

## ATTACHMENT B

### CITY OF BROOKINGS AND CURRY COUNTY URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

DRAFT Wednesday, January 20, 2010

NEW CITY TEXT IN BLUE

~~STRIKETHROUGH ON TEXT TO BE OMITTED~~

NEW COUNTY TEXT IN RED

DLCD RECOMMENDED TEXT IN GREEN

#### I. PURPOSE AND AUTHORITY

The parties to this agreement shall be the City of Brookings, a municipal corporation of the State of Oregon, hereinafter known as the "City" and Curry County, a political subdivision of the State of Oregon, hereinafter known as the "County". This agreement supersedes and replaces all previous Urban Growth Area Management Agreements established between the City and County.

The purpose of this Agreement is to assign jurisdictional responsibilities to achieve the orderly transition from rural to urban land uses within the Urban Growth Area (UGA). ~~including the creation~~ As development occurs, an adequate and efficient extension of public facilities will be ensured through adherence to the provisions of a the adopted Public Facilities Plan (PFP) for Urban Growth Expansion: Brookings and Harbor Study Areas and the City and County Transportation System Plans (TSP) to ensure adequate and efficient extension of public facilities as development occurs. This Agreement is undertaken pursuant to the provisions of ORS Chapters 190, 195 and 197 and the Oregon Statewide Planning Goals.

#### II. DEFINITIONS

The following definitions shall apply for the purposes of this agreement. Unless otherwise specified, words and phrases used in this Agreement shall be construed in accordance with ORS Chapters 92, 197, 215, and 227, OAR Chapter 660 and the applicable Oregon Statewide Planning goals.

- A. DEVELOPMENT - ~~For purposes of this agreement,~~ any activity that requires a land use decision or limited land use decision, as defined by the Oregon Revised Statutes, or a building permit under the County or City zoning or subdivision ordinance. ~~shall be considered development.~~
- B. LAND USE DECISION – A legislative or quasi-judicial action that involves a public hearing or administrative action and concerns the adoption, amendment, or application of:
- The Statewide Goals and/or

- A Comprehensive Plan provision and/or
  - A land use regulation and/or
  - A new land use regulation.
- C. MASTER PLAN – The document that describes how property within the areas designated a County’s Master Plan Zone or the City’s Master Plan Development (MPD) Areas District will be developed.
- D. NOTICE - The announcement that an official action is about to occur. Where notice is required, it may be accomplished in person or by first-class mail. Service by United States Postal Service mail is completed upon deposit at a U. S. Post Office receptacle.
- E. PUBLIC FACILITIES PLAN - As defined by OAR ~~660-11-005 (1)~~ **660-011-0005(1)**, a document ~~which~~ **that** is a part of the City and/or County's Comprehensive Plan. ~~The PFP which~~ describes the location of existing public facilities, such as water, sewer, transportation facilities, **and storm drainage systems** and their future extension to areas of new growth.
- F. ROAD — ~~A public thoroughfare or right of way dedicated to, deeded to or condemned by the city or county providing for the principal means of access to abutting property including the terms street, avenue, place, way, lane, drive, boulevard, highway, and any other thoroughfare, other than an alley, which affords such use. The entire width between the boundary lines of a right of way or easement which provides for public or private use for the purpose of vehicular and pedestrian traffic and including, but not limited to, “streets”, “highways”, “lanes”, “places” and “avenues”. — means entire width between the boundary lines which provides for public or private use for the purpose of vehicular, bicycle, and pedestrian traffic and utilities and including, but not limited to, "streets", "highways", "lanes", "places", "avenues", and "alleys."~~
- “ROAD” means the entire right of way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. “Road” includes, but is not limited to:**
- a. **Ways described as streets, highways, or throughways ~~or alleys~~;**
  - b. **Road related structures that are in the right of way such as tunnels, culverts or similar structures; and**
  - c. **Structures that provide for continuity of the right of way such as bridges.**
- G. ROAD MAINTENANCE - Any work necessary to keep an existing road, **including curb, gutter and sidewalks**, in its current state of usability, including but not limited to: grading, graveling, paving, or other surfacing of any road or road shoulder area; clearing or redirecting drainage ditches, culverts or storm drains

and the repair or replacement of any signs, traffic control devices, or street lighting fixtures.

- H. **TRANSPORTATION SYSTEM PLAN** – As defined by OAR 660-012-0005 ~~(34)~~ (38), a document ~~which~~ that is a part of the City's and ~~or~~ County's Comprehensive Plans ~~which~~ and that ~~and~~ describes the transportation system, describes future extension to areas of new growth, and provides a methodology to mitigate ~~mitigation for~~ projected impacts.
- I. **URBAN COORDINATION AGREEMENT** – ~~A document~~ An agreement conforming to the provisions of ORS 195.020 ~~which~~ that has been signed by the City, the County, and ~~a~~ special districts providing service within the UGA. This document describes the process and roles for reviewing land use matters and development.
- J. **URBAN GROWTH AREA (UGA)** – ~~That~~ The unincorporated area between the Brookings City Limits and the Urban Growth Boundary in which urban services and facilities can be extended, and development ~~can occur~~ at urban intensity and density ~~will occur~~.
- K. **URBAN GROWTH BOUNDARY (UGB)** - A mutually agreed upon line, identified in both the City and County's comprehensive plans, which delineates the outer extent of the UGA and the limits of urban growth.
- L. **URBAN LAND** - Lands ~~within the urban growth boundary that are already developed and irrevocably committed to urban uses~~ located inside an urban growth boundary.
- M. **URBAN SERVICE** – Includes, but is not limited to, the following services: sanitary sewer, water, fire protection, parks, open space, recreation; roads, and mass transit.
- N. **URBAN SERVICE AGREEMENT** – ~~A document~~ An agreement conforming to the provisions of ~~ORS 197.065 to ORS 195.075~~ ORS 195.060 to ORS 195.085 ~~which~~ and that has been signed by the City, the County, and special districts providing service within the UGA. This document describes who will provide service in ~~particular~~ specific areas.
- O. **URBAN SERVICE PROVIDER** – a unit of local government or a special district that provides an urban service to an area within an urban growth boundary that has a population greater than 2,500 persons and that ~~are~~ is identified as an appropriate ~~parties~~ party by cooperative agreement under ORS 195.020.
- N. P. **URBANIZABLE LAND** - ~~Lands within the UGB and which are identified for~~ ~~can be developed at urban use densities.~~ Urban land that, due to the present unavailability of urban facilities and services, or for other reasons, either:  
Retains the zone designations assigned prior to inclusion in the boundary; or

Is subject to interim zone designations intended to maintain the land's potential for planned urban development until appropriate public facilities and services are available or planned.

### III. GENERAL COMPREHENSIVE PLAN PROVISIONS

- A. For lands located within the UGA, the County shall retain responsibility for land use decisions and actions affecting the UGA until any such land is annexed to the City.
- B. In order to promote consistency between the City's planning effort and County land use decisions and actions affecting the UGA, the County and City have mutually developed urban growth management policies for the UGA which that address other urbanization policies of both County and City Comprehensive Plans. These are found in Section IX.
- C. It is the policy of the City and County to maintain an efficient and complete exchange of information relating to their respective land use decisions which that affect the UGB-UGA.

### IV. ZONING AND SUBDIVISION ORDINANCES

- A. The County's Zoning and Subdivision Ordinances shall apply to all areas within the UGA. The City's Zoning and Subdivision Ordinances shall apply to all areas within the city limits. and to areas of the UGA that are subsequently annexed to the City.

### V. COORDINATION ON QUASI JUDICIAL LAND USE DECISIONS AND LIMITED LAND USE DECISIONS

- A. The County planning staff shall refer requests for land use decisions under the Zoning and Subdivision Ordinance within the UGA to the City to allow the City to review and comment prior to final action by the County. The time frame for referral shall be as follows:
  - 1. Materials as stated in V-(B) below shall be sent to the City at least fifteen (15) twenty-one (21) days prior to the next regularly scheduled City Planning Commission meeting for items which require quasi-judicial/administrative decision date. Within two (2) days following the meeting, the City shall forward the Planning Commission's recommendation to the County Planning staff. City staff will provide written recommendations to the County at least seven (7) days prior to the decision date.
  - 2. Materials as stated listed in Subsection (V)(B) shall be sent to the City at least 45 days prior to the first public hearing scheduled by the County for a comprehensive plan/zone change application. City staff will provide written recommendations to the County at least seven (7) days prior to the first hearing date.

- B. The County planning staff shall provide the City with the following information regarding the requested land use action:
1. A copy of the hearing notice, ~~if applicable~~, or notice of impending administrative decision.
  2. A citation of the County ordinance standards and criteria ~~which~~ that are relevant to the proposed action.
  3. A copy of ~~the application form and supplemental information~~ **all materials** submitted by the applicant.
  4. A copy of the relevant Assessor's map ~~and/or~~ other map to identify the location of the land area affected by the proposed land use action.
  5. A copy of all comments from county agencies, special districts and ~~from~~ the public and other interested parties received by the County ~~as of the date of referral of the application to the City.~~
- ~~C. The City shall review the requested land use action referral and submit written comment to the County Planning Department no later than 15 days prior to the decision date indicated on the notice or appear at the hearing.~~
- ~~D. C.~~ The County shall retain final decision-making ~~responsibility~~ **authority** for all quasi-judicial land use actions affecting the urban growth area under applicable county ordinances.
- ~~E. D.~~ Written comment by the City shall be entered into the record of the proceedings and shall serve to provide standing during any appeal of the decision. The City will respond to all referrals presented by the County, either with specific recommendations or with a comment indicating that it has "no concern" with approval of the application as proposed. Failure of the City to either respond as set forth above or to participate in person at the proceeding shall serve as notice that the City has no interest in the matter and is surrendering its appeal rights to the decision as provided in county ordinance and ORS 197.620.
- ~~F. E.~~ The County shall provide the City with ~~its final written order or ordinance~~ **notice of its final decision** in the same manner as all affected parties to the decision.
- ~~G. F.~~ The City shall notify the County of any actions it proposes ~~which~~ **that** may affect public facilities, transportation systems, or have significant impact on land use within or adjacent to the UGA in the same manner as the County notifies the City.

## VI. COORDINATION OF LEGISLATIVE LAND USE DECISIONS

- A. The County and City shall **coordinate** ~~jointly prepare and adopt~~ legislative changes to the comprehensive plans ~~and~~ ordinances affecting the UGA.
- B. Either the County or City may initiate **legislative** changes to ~~the~~ **their respective** comprehensive plans, and ordinances affecting **land within** the ~~UGA~~ **UGB**. ~~The~~

City may initiate legislative changes to the comprehensive plan and ordinances affecting land within the Brookings city limits. ~~Coordination shall involve the following:~~

C. The initiating party shall notify the other, ~~in writing~~, of the intent to consider a ~~legislative land use~~ change ~~within their respective jurisdiction~~ the UGA. The ~~Planning Directors~~ ~~Departments~~ shall ~~outline in writing~~ a memorandum of ~~understanding the process to be used and the roles and responsibilities of each in the process.~~

~~C. B. D.~~ 2. The ~~County~~ initiating party shall notify the ~~City~~ other party of public hearings on the proposed changes at least 45 days prior to the first public evidentiary hearing and provide the following:

- The text of the proposed change
- Any applicable studies/ reports
- Any accompanying maps
- Other pertinent documents
- The date and location of the public hearing

~~transmit copies of studies, staff reports and other pertinent documents to the City. The City shall provide the County the same notice if it initiates the proposed legislative change.~~

~~D. C E..~~ 3. The ~~City, or the County, whichever has not initiated a legislative change,~~ shall provide written comments and have the right to participate in the hearings process. The County shall have the final decision on all legislative changes to the comprehensive plan and ordinances affecting the ~~areas outside the City limits but within the~~ UGA. The City shall have the same rights as any other party to an appeal of a County decision. The County shall have the right to participate in the hearing process and right of appeal if the City initiates the proposed legislative change.

## VII. PUBLIC FACILITY PLANNING AND COORDINATION WITH SPECIAL DISTRICTS

### A. Public Facility Plan

1. The City and County shall have joint responsibility for preparing and ~~amending~~ co-adopting amendments to the Public Facility Plan for the UGA as set forth in ~~OAR 660-11-015-0015~~. The initiating party shall provide materials and follow the procedure as described in ~~VI(B) & (C)~~ VI (D) above. The plan shall be coordinated with other service providers within the UGA that have responsibility for providing specific services identified in ~~OAR 660-11-005-0015~~. The standards ~~provisions~~ set forth in the public facilities plan shall be agreed to by all the parties, or where

~~standards are lacking, shall be the same as those of the city or to standards provisions agreed to between the County and City.~~

2. The City and County ~~shall~~ have joint responsibility for coordination of all special districts and other service providers located fully or partially within the UGB.
3. The County, in cooperation with the City, shall ~~convene~~ **continue** the process of establishing urban service agreements with each service provider that provides or declares an interest in providing an urban service within the UGB in accordance with ORS 195.065. ~~Urban service agreements shall be adopted concurrent with adoption of the public facilities plan. The County shall continue to work towards obtaining these service agreements which will be adopted by both the City and the County.~~
4. The City and County shall also ~~prepare coordination agreements with each special district that provides an urban service within the UGB in accordance with ORS 195.020~~ **continue the process of reviewing and/or modifying existing cooperative agreements for the purpose of complying with the provisions of ORS 195.020.** ~~These Coordination agreements, for existing Districts as of the date of this document, will be have been adopted by completion of the current Periodic Review Work Program as required by ORS 195.085 (1).~~

**5. In compliance with the Curry County Comprehensive Plan Section 11.11 (12), the County shall encourage each water provider to strive to correct deficiencies in their system to bring the unaccounted water loss for the system to less than 10%.**

#### ~~C.B. Roads~~ **Transportation System Plan**

1. The City and County have joint responsibility for ~~preparing~~ **maintaining** and ~~amending~~ co-adopting amendments to the Transportation System Plans for the UGA as set forth in OAR 660-012-0015. The initiating party shall provide materials and follow the procedure as described in VI.~~(B)~~ & ~~(C)~~ **(D)** above. The County and City shall develop standards and implementation policies regarding roads within the UGA that are consistent with standards for urban development.
2. Policies and standards regarding development of roads in the UGA shall be set forth in the ~~Public Facilities Plan~~ **Transportation System Plans**.
3. The City shall assume **jurisdiction**, ownership, and maintenance responsibility for all County and public roads built to the standards set forth in the ~~Public Facilities Plan~~ **City of Brookings and Curry County Transportation System Plans** upon ~~their~~ annexation to the City.

4. The County is responsible for maintaining **accepted** County roads within the UGA to its standards.

## VIII. MODIFICATION OF THE URBAN GROWTH BOUNDARY

- A. The modification of the UGB shall be a coordinated land use decision between the County and the City and may be initiated by either entity or a private party.
- B. Any modification of the UGB location shall be considered as a comprehensive plan amendment to both the County and City comprehensive plans.
- ~~C. Procedurally, any request for modification to the UGB shall be considered only by application to the City for a comprehensive plan amendment and subsequently presented to the County for consideration.~~
- ~~D.~~ C. The County and City shall follow their ordinance procedures for comprehensive plan amendments and shall hold joint or independent public hearings on the request.
- ~~E.~~ D. The County and City shall follow the requirements for notice of their UGB modification hearings according to the Oregon Administrative Rules governing comprehensive plan amendments. **The County and City shall send a joint notice to property owners and districts within their respective jurisdictions.**
- ~~F.~~ E. The proposed modification to the UGB shall be supported by findings that address statewide Goal 14 and Goal 2 requirements and other policies of the City and County comprehensive plans and state law.
- ~~G.~~ F. Approval of a modification to the UGB shall require concurrence of both the City and County by amendment to their respective comprehensive plans. If concurrence cannot be achieved, **the boundary cannot be expanded altered.** ~~the ultimate responsibility for approving the UGB amendment shall be the County's. The City shall have appeal rights as any other party under Section XIII.~~
- ~~H.~~ G. The burden of proof for a proposed modification to the UGB shall lie with the person or governmental entity advocating the change.

## IX. ANNEXATIONS AND PROVISION OF CITY SERVICES

- A. City annexation of land within the UGA shall **only** occur as allowed by state law. **The City retains all decision making authority once property is annexed.**
- B. Specific annexation proposals shall be initiated through or by the City. The City will provide notice **of annexation proposals** to the County and special districts ~~of annexation proposals~~ and provide **them** an opportunity to respond.

- C. Annexation of lands shall comply with all provisions of the Public Facilities Plan and Transportation System Plans for the UGA.
- ~~D.~~ The City and County agree that the City and Harbor Sanitary District, respectively, shall not annex additional land that will require sewer service until adequate capacity is provided in the wastewater treatment plant and the City and District have developed an agreement on the pro rata share of the remaining capacity that each may have.
- ~~E.~~D. The City may extend sanitary sewer, subject to ~~D.~~ above, municipal water, police and fire protection extraterritorially on its terms within the UGA as allowed by Oregon Revised Statutes and the plans, policies, and standards set forth in the Public Facilities Plan and the Urban Service Agreements which that has have been mutually adopted by urban service providers, the County, and City for the UGA.

**X. POLICIES RELATED TO CONVERSION OF URBANIZABLE LAND TO URBAN LAND WITHIN THE UGA**

The City and County agree that the conversion of land from urbanizable to urban within the UGA must occur in an orderly and well planned manner that considers the economic and environmental issues identified as part of the UGB amendment. With that interest in mind, the following policies are agreed to and shall be incorporated in the comprehensive plans within ~~ninety (90)~~ one hundred eighty (180) days of adoption of this agreement:

- A. ~~Until a public facilities plan is adopted, no land will be rezoned from the existing designation to an urban land use designation.~~ Uses shall be permitted to develop under current County plan and zoning designations in the same manner that they were permitted prior to being included within the UGB. The City and County may agree to and adopt ordinance provisions interim “holding” zones providing for 10 to 40 acre minimum lot size to preserve the UGB’s potential for future urbanization.
- ~~D.~~B. All new development shall be required to obtain sanitary sewer service from either the City of Brookings or Harbor Sanitary District depending on agreed service areas. If waste water treatment capacity service is not available, ~~or not legally or physically available~~ at the time of development, and an interim on-site sewage disposal system which meets all state and local requirements may be approved. **Written confirmation must be provided by the appropriate agency stating that the system meets all state and local requirements prior to final approval of the development.** Use of an interim on-site sewage disposal system is limited to a rural level of development or as specifically allowed by the Public Facilities Plan. This interim development approval shall be conditioned to ~~upon require requiring connection connect~~ to a public system when capacity service becomes legally and physically available. ~~is within 300 ft. of the subject property and the property owner desires to connect; or when the existing septic system fails; or when it is identified as a public health hazard.~~

E.C. All new development shall be required to obtain public water service from either the City of Brookings or Harbor Water Public Utility District, depending on agreed service areas. If water service is not available, ~~or not legally or physically available~~ at the time of development, ~~and an interim on-site water system which meets all state and local requirements~~ may be approved. **Written confirmation must be provided by the appropriate agency stating that the system meets all state and local requirements prior to final approval of the development.** Use of an interim on-site water system is limited to rural level of development or is specifically allowed by the Public Facilities Plan. This interim development approval shall be conditioned to ~~upon require requiring connection connect~~ to a public water system when water service becomes legally and physically available. ~~is adjacent contiguous to the subject property and the property owner desires to connect; or when the existing well fails; or when it is identified as a public health hazard. In addition, if the subject property is annexed to the City of Brookings, compliance with County/City/Harbor Water Peoples Utility District Urban Service Agreement I. (D) is required.~~

B-D. The owners of properties which are designated as "Master Planned Areas" on the map attached to this agreement shall be required to prepare a master plan prior to development (other than that allowed by the present zoning designation) that sets forth the land use, road circulation system, and plans for municipal water, sanitary sewer, and management of surface water runoff. Master plans shall be developed in coordination with and be approved by the service providers of these services. Master Plans **for the Urban Growth Area** shall be adopted as post acknowledgement plan amendments pursuant to ORS 197.610 by the City ~~and or~~ County before any development permits are issued ~~by the County~~ for construction within the Master Planned Areas. **The County shall have the final decision on all Master Plans within the UGA.** ~~If the area has been annexed to the City, only the City must adopt the Master Plan as a Comprehensive Plan amendment.~~ Compliance with the master plan shall be a condition of development approval by the City or County.

~~E.~~ 1. ~~Under County jurisdiction, prior to developing a master plan as required by B above, property owners shall enter into a collaborative process with the City and County to establish development goals and formalize, by written agreement, procedural and financial considerations for developing and carrying out the master plan. Development goals shall address the mix of housing (type, density and income levels), and non-residential uses, which should be encouraged to provide local services and decrease auto use thereby limit traffic flow off-site. The County and City shall each adopt a Master Plan of Development Zone defining standards and criteria to be used within the designated Master Plan Areas as shown on the Brookings Urban Growth Boundary Area Map (Harbor Hills Master Plan Area and Jacks Creek Master Plan Area). These Master Plan of Development Zones must be adopted by the County and the City respectively prior to submission of a proposed specific master plan for the~~

Harbor Hills or Jacks Creek Master Plan areas. The City and County will review the proposed Master Plan of ~~Development Overlay Zones~~ as described in Section VI. "Coordination of Legislative Land Use Decisions", of this document.

- F. 2. The Harbor Hills Special Plan Area is established as an area of environmental concern and shall be so designated on the comprehensive plan. Special Plans shall be adopted as post acknowledgement plan amendments pursuant to ORS 197.610 by the City and County before any development permits are issued by the County ~~or City~~ for construction within the Special Planned Areas.
- 4. a. The County shall commission or require a comprehensive surface water management plan for the Harbor Hills Special Plan Area prior to land use approvals for new development (other than that allowed by the present zoning designation) to address surface water run-off, stream channel erosion, and potential impacts on the groundwater balance of the Harbor Bench aquifer. All future nonresource development, including roads and infrastructure, shall comply with this plan. The plan shall include appropriate measures to assure that impacts from future development on water resources will be prevented or remedied. The plan shall include, but not be limited to:
  - a.i. Baseline data on stream discharges and velocities, Harbor Bench groundwater levels and water quality;
  - b.ii. Standards to assure that stream channels, groundwater levels and water quality will not be adversely affected by future development;
  - e.iii. Provisions for on-going monitoring of stream discharges and velocities, groundwater levels and water quality; and
  - d.iv. Provisions for remedial actions ~~should~~ if adverse impacts on stream channels, groundwater levels or water quality result from development.
- 2. b. Proposed development within the Harbor Hills Special Plan Area shall be required to address hazards, erosion and surface water run-off and groundwater impacts by providing detailed geologic and hydrologic studies prior to any land use approvals. The studies shall meet the requirements set forth in the comprehensive surface water management plan described in subsection ~~4 X(D)(2)(a) 2.(A)~~ and clearly demonstrate how impacts to stream channels, water supplies and water quality will be prevented. The County

shall require remedial measures and other conditions necessary to address significant impacts from development on these factors.

3. c. The effects of existing and planned public roads on surface water runoff, stream channel erosion and Harbor Bench groundwater Resources shall be addressed in the development of the comprehensive surface water management plan described in subsection ~~4-2.(A)~~ ~~X(D)(2)(a)~~. Future construction or alteration of public roads shall meet the standards described in subsection ~~4-b~~ ~~X(D)(2)(a)(ii)~~ ~~2(A)i~~ and provide for remedial actions as described in subsection ~~4-d.~~ ~~X(D)(2)(a)(iv)~~ ~~2(A)i~~. The County shall work with the Oregon Department of Transportation to prevent further impacts on Harbor Bench water resources from runoff through Highway 101 Culverts.
4. d. The Water Resources Department shall be consulted prior to the following local actions affecting the Harbor Hills Special Plan Area:
  - a.i. Adoption or amendment of the comprehensive surface water management plan described in subsection ~~4~~ ~~X(D)(2)(a)~~;
  - b.ii. Approval of geologic and hydrologic studies and land use proposals described in subsection ~~2~~ ~~X(D)(2)(b)~~.

## **XI. ENFORCEMENT**

- A. The County shall be responsible for enforcement of all land use ordinances within the UGA in accordance with its enforcement provisions.
- B. The City shall be responsible for enforcement of all land use ordinances within the city limits in accordance with its enforcement provisions.

## **XII. REVIEW**

- A. All City and County documents used in governing the UGA shall be reviewed as a part of the "Periodic Review" process as set forth in Oregon Administrative Rules Chapter 660-025. ~~"Periodic Review" is no longer required unless the City's population exceeds 10,000, under the periodic review requirements of OAR 660-025 or plan amendment (ORS 197.610) processes, as applicable.~~

## **XIII. APPEALS**

- A. Appeals of land use actions within the UGA shall be in accordance with the appeals process specified in the County Zoning, subdivision and/or other relevant ordinances, and applicable state statutes or administrative rules.

- B. The City shall have standing to appeal any County land use decision in which it participated in accordance with Section V of this agreement.
- C. In the case of a modification of the UGB, appeals shall be in accordance with the appeals process specified in the County and City zoning ordinances. An appeal of the local government decision shall be to the Land Use Board of Appeals **or the Land Conservation and Development Commission** under applicable Oregon statute and/or administrative rules.

#### **XIV. SEVERABILITY**

- A. The provisions of this Joint Management Agreement are severable. If an article, sentence, clause, or phrase shall be adjudged by a court ~~or~~ **of** competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this agreement.

#### **XV. AMENDMENT**

- A. This agreement may be amended at any time to address matters not anticipated at the time the agreement was entered into, to address new requirements of state law, to address changed circumstances and conditions or to address other needs of one or both parties in managing the UGB.
- B. Either the City or County may initiate an amendment to the agreement. The process to be followed shall be the same as that required for ~~amendment of the UGB~~ **coordination of legislative land use decisions under Section VI of this agreement.**

#### **XVI. TERMINATION**

- A. This agreement may be terminated by either party under the following procedure:
  1. A public hearing shall be called by the party considering termination. The party shall give the other party notice of hearing at least 30 days prior to the scheduled hearing date. The 30 day period shall be used by both parties to seek resolution of differences.
  2. Public notice of the hearing shall be in accordance with applicable Oregon statutes and administrative rules but not less than ~~15~~ **20** days prior to the hearing.
  3. The party moving for termination shall state the reasons for termination at the hearing and the affect of the action on the UGA. Public comment shall be received regarding the action and considered by the party in its decision.

4. The established date of termination shall be at least 30 days after the public hearing in order to provide an additional time period for resolution of differences.
5. Prior to a final decision to terminate the agreement, the City and County shall agree to enter into a conflict resolution process which will be established by the Department of Land Conservation and Development. If resolution cannot be reached, a replacement agreement shall be developed as required by Oregon statute and administrative rule.
6. The governing body of the terminating party shall vote to decide on termination on the established date for termination and if the vote is to end the agreement, written notice of the decision shall be provided to all affected parties including the Director of the Oregon Department of Land Conservation and Development.

This Urban Growth Management Agreement will become effective when signed by all the parties.

CITY OF BROOKINGS

CURRY COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
 Mayor Date \_\_\_\_\_

\_\_\_\_\_  
 Bill Waddle, Chair Date \_\_\_\_\_

\_\_\_\_\_  
 George Rhodes, Vice Chair Date \_\_\_\_\_

Attest:

\_\_\_\_\_  
 Georgia Yee Nowlin, Commissioner

\_\_\_\_\_  
 City Recorder

Date \_\_\_\_\_

ATTACHMENT TO THIS DOCUMENT WILL INCLUDE:

1. MAP OF URBAN GROWTH AREA

