OR 97124-3072

Re: Proposed Ordinance No. 821

Dear Planning Commission,

The City would like to express its support for the proposed ordinance being considered to amend the Urban Planning Area Agreement (UPAA) between the City of Sherwood and Washington County. As you may be aware, there is a lot of development interest in and around Sherwood and the City is embarking on an update to our comprehensive plan. Having the updated UPAA will provide clarity and certainty regarding our role, the County’s role and the areas within our purview. The timing is critical because the Sherwood School District is actively planning to build a new high school on land currently located in the Urban Reserve Area of Sherwood West. The updated UPAA will make clear that this area is intended to be within Sherwood when the Urban Growth Boundary is amended, allowing their plans to proceed without added delay.

The Sherwood City Council has reviewed the draft Urban Planning Area Agreement and map at their June 20, 2017 Council meeting and authorized the signing of the agreement.

Sincerely,

[Signature]

Julia Hajduk
Community Development Director
Individual Notice No. 2017-02

At your request, Long Range Planning is providing you with Individual Notice No. 2017-02 which describes proposed Land Use Ordinance No. 821.

Ordinance Purpose and Summary

**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.

Key Provisions

- 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
- Exhibit A of the 2010 UPAA is deleted and replaced with a new Exhibit A reflecting the addition of the ‘Urban Reserve Planning Area’, the ‘Undefined Urban Reserve Planning Area’ and recent city annexations
- Minor text changes throughout the document to provide consistency and clarity

Initial Public Hearings

<table>
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<tr>
<th>Planning Commission</th>
<th>Board of Commissioners</th>
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<tr>
<td>1:30 p.m.</td>
<td>10:00 a.m.</td>
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<tr>
<td>July 5, 2017</td>
<td>August 1, 2017</td>
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Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St., Hillsboro, Oregon.

At its August 1, 2017 hearing the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted August 1, 2017, the ordinance would become effective thirty (30) days after adoption.

Urban Comprehensive Plan Policies Amended

- Washington County – Sherwood Urban Planning Area Agreement
How to Submit Comments

- Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Planning Commission or 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
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs); Call 503-846-6288 for a directory of CPOs.
June 2, 2017

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

From: Andy Back, Manager Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 821

The Washington County Planning Commission and Board of Commissioners (Board) will soon consider proposed Ordinance No. 821. Listed below is a description of the ordinance, hearing dates and other relevant information. 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 available on the Washington County web site at:

www.co.washington.or.us/landuseordinances

Ordinance Purpose and Summary
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.

Initial Meeting and Public Hearings

Planning Commission
1:30 p.m.
July 5, 2017

Board of Commissioners
10:00 a.m.
August 1, 2017

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

On August 1, 2017, 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, Ordinance No. 821 would become effective thirty (30) days after adoption.

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
Key Provisions

- 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
- Exhibit A of the 2010 UPAA is deleted and replaced with a new Exhibit A reflecting the addition of the 'Urban Reserve Planning Area', the 'Undefined Urban Reserve Planning Area' and recent city annexations
- Minor text changes throughout the document to provide consistency and clarity

Urban Comprehensive Plan Policies Amended

- Washington County – Sherwood Urban Planning Area Agreement

How to Submit Comments

- Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Planning Commission or 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
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Staff Contact

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

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- Community Participation Organizations (CPOs); Call 503-846-6288 for a directory of CPOs

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

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, 1993 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, in 2015, the Oregon Legislature enacted House Bill 4078-A 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: __________________

Nay: __________________

Recording Secretary: __________________

Date: __________________

Page 4 – ORDINANCE 821
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 must be governed and urbanized by the CITY in the 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

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

abcdef Proposed additions
abcdef Proposed deletions
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

Proposed additions
Proposed deletions
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-five (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 recommendations on 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.
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 divisions, 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. Undefined Urban Reserve Planning Area 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.

B. The CITY’s Urban Reserve Planning Area and Undefined Urban Reserve Planning Area 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:

   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 an Urban Planning Area to allow for CITY comprehensive planning and annexation. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this agreement.

IVIII. 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.

D. 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.

E. 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.

**FE.** 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).

**FG.** 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 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 VI. 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 needed, 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 on “Exhibit A” to this Agreement.

VI. 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

abcdabcdef Proposed additions
abcdabcdef 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: