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JOINT MANAGEMENT AGREEMENT BETWEEN  
CITY OF HELIX  
AND UMATILLA COUNTY

City of Helix City Council Resolution Number 01-606  
Umatilla County Board of Commissioners Resolution Number \_\_\_\_\_

This agreement is entered into this 6<sup>th</sup> day of June, 2001 by the City of Helix, an incorporated municipality of the State of Oregon, hereinafter referred to as the "City" and Umatilla County, a political subdivision of the State of Oregon, hereinafter referred to as the "County".

RECITALS:

- A. The City and the County are authorized under the provisions of Oregon Revised Statutes (ORS) 190 to enter into intergovernmental agreements for the performance of any functions that the City or County has authority to perform; and
- B. The City and the County are required to have coordinated and consistent comprehensive plans which establish an Urban Growth Boundary (UGB) and a plan for the Urban Growth Area (UGA) within the boundary; and
- C. Statewide Planning Goal 14 (Urbanization) requires that the establishment and change of a UGB shall be through a cooperative process between the City and County; and
- D. The City and the County share a common concern regarding development and use of lands within the UGA and other identified areas of mutual interest; and
- E. Statewide Planning Goal 2 (Land Use Planning) requires that City and County, maintain a consistent and coordinated plan for the UGB and UGA when amending their respective comprehensive plans; and
- F. The City and the County consider it mutually advantageous to establish this Joint Management Agreement (JMA) for the purpose of facilitating the orderly transition from rural to urban land uses within the City's UGA; and
- G. This JMA also constitutes a Cooperative Agreement under ORS 195.020;

NOW THEREFORE, THE CITY AND COUNTY AGREE AS FOLLOWS:

**1. Definitions:**

- 1.1. Comprehensive Plan - A plan adopted by the City or County which meets the requirements of ORS 197.015; generally, a coordinated land use map and policy statements interrelating all functional and natural systems and activities relating to the use of lands.
- 1.2. Contiguous - For the purpose of this agreement, contiguous shall be defined as touching or adjoining.
- 1.3. Days - In all cases, the reference to days in this agreement shall be understood to mean calendar days.
- 1.4. Land Use Actions - Land Use and Limited Land Use Decisions defined by ORS 197.015; generally a decision by the City or County applying standards of the comprehensive plans or land use regulations to particular pieces of property. Examples include, but are not limited to variances, conditional use permits, partitions, subdivisions, planned unit developments, road dedications and vacations, and amendments to the zoning map for specific properties.
- 1.5. Land Use Regulation - County or City zoning ordinances, subdivision ordinances adopted under ORS 92.044 or 92.046, or similar ordinances establishing standards for implementing the comprehensive plan. For the purpose of this JMA, substantive provisions of land use regulations shall be those sections of the ordinance establishing outright uses, conditional uses and zone requirements such as minimum lot sizes, the zoning map, and design standards for required improvements.
- 1.6. Legislative - An amendment to the City of County comprehensive plans and/or land use ordinances or a plan or zone maps that applies to a large number of parcels of land.
- 1.7. Major Improvement Projects - Projects that involve capital improvements for new or replacement facilities. These projects are budgeted as separate line items in the local jurisdiction's capital improvement budget. They do not include routine facilities maintenance, such as cleaning, pavement patching, or repairs.
- 1.8. Periodic Review - A comprehensive plan and ordinance review process, which is mandated by the state for cities over 2,500 people and optional for cities with smaller populations. The process involves an assessment of plan and ordinance deficiencies, development of a work plan with the Oregon Department of Land Conservation and Development (DLCDC) to address the deficiencies, and the completion of the work plan.

- 1.9. Procedural Requirements - Those sections of the land use ordinance which establish the review process for land use applications, including but not limited to determination of a complete application, notice, time frame for review, decision making authority, and appeal procedures.
- 1.10. Quasi-Judicial – A land use action, which involves the application of adopted City or County comprehensive plan policies and/or land use ordinance provisions to a specific land use application affecting identified parcels of land or property owners.
- 1.11. Substantive Provisions – Those sections of zoning and subdivision ordinances, which establish design standards and required improvements.
- 1.12. Urban Growth Area (UGA) - That unincorporated area between the City Limits and the Urban Growth Boundary in which urban services and facilities can be extended and development at urban intensity and density will occur.
- 1.13. Urban Growth Boundary (UGB) - A mutually agreed upon line, identified in both the City and County comprehensive plans, which delineates the outer extent of the UGA and the limits of urban growth (see Exhibit A).
- 1.14. Urban Reserve Area – An unincorporated area located outside of the UGB, which should accommodate future expansion of the UGB when and if such an action is justified, as mutually agreed by the City and County.

## 2. Coordination of Comprehensive Planning and Development

- 2.1. Amendments to the City's Plan or Land Use Regulations.  
Amendments to the City plan text, land use regulations, UGB, map(s), or designation of urban reserve areas that follow the state periodic review or post acknowledgement procedures shall be enacted in accordance with the procedures established in this section.
  - 2.1.1 City Processing of Amendments
    - a. The City shall be responsible for preparing and/or reviewing all legislative and quasi-judicial comprehensive plan amendments in the UGA.
    - b. Amendments to the City's Comprehensive Plan, land use regulations and/or maps may be initiated by the City, the County, or an affected person, by application to the City.
    - c. If the City elects to amend its comprehensive plan using the Periodic Review process, the City and County shall meet to discuss and develop a proposal for Periodic Review procedures relating to the UGA and UGB, including how the County will participate in Periodic Review. The City will present this proposal to the City Planning Commission at its first hearing on the analysis of the plan. Any comments received from the County, shall be considered by

the City Planning Commission in developing the work program to comply with Periodic Review.

- d. Amendment applications shall be processed by the City, with notification to the County at least thirty (30) days prior to the City Planning Commission's first hearing on the proposed amendment.
- e. The County shall respond in writing, even if it has no comment.
- f. Comments received from the County shall be considered by the City Planning Commission when making its recommendation to the City Council.
- g. The County may also provide comments prior to the City Council hearing, in which case, the Council shall consider the County's comments in making its decision.
- h. The City shall provide written notification of its final decision to the County within seven (7) days.

#### 2.1.2 County Adoption of City Amendments in the UGA

- a. All adopted amendments to the City's Comprehensive Plan, land use regulations, and/or maps affecting the UGA or UGB shall be referred to the County for adoption as amendments to the County Plan and Development Ordinance.
- b. The County must adopt the amendments approved by the City for these to be applicable in the UGA. The County hearing to consider adoption shall be scheduled for hearing within ninety (90) days of the City notification.

### 2.2. Review Process for Land Use Actions in the UGA

#### 2.2.1 County Procedures

- a. The County shall retain responsibility for land use actions affecting land within City's UGA, until after annexation.
- b. The County shall incorporate the portion of the City's Comprehensive Plan that addresses the UGA into the County's Comprehensive Plan.
- c. County zoning designations shall be applied to land in the UGA. Applicable County ordinance procedures and standards shall be used evaluate land use actions within the UGA. Following annexation, the City zoning and ordinances shall apply.
- d. Applications for land use actions within the UGA shall be processed by the County according to its adopted procedural requirements for reviewing land use actions. Within seven (7) days of the date the application is accepted as complete, and not less than twenty-one (21) days before a scheduled public hearing, a copy shall be sent to the City, with a notification of the hearing date.
- e. The County shall respond to City comments, as appropriate, and consider them in making its decision.
- f. If a major change is made in the proposal, or significant new information is submitted that was not included in the original request, the County shall, within seven (7) days, refer it back to the City to review and comment within twenty-one (21) days.

- g. Notification of the County's final written decision shall be provided to the City within seven (7) days.

#### 2.2.2 City Procedures

- a. Upon receipt of notification from the County, the City shall review the application and provide written comments within twenty-one (21) days.
  - 1. If the County is to make an administrative decision, the City shall provide the County with either a written response or request a public hearing.
  - 2. In all other cases, the Planning Commission will make a recommendation to the City Council, which shall review the request at its first opportunity and submit its recommendation to the County.
- b. If the City has no comment, this response shall be provided in writing.
- c. If a major change is made in the proposal, or significant new information is submitted that was not included in the original request, the County shall, within seven (7) days, refer it back to the City to review and comment within twenty-one (21) days. In the case of an administrative decision, the City may request a hearing.

#### 2.2.3 Opportunity for Appeal by the City

If the City participates in the County decision, the City has the right to appeal the County's decision in accordance with the appeals process specified in the County's Ordinance, applicable state statute, or state administrative rules.

### 2.3 Coordination of Other City and County Actions

#### 2.3.1 City Actions

The City shall coordinate with and seek comments from the County regarding the following items, for which the City has ultimate decision making authority, and which affect land use within the UGA. These actions include:

- a. Major improvement projects sponsored by the City for transportation, water or drainage improvements; and
- b. Proposal for the extension of any City service, utility or facility or their respective service areas.

#### 2.3.2 County Actions

The County shall coordinate with and seek comments from the City regarding the following items, for which the County has ultimate decision making authority, and which affect land use within the UGA. These actions include:

- a. Major improvement projects sponsored by the County for transportation, drainage or solid waste improvements;
- b. Proposal for formation of, or changes of organization, boundary or function of special districts, as these terms are defined in ORS 198.705 to ORS 198.710; and
- c. County road vacations.

### 3. City Services

#### 3.1 City Water Service

##### 3.1.1 Service Extensions

The City shall require annexation prior to extending water services to any property within the UGA at the affected property owner's request and expense.

##### 3.1.2 City Facilities

City-operated facilities, such as water reservoirs, may be located outside of the UGB when it is determined by the City and County to be necessary for the proper operation of the utility system.

#### 3.2 Other Urban Services

3.2.1 Fire protection is provided by the Helix Rural Fire Protection District. The City and County shall notify the District of all comprehensive planning and development actions and provide an opportunity to comment in the manner provided in Section 2 of this agreement.

3.2.2 The Umatilla County Sheriff provides, and shall continue to provide, law enforcement services for the City. The City and County shall notify the County Sheriff of all comprehensive planning and development actions and provide an opportunity to comment in the manner provided in Section 2 of this agreement.

### 4. Roads and Transportation

#### 4.1 Road Jurisdiction and Maintenance Responsibility

##### 4.1.1 Jurisdiction

As of June 2001, the City has jurisdiction of all public streets and associated rights-of-way within the UGB, except for the following:

<u>Street</u>	<u>Jurisdiction/Number</u>	<u>Location</u>
a. Columbia St.	County 800	Within city, west of Thurman St.
b. Vancycle Rd.	County 875	North of city limits
c. Sand Hollow Rd.	County 825	East of city limits
d. Helix Hwy.	State 335	Within city

#### 4.1.2 Maintenance

Roads, streets, alleys, and other public improvements within public street rights-of-way shall be maintained by the agency that has jurisdiction as noted in Section 4.1.1.

#### 4.2 Street and Road Transfer to the City

##### 4.2.1 General Policy

The City and County agree in principle that except for state highways, it is most appropriate for all streets within the City limits to be under the jurisdiction and maintenance responsibility of the City. However, it is also recognized by both parties that the City has limited funding, staff expertise, and equipment to maintain or construct streets. The City and County agree to look for opportunities to transfer street jurisdiction to the City with a method for financing and providing street maintenance and/or construction.

##### 4.2.2 Annexation

When property is annexed, the entire width of any contiguous County street right-of-way shall be transferred to City jurisdiction unless the City and County mutually agree that such a change in jurisdiction should be deferred.

##### 4.2.3 Land Use Actions

When a land use action is approved by the City, the entire width of any contiguous County street right-of-way shall be transferred to City jurisdiction unless the City and County mutually agree that such a change in jurisdiction should be deferred. As part of such land use action, the City shall require as a condition of approval:

- a. Street improvements along the property frontage, which are consistent with the street standards adopted by the City; or
- b. Execution of an irrevocable consent agreement, which obligates present and future property owners to participate in financing street improvements in the future.

#### 4.3 Transportation System Plan Implementation

The 2001 Helix Transportation System Plan (TSP) describes street improvement and maintenance projects that should be completed over the next 20 years. Funding will be difficult to obtain for all of these projects. However, the City and County will make the commitment to work together to obtain the funding to complete the capital improvement program noted in Chapter 7 of the TSP. In particular, the City and County will prioritize projects and pursue the funding options described in Chapter 8 of the TSP.

4.4 Issues to be Evaluated

4.4.1 Funding Strategies

The City and County agree to evaluate the following funding strategies presented in the 2001 Helix TSP and determine their feasibility:

- a. System Development Charges;
- b. Vehicle Registration Fees; and
- c. Local Improvement Districts.

4.4.2 Coordinated Maintenance

The City and County currently coordinate street maintenance and construction activities. Given the present situation of decreasing revenues and increasing demand, the City and County shall evaluate ways to improve efficient use of street maintenance and construction funds for the common benefit of City and County residents and businesses.

4.5 Coordinated Grant Applications

Chapter 8 of the TSP describes a number of grant and loan programs, which are potentially available to the City and County. The City and County commit to working closely together to obtain grants for street maintenance and construction within the UGA.

4.6 Public Transit

The City and County shall evaluate methods for providing public transit services for the local area.

**5. Annexation**

5.1 Annexation Procedure

Annexation of a property shall be in accordance with relevant methods and procedures in the ORS and City ordinances. At the time of annexation, the City shall apply the appropriate zoning designation to the property and amend the City Zoning Map accordingly.

5.2 City Addresses

Within one (1) year following annexation, property (situs) addresses shall be converted to the city addressing grid.

**6. Review, Amendment, Severability, Termination of Agreement**

6.1. Scheduled Reviews of the JMA

The County shall be responsible for initiating a joint review of this agreement at a minimum of every five (5) years to evaluate the effectiveness of the processes set forth, address new matters of state law, or changed conditions within the urban growth boundary.

6.2. Amendments to the JMA

This agreement may be amended by initiation of either party to the agreement following the procedures outlined below.

6.2.1 Request

- a. The party which seeks the amendment shall submit a formal request for amendment, describing the proposed change and why the change is necessary.
- b. The responding agency shall schedule a review of this request within 30 days of receipt.

6.2.2 Resolution, Modification and Mediation

- a. Both parties shall make good faith efforts to resolve requests to amend this agreement.
- b. The responding agency may approve, deny or suggest modifications to the amendment.
- c. Either party to the agreement may request the services of an outside mediator to help resolve disputes that may arise out of the implementation or amendment of this agreement.

6.3. Severability of JMA Provisions

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

6.4. Termination of JMA

This agreement may be terminated by any of the parties following procedures provided.

6.4.1 Public Hearing Notice and Public Comment

- a. A public hearing shall be called by the party considering termination, giving the other party notice of hearing at least thirty (30) days prior to the scheduled hearing date. The thirty (30) day period shall be used by both parties to seek resolution of differences.
- b. Public notice of the hearing shall be in accordance with applicable Oregon statutes and administrative rules, but not less than twenty-one (21) days prior to the hearing.
- c. The party moving for termination shall state, in the public notice and at the hearing, the reasons for termination and the affect of the action on the UGA.
- d. Public comment shall be received regarding the action and considered by the party in its decision.

6.4.2 Conflict Resolution

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.

6.4.3 Final Decision

- a. The governing body of the terminating party shall vote to decide on termination on the established date for termination. 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.
- b. The established date of termination shall be at least thirty (30) days after the public hearing in order to provide an additional time period for resolution of differences.
- c. If resolution cannot be reached, a replacement agreement shall be developed as required by ORS 195.020.

IN WITNESS WHEREOF, this Urban Growth Area Joint Management Agreement is signed and executed by:

CITY COUNCIL  
CITY OF HELIX, OREGON

BOARD OF COUNTY COMMISSIONERS  
OF UMATILLA COUNTY, OREGON

Harry Schuenberg  
Mayor

Emile M. Holman  
Chair

Steve Ralston  
Councilor

William S. Hanson  
Commissioner

Robert [Signature]  
Councilor

Jennis D. [Signature]  
Commissioner



James [Signature]  
Councilor

Debra [Signature]  
Councilor

Office of County Records  
Attest: Jean [Signature]  
Records Officer

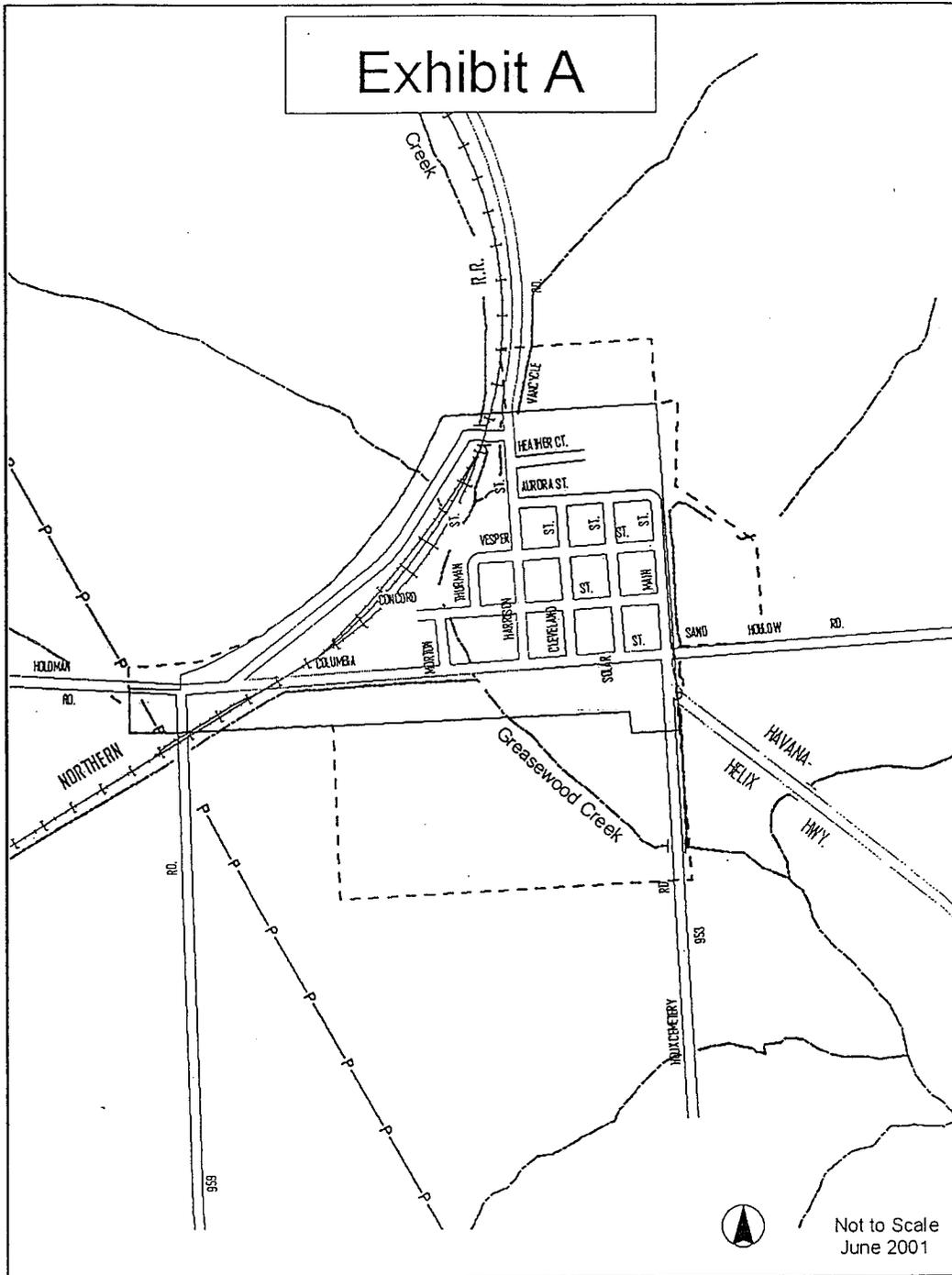


Francis [Signature]  
Councilor

Attest: County Clerk

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# Exhibit A



**City of Helix**

Urban Growth Boundary



City Limits

UMATILLA COUNTY, OREGON  
ORDINANCE #94-18

CO-ADOPTING THE CITY OF HELIX ORDINANCE #001, AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING ORDINANCE, AND SUBDIVISION ORDINANCE TO COMPLY WITH THE MOST RECENT LEGISLATIVE CHANGES.

WHEREAS, The City of Helix adopted Ordinance #001 on November 11, 1993, amending the City Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance; and

WHEREAS, The City has requested the County co-adopt this ordinance; and

WHEREAS, The Umatilla County Planning Commission reviewed the Ordinance on May 26, 1994, and recommended unanimously that Ordinance #001 be co-adopted; and

WHEREAS, The County Board of Commissioners held a duly-advertised public hearing on June 28, 1994, at which time no opposition was raised; and

WHEREAS, Immediately following their hearing, the Board of Commissioners voted to co-adopt the City of Helix Ordinance #001.

NOW THEREFORE, be it ordained that the attached City of Helix Ordinance #001 is hereby co-adopted as an amendment to the City's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance, which are already co-adopted.

BE IT ALSO ORDAINED that an "emergency" exists in order for these amendments to be applicable immediately, so as to conform to the City's action of November 11, 1993.

Signed this 7<sup>th</sup> day of July, 1994.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell  
William S. Hansell, Chairman

Glenn Youngman  
Glenn Youngman, Vice-Chairman

Emile M. Holeman  
Emile Holeman, Commissioner

ATTEST:  
Thomas L. Groat, Deputy  
Thomas L. Groat  
County Clerk

CITY OF HELIX  
UMATILLA COUNTY, OREGON

ORDINANCE #001

AN ORDINANCE AMENDMENT TO ALLOW A PLAN UPDATE OF THE CITY OF HELIX'S COMPREHENSIVE PLAN, ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO COMPLY WITH THE MOST RECENT LEGISLATIVE CHANGES.

WHEREAS, The Planning Commission after reviewing the changes needed to the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance wishes to make those necessary changes; and

WHEREAS, The Planning Commission discussed these changes on August 24, 1993 meeting, and

WHEREAS, The Planning Commission held a public meeting on September 30, 1993 at 7:30 P.M. at City Hall, and

WHEREAS, Notice and explanation of the proposal were posted in several locations within the city on September 20, 1993, and

WHEREAS, Legal notice was published in the September 21, 1993 edition of the East Oregonian newspaper, and

WHEREAS, The public hearing was held as scheduled, at which time testimony was received, and

WHEREAS, The City Council did also adopt the Plan Update on November 11, 1993, and

WHEREAS, All notices and documents were sent to LCDC in a timely manner, and

WHEREAS, After regarding public testimony, the City Council approved the changes based on the following findings;

1. The changes reflect the need to bring the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance into compliance with state statutes.
2. The Plan Update will meet all of the requirements of the City of Helix's up coming Periodic review.

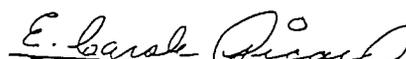
NOW THEREFORE

The Helix City Council ordains that the Plan Update effecting the Comprehensive Plan Zoning Ordinance and Subdivision Ordinance be amended as noted.

Adopted this day 11th day of November 1993.

  
Mayor Jim Coles

ATTEST

  
Recorder E. Carole Picard

HELIX PLAN UPDATE

1. COMPLETE REDO OF SUB-DIVISION ORDINANCE.  
A MINOR LAND PARTITION MUCH LIKE A SUB-DIVISION.
2. COMPRHENSIVE PLAN
  - A. CLEAN UP WORDS AND TYPE O's.
  - B. ADDRESSED REMOVAL OF BURLINGTON NORTHERN.
  - C. ADDRESSED NEW "WATER SYSTEM" WHERE NEEDED,
  - D. REMOVED AND CORRECTED "PLAN CORRECTIONS", MADE EVERYTHING CURRENT. MAP CORRECTION ON KUPER SITE.
  - E. PROJECTED GROWTH HAS BEEN MOVED TO 2020 with same expected population growth of 200.
  - F. LOWES SUB-DIVISION CHANGED TO LARSON SUB-DIVISION.
  - G. REDO MAPS.
3. DEVELOPMENT ORDINANCE (ZONING ORDINANCE).
  - A. DEFINITIONS- MOBILE/MANUFACTURED HOME; MOBILE/MANUFACTURED HOME COURT OR PARK; WETLANDS; LAND USE DECISION.
  - B. REWRITE PUBLIC HEARINGS PROCEDURES, INCLUDING, RECESS OF HEARINGS, CONDUCT OF HEARING, CHALLENGE OF BIAS PREJUDGMENT, OR PERSONAL INTEREST, PRESIDING OFFICER, ORDER OF PUBLIC HEARING, TIME LIMIT ON APELICATION.
  - C. APPEALS PROCESS
  - D. REDO MAPS

## HELIX URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

The parties of this Joint Management Agreement shall be the City of Helix, Oregon, hereinafter referred to as the City, and Umatilla County, Oregon, hereinafter referred to as the County.

The terms of this Joint Management Agreement shall be applicable to the City's Urban Growth Area. For the purposes of this Agreement, the Urban Growth Area shall be defined as that area of land extending from the City's corporate limits to the City's Urban Growth Boundary as referenced and mapped in the City's Comprehensive Plan on June 13, 1978, and hereby incorporated into and made a part of this document (see Attachment A).

This Joint Management Agreement is entered into pursuant to ORS Chapters 190 and 197 and the Oregon Statewide Planning Goals for the purpose of facilitating the orderly transition from rural to urban land uses within the City's urban growth area.

Words and phrases used in this Joint Management Agreement shall be construed in accordance with ORS Chapters 92, 197, 215, and 227 and applicable Oregon Statewide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

### I. Introductory Information

- A. This Joint Management Agreement is the culmination of a series of actions intended, in part, to facilitate the orderly and efficient transition from rural to urbanizable to urban land uses within the urban growth area. Such actions include the preparation of a city comprehensive plan, the cooperative establishment of an urban growth area (see Attachments A and B), coordination with affected governmental units, and county review of the city comprehensive plan.
- B. The City Council has adopted by ordinance a comprehensive plan which includes an urban growth boundary and planning goals, objectives, and policies (see Attachment A).

### II. General Comprehensive Plan Provisions

- A. The County shall retain responsibility for land use decisions and actions affecting the City's urban growth area, such responsibility to be relinquished over any land within this area upon its annexation to the City subject to provisions of ORS 215.130(2)(a).
- B. The City's urban growth area has been identified as urbanizable and is considered to be available over time for urban expansion. In order to promote consistency between the City's planning effort and County land use decisions and actions affecting the urban growth area, the County shall incorporate that portion of the City's Comprehensive Plan which addresses the urban growth area into the County Comprehensive Plan.

- C. After the City's Comprehensive Plan has been reviewed by the County Board of Commissioners and after County concurrence with and approval of the Plan for the area within the corporate City Limits and adoption of the Plan for the Urban Growth Area, all public sector actions which fall within the scope of the City's Comprehensive Plan shall be consistent with the Plan.
- D. Land within the urban growth area presently zoned for Exclusive Farm Use shall remain Exclusive Farm Use until rezoning is requested, and such rezoning shall be consistent with the City's Comprehensive Plan.
- E. It is the policy of the City and County to maintain a rapid exchange of information relating to their respective land use decisions which affect the City's urban growth area.

### III. Zoning and Subdivision Ordinances

- A. The substantive, as opposed to procedural, portions of the City's Zoning and Subdivision Ordinances (see Attachments C-1 and C-2) shall be incorporated by reference into and made a part of the County Zoning and Subdivision Ordinances with exceptions as necessary and as agreed upon in writing by both parties to this Joint Management Agreement no later than November 1, 1978.
- B. For the purposes of this Joint Management Agreement:
  - 1. Substantive provisions of a zoning ordinance shall be those sections of the ordinance which establish outright uses, conditional uses, and zone requirements (e. g. minimum lot sizes, setback requirements, etc.) and the zoning map; and,
  - 2. Substantive provisions of a subdivision ordinance shall be those sections of the ordinance which establish design standards for required improvements.
- C. A Current Zoning Map and Growth Zoning Map shall be adopted as a part of the City Zoning Ordinance and shall include both the area within the City Limits and the Urban Growth Area.  
 The Current Zoning Map will portray the zoning pattern to be in effect immediately following adoption of the City Zoning Ordinance and will generally only zone for urban uses within the existing built-up area of the City. The Current Zoning Map shall:
  - 1. Apply to land within the City Limits upon adoption of the Ordinance
  - 2. Be a recommendation to the County for rezoning all lands within the Urban Growth Area where existing zoning is inconsistent with the City Comprehensive Plan by type of use allowed, except for land zoned Exclusive Farm Use pursuant to Section II(D)

The Growth Zoning Map will portray the recommended zoning pattern to be applied as lands within the City Limits and Urban Growth Area are developed over the coming years. The Growth Zoning Map shall:

3. Be a recommendation to the City for rezoning currently undeveloped lands within the City when urban development of the land is proposed
  4. Be a recommendation to the City for rezoning lands within the Urban Growth Area upon annexation to the City
  5. Be a recommendation to the County for rezoning lands within the Urban Growth Area when urban development of the land is proposed prior to annexation
- D. After action is taken by the County pursuant to Section III(C2) above, all subsequent rezoning by the County shall be consistent with the City Comprehensive Plan and Growth Zoning Map except that adequate findings for the need to rezone land shall be required.
- E. The above mentioned incorporated Ordinances shall be applied to zone change, conditional use, variance, subdivision, major partition, minor partition, and building permit requests affecting the City's Urban Growth Area.

#### IV. Referred Application Situations

- A. The County Planning Department shall refer the following requests affecting the City Urban Growth Area to the City for its review and comment within ten (10) working days of the date the request was filed with the County Planning Department.
1. Conditional use
  2. Variance
  3. Subdivision
  4. Major partition
  5. Applications for the following uses permitted outright in the Exclusive Farm Use zone:
    - a. church
    - b. school
    - c. utility facility
    - d. hog farm, poultry farm, or feedlot
  6. Cemetary
  7. **Zone Change**
- B. The City Planning Commission shall review the request and submit its recommendation to the City Council within fourteen (14) calendar days of the date the request was received by the City. City Council will review the referred requests and Planning Commission recommendations and will submit its own recommendations to the County Planning Department within fourteen (14) calendar days of the date the request was received from the Planning Commission. The total City review period for requests will be thirty (30) calendar days in duration.
- C. It is agreed that the County will refer any proposed discretionary action back to the City for its review and comment in the event such action was not addressed in the original request for review. The same time limitations imposed by Sections IV A and B above shall be applicable.

- D. The County shall retain final decision-making responsibility for all land use actions affecting the City urban growth area, but such decisions shall only be made after the receipt of timely recommendations from the City.
- E. Standard County procedures will be utilized for processing and reviewing each request, except that the appropriate City review period and referral system will be accommodated to allow City response before the County Planning Commission reviews the request or the County Planning Department takes action on it.
- F. Should no recommendations be forthcoming within established response times, absent a request for an extension, the City shall be presumed to have no negative comment regarding the application.
- G. The City will promptly be informed of the action taken by the County on all requests affecting the City Urban Growth Area (including standard building permit sign-offs).

V. City Services

- A. The City may extend city services to any site located within the City urban growth area at the affected property owner's request and expense. Such extension of city services to sites not contiguous to the City shall be conditioned upon an unlimited agreement signed by the affected property owner that the site may be annexed by City Council action as soon as the site becomes contiguous to the City.
- B. For the purposes of this Joint Management Agreement, City services shall be limited to community water.
- C. For the purpose of this Joint Management Agreement, "contiguous" shall be defined as "adjacent to," in that the bulk of the site must directly adjoin the City, rather than being connected to the City by a narrow strip of land extending outward along a road.
- D. For the purposes of this Joint Management Agreement, expenses to be incurred by the affected property owner shall established by City Council.
- E. Service and hook-up charges shall be established by the City Council.

VI. Annexations

- A. Annexation of sites within the City Urban Growth Area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes and Oregon case law and shall not occur until such sites become contiguous to the City as required by the Oregon Revised Statutes.
- B. Annexations along roads shall include the area extending at least 100 feet back from the edge of the road right-of-way.

## VII. Roads

The County and City shall cooperatively develop an implementation policy regarding streets and roads within the City urban growth area and corporate limits which is consistent with the City Comprehensive Plan. Such policy shall include, but not be limited to, the following.

- A. The circumstances under which the City will assume ownership of and maintenance responsibility for County Roads within the corporate limits.
- B. The conditions under which new streets and roads will be developed in conjunction with subdivisions within the City urban growth area.
- C. The conditions under which new public streets and roads, other than subdivisions will be developed within the City urban growth area.
- D. The conditions under which existing roads designated as future arterials in the City Comprehensive Plan will be improved.
- E. See Attachments F-1 and F-2 for existing county roads within the corporate limits and the City urban growth area.

## VIII. Appeals.

- A. As the County retains responsibility for land use decisions and actions affecting the urban growth area, appeals from such decisions and actions shall be in accordance with the appeals process specified in the County Zoning or Subdivision (or other) Ordinances, applicable state statute or administrative rule.
- B. In the event that either the County Planning Commission or the County Board of Commissioners disagrees with the City comment and recommendation provided for in Section IV of this Agreement, the City shall have standing to appeal as provided in Section VIII (A).

## XI. Comprehensive Plan and Implementation Measure Review and Amendment.

- A. The City Comprehensive Plan, including this Joint Management Agreement, and the zoning, subdivision, and other implementation ordinances or measures shall be reviewed at least annually to determine conformity with changes in:
  1. The Oregon Revised Statutes;
  2. Oregon Case Law;
  3. Oregon Statewide Planning Goals;
  4. Requirements of the City;
  5. Needs of residents or landowners within the City urban growth area;
  6. Concerns of affected governmental units; and
  7. County administration of land use regulations within urban growth areas.

B. If the City Comprehensive Plan, implementation measures, or both fail to conform to any or all of the above-mentioned criteria, the non-conforming document shall be amended as soon as practicable. Such amendments shall be adopted:

By a majority of both the full City Council and the County Board of Commissioners after recommendations have been received from the Planning Commissions of the County and the City.

C. The City or affected property owners shall initiate amendments to the City Comprehensive Plan and City Ordinances. Amendments to the Urban Growth Boundary or this Joint Management Agreement may be initiated by either the City or the County, but only subsequent to joint consultation between the City and County regarding any proposed amendment.

XII. Severability

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

IN WITNESS WHEREOF, this Helix Urban Growth Area Joint Management Agreement is signed and executed:

this 19<sup>th</sup> day of July, 1978

this 11<sup>th</sup> day of JULY, 1978

UMATILLA COUNTY  
BOARD OF COMMISSIONERS

HELIX CITY COUNCIL

[Signature]  
Fred Rubentra  
Barbara Lynch

Bruce Engert Acting Mayor  
Mike Campbell  
Jerry M. Alamy  
Norma Nelson

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR UMATILLA COUNTY

Regarding the adoption )  
of the City of Helix )  
Comprehensive Plan ) Ordinance No. 78-7  
as an amendment )  
to the Umatilla )  
County Comprehensive )  
Plan. )

WHEREAS, the City of Helix, Oregon, has adopted as part of its Comprehensive Plan an Urban Growth Boundary encompassing land lying outside the Helix corporate city limits, hereinafter referred to as the Helix Urban Growth Area; and

WHEREAS, the Helix Urban Growth Area is included in the City of Helix Comprehensive Plan, with Goals, Objectives, and Policies and the Land Use Plan being applied to the Area; and

WHEREAS, that land within the Helix Urban Growth Area is presently under the jurisdiction of Umatilla County and included within the Umatilla County Comprehensive Plan; and

WHEREAS, the Umatilla County Planning Commission reviewed the City of Helix Comprehensive Plan and held a public hearing on June 14, 1978, and the Umatilla County Board of Commissioners reviewed the City of Helix Comprehensive Plan and held a public hearing on June 21, 1978 and adopted said Plan by resolution that day; and

WHEREAS, the City of Helix and Umatilla County proposed to enter into an agreement entitled the Helix Urban Growth Area Joint Management Agreement, which provides for Umatilla County administering land use controls within the Helix Urban Growth Area utilizing the City of Helix Comprehensive Plan

and zoning and subdivision standards, and providing opportunity for the Helix Planning Commission and Helix City Council to review and comment on many land use requests affecting the Helix Urban Growth Area; and

WHEREAS, the Helix Urban Growth Area Joint Management Agreement was approved by the Helix City Council on July 11, 1978, and was reviewed by the Umatilla County Planning Commission on July 12, 1978; and

WHEREAS, a public hearing on this ordinance and the Helix Urban Growth Area Joint Management Agreement was held before the Umatilla County Board of Commissioners on Wednesday, July 19, 1978, and notice of the hearing was published in the "East Oregonian" on July 8th and 14th, 1978; and

WHEREAS, the Umatilla County Board of Commissioners approved the Helix Urban Growth Area Joint Management Agreement on July 19, 1978.

The Board of County Commissioners for Umatilla County, Oregon hereby ordain as follows:

The Umatilla County Comprehensive Plan, originally adopted on April 6th 1972, is amended to adopt the City of Helix Comprehensive Plan for that land designated as being within the City of Helix Urban Growth Boundary, but outside of corporate city limits, referred to as the Helix Urban Growth Area as referenced and mapped in the City of Helix Comprehensive Plan as adopted by the Helix City Council on June 13, 1978. The substantive provisions of the City of Helix Subdivision and Zoning Ordinances are also adopted by reference for application only in the Helix Urban Growth Area.

Dated this 19<sup>th</sup> day of July, 1978.

UMATILLA COUNTY BOARD OF COMMISSIONERS

*F. K. Starrett*

F. K. Starrett, Chairman

*Ford Robertson*

Ford Robertson, Vice-Chairman

*Barbara Lynch*

Barbara Lynch, Commissioner

ATTEST: County Clerk

*Jessie M. Bell*  
Jessie M. Bell