

**AGREEMENT BETWEEN THE CITY OF TALENT, OREGON (CITY)
AND JACKSON COUNTY, OREGON (COUNTY)
FOR THE JOINT MANAGEMENT OF THE TALENT URBAN GROWTH BOUNDARY**

WHEREAS, under ORS 190.003 to 190.030, and 197.175, et seq. City and County are authorized to enter into intergovernmental agreements and are required to prepare and adopt Comprehensive Plans consistent with Statewide Planning Goals; and

WHEREAS, under ORS 197 - State Land Use Goal 14, Urbanization, the "Establishment and change of the boundary shall be a cooperative process between a city and the county or counties that surround it"; and

WHEREAS, City and County have adopted a Regional Plan which necessitates revisions to the previous agreement; and

WHEREAS, City and County recognize the importance of providing an orderly transition of urban services from County to City jurisdiction and administration as the Urban Reserve transitions from a rural to an urban character; and

WHEREAS, ORS 190.003, et seq. requires that an intergovernmental agreement relating to the performance of functions or activities by one unit of local government for another shall be adopted and shall specify the responsibilities between the parties;

NOW, THEREFORE, the City and County adopt the following urban growth policies which shall serve as the basis for decisions pertaining to development and land uses in the area between the City limits of Talent and its urban-growth boundary, and other lands that are of mutual interest or are of significant importance to Talent's long-range growth and development.

DEFINITIONS

1. Area of Mutual Planning Concern: A geographical area lying beyond an adopted Urban Growth Boundary in which the City and County have an interest in terms of its open space, scenic and agricultural characteristics, and as a buffer between adjacent cities. The area is not subject to annexation and is an area within which the City and County will fully coordinate land use activity.
2. BOC: Jackson County Board of Commissioners.
3. Comprehensive Plan: State-acknowledged comprehensive plan adopted by City or County.
4. Contract Annexation: A process where the City, County, and other involved parties enter into a contract that permits:

- A. The parties to administer urban land use regulations on the development of property following an annexation decision while the property remains under County jurisdiction; and
- B. The City to annex property developed to City densities and uses, with the improvement to appear on the County tax rolls prior to the effective date of annexation.

Such a process permits City tax base increases ameliorative to the cost for public facility and service demands.

- 5. Council: City of Talent City Council
- 6. Develop: To bring about growth or availability; to construct or alter a structure; to conduct a mining operation; to make a physical change in the use or appearance of land; to divide land into parcels; or to create or terminate rights of access.
- 7. Development: The act, process or result of developing.
- 8. LDO: Jackson County's Land Development Ordinance.
- 9. Mutual Planning Concern: The area within which Talent and Jackson County have mutual concern over the land use planning and decisions that occur. The area is significant in terms of its agricultural, scenic, and open space characteristics. The area also provides an important buffer between Talent and other urban areas. The area of Mutual Planning Concern is not subject to annexation and is one in which the County will coordinate all land use planning and activity with Talent.
- 10. Non-Resource Land: Land that is not subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).
- 11. Planning Services: Legislative activities, such as adoption and amendment of comprehensive plan text and maps, adoption and amendment of land use regulations, and quasi-judicial processing of land use actions.
- 12. Provide: Prepare, plan for, and supply what is needed.
- 13. Resource Land: Land that is subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) & (d).
- 14. Subdivide-Partition Land: Is as set forth in Oregon Revised Statutes 92.010.
- 15. Urban/Public Facilities and Services: Basic facilities that are primarily planned for by local government, but which also may be provided by private enterprise, and are essential to the support of development in accordance with the City's Comprehensive Plan. Urban/public facilities and services include police protection, fire protection, sanitary facilities, public water facilities, storm drainage facilities, planning, zoning and

subdivision control, health services, recreation facilities and services, energy and communication services, and community governmental services including schools and transportation.

16. Urban Growth Boundary (UGB): An Urban Growth Boundary is a site specific line imposed on the Official Plan and Zoning Map of Jackson County, which identifies and encompasses urban and urbanizable lands within Jackson County, according to the following definitions:

Urban Land: Residential areas generally comprised of parcels less than one (1) acre in area, or highly developed commercial and industrial areas in the County which are contained within incorporated cities or which contain concentrations of persons who generally reside or work in the areas, including land adjacent to and outside of incorporated cities, and which have supporting urban/public facilities and services.

Urbanizable Land: Areas within an officially adopted Urban Growth Boundary which are needed for expansion of an urban area, and which have been determined to be necessary and suitable for development as future urban land and which can be served with supporting urban/public facilities and services.

INTENT AND PURPOSE OF AGREEMENT

The intent and purpose of this Agreement is for City and County to:

1. Enhance long-range planning in the Urban Growth Boundary and the Urban Reserve.
2. Maintain and improve coordination and communication between City and County.
3. Develop consistent policies and procedures for managing urban growth and development within the Urban Growth Boundary.
4. Minimize impacts to property owners, local governments and service providers related to the transition of property from within the Urban Growth Boundary to within the City Limits.

URBAN GROWTH POLICIES

1. The City of Talent shall have primary responsibility for all future urban level development that takes place within the City and urban growth boundary area. Additionally:
 - A) All urban level development shall conform to City standards, shall be consistent with the adopted City Comprehensive Plan, and shall meet all appropriate requirements of the City Zoning Ordinance and Map.

- B) The term "urban level development" shall be generally defined, for purposes of this agreement, as any commercial or industrial development, and any residential development, partitioning, or subdivision that creates actual or potential densities greater than allowed by the City's Residential Low-Density (RLD) District. The expansion or major alteration of legally existing commercial or industrial use shall also be considered urban level development.
 - C) Urban level development proposals submitted through County processes must be accompanied by a contract to annex to the City.
 - D) Prior to annexation of urbanizable lands, no land divisions shall be approved by the County which create lots less than forty (40) acres in size.
 - E) Prior to annexation of urbanizable lands, no property shall be rezoned. This restriction advances the purposes and policies of the Regional Plan to make more efficient use of urbanizable land.
2. A change in the use of urbanizable land from a use designated on the Jackson County Comprehensive Plan/Zoning Map to uses shown on the City Comprehensive Plan shall occur only upon annexation or contractual intent to annex to the City. Additionally:
- A) Development of land for uses designated in the Comprehensive Plan shall be encouraged on vacant or underdeveloped lands adjacent to or within the City limits prior to the conversion of other lands within the urban growth boundary.
 - B) Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the Comprehensive Plan, prior to or concurrent with the land use changes.
 - C) The City may initiate annexation and zone changes of lands outside the City limits and within the UGB that are under a County "Exclusive Farm Use" designation or otherwise enjoying farm-related tax incentives when such lands are needed for urban development.
3. City annexation shall only occur within the framework of the City's Comprehensive Plan and within the Urban Growth Boundary.
4. Except as provided in Policy 8 of this agreement, specific annexation decisions shall be governed by the City of Talent. The City will provide opportunities for the County and all affected agencies to respond to pending requests for annexation with the response time limited to thirty days to minimize any unnecessary and costly delay in processing.
5. The establishment of the Urban Growth Boundary does not imply that all lands within the Boundary must be annexed to the City.

6. Except in cases where a contract for annexation has been executed, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180(2), Jackson County shall retain jurisdiction over any land use decisions, other than annexations, within the unincorporated urbanizable area, in conformance with these adopted policies. Additionally:
 - A) The City shall be requested to respond to pending applications for land use changes in the unincorporated urbanizable area. If no response is received within fourteen days, the County will assume the City has no objections to the request
 - B) The City will request that the County respond to pending applications for land use changes within the incorporated area which could affect land under County jurisdiction. If no response is received within fourteen days, the City will assume the County has no objections to the request.
 - C) Recognizing that unincorporated areas within the Urban Growth Boundary could ultimately become part of Talent, the City's recommendations will be given due consideration. It is the intent of the County to administer a mutually adopted City/County policy in the urbanizable area until such time as the area is annexed.
7. Prior to annexation, lands within the urbanizable area which currently support a farm use shall be encouraged, through zoning and appropriate tax incentives, to remain in that use for as long as is "economically feasible".
 - A) "Economically feasible", as used in this policy, shall be interpreted to mean feasible from the standpoint of the property owner. Implementation of this policy will be done on a voluntary basis.
 - B) "Exclusive Farm" or other appropriate low-intensity rural zoning designation shall be applied to areas within the UGB by the County for the purpose of maintaining agricultural land uses and related tax incentives until such time as planned annexation and urban development occur.
 - C) "Suburban Residential" or other zoning designations that would permit non-agricultural land uses to develop prematurely could result in obstacles to future planned and coordinated growth and, therefore, should be restricted to only those areas that are already developed to such levels.
 - D) Agricultural zoning policies contained herein apply only to areas identified by the City or County as agricultural lands within the UGB or URA's and shall not be used as a standard to review other land use applications within these areas.
8. The City and County acknowledge the importance of protecting agricultural lands. Therefore:
 - A) While properties are in agricultural use, the City will apply the below standards when adjacent lands are proposed for urban development:

- i. To mitigate the potential for vandalism, the development's design should incorporate the use of visible public or semipublic open space adjacent to the agricultural lands.
 - ii. To mitigate nuisances originating from agricultural noise, odors, irrigation run-off, and agricultural spray drift, the development's design should incorporate:
 - a. The use of landscaping and berms where a positive buffering benefit can be demonstrated.
 - b. The orientation of structures and fencing relative to usable exterior space such as patios, rear yards and courts, such that the potential impacts from spray drift, dust, odors, and noise intrusion are minimized.
 - c. The design and construction of all habitable buildings, including window and door locations, should be such that the potential impact of spray drift, noise, dust, and odors upon interior living/working areas will be minimized.
 - d. Physical separation between agricultural lands and urban development shall be utilized to the greatest extent possible to minimize adverse impacts. Site design emphasizing the appropriate use of open space areas, streets, and areas not designed specifically for public recreation or assembly shall be considered.
- B) The City and County mutually agree herewith that the buffering standards established by the Jackson County Regional Plan and adopted by the City of Talent have or can and will be met, prior to annexation or urban development of lands.
- C) The City and County mutually agree to involve affected Irrigation Districts prior to annexation or when contemplating urban development of lands.
- 9. The City, County, and other affected agencies shall coordinate the expansion and development of all urban facilities and services within the urbanization area. Additionally:
 - A) Provisions for urban facilities and services shall be planned in a manner limiting duplication in an effort to provide greater efficiency and economy of operation.
 - B) A single urban facility or service extended into the urbanizable area must be coordinated with the planned future development of all other facilities and services appropriate to that area, and shall be provided at levels necessary for expected uses, as designated in the City's Comprehensive Plan.

10. All County road construction and reconstruction resulting from new development, redevelopment, or land division, in the urbanizable area shall be to urban standards, except that the term "reconstruction" does not include normal road maintenance by the County.
11. Jackson County shall retain jurisdiction over land use decisions within the unincorporated urbanizable area and such decisions shall conform to these adopted policies.
 - A) Recognizing that unincorporated areas within the Urban Growth Boundary could ultimately become part of Talent, the City's recommendations will be given standing. It is the intent of the County to administer a mutually acknowledged City/County land use policy in the urbanizable area until such time as the area is annexed.
 - B) The City will be requested to respond to pending applications for land use changes in the unincorporated urbanizable area and within the Area of Mutual Planning Concern, and will be given standing for its recommendations.
 - C) The City will request the County to respond to and will give the County standing for pending applications for land use changes within the unincorporated area which could affect lands under County jurisdiction.
12. The City and County acknowledge the importance of permanently protecting agricultural lands zoned Exclusive Farm Use (EFU) other than those within the Direction of Urban Growth Area, and that both jurisdictions maintain, and will continue to maintain policies regarding the buffering of said lands. Urban development will be allowed to occur on land adjacent to land zoned EFU when the controlling jurisdiction determines that such development will be compatible with the adjacent farm use. Buffering shall occur on the urbanizable land adjacent to the Urban Growth Boundary. The amount and type of buffering required will be considered in light of the urban growth and development policies of the City and circumstances particular to the agricultural land. Buffering options may include:
 - A) Special setbacks for new urban structures adjacent to the Urban Growth Boundary;
 - B) Acquisition by public agencies;
 - C) Lower densities at the periphery of the Urban Growth Boundary than allowed elsewhere in the City;
 - D) Location of roads, golf courses or other public spaces; and/or
 - E) Use of vegetative screens, earthen berms, and fences of sufficient height and substance to help reduce trespass of people, animals, and vehicles.

In addition, a deed declaration recognizing common, customary, and accepted farming practices should be required for all development occurring within 300 feet of EFU zoned land. The controlling jurisdiction will request and give standing to the non-controlling jurisdiction for recommendations concerning buffering of urban development proposals adjacent to lands zoned EFU.

13. All County road construction and reconstruction in the urbanizable area will be coordinated between the City and County Public Works and Planning Departments.
14. All subdivision activity occurring solely through County administrative processes within the unincorporated urbanizable area shall be platted and constructed to urban standards in compliance with the Jackson County Land Division Ordinance.
15. All Urban Growth Boundary changes shall include adjacent street and other transportation rights-of-way.
16. County maintains county roads within the UGB. County will retain jurisdiction and be responsible for the continued maintenance of these road(s) until annexation by city. When the City annexes properties adjacent to Colver Road, Suncrest Road, Foss Road, Wagner Creek Road (including the unimproved section off Colver Road at the eastern boundary of Urban Reserve Area TA-1), Rapp Lane and Talent Avenue, City shall also concurrently annex the full road right-of-way. Upon annexation of Colver Road, Suncrest Road, Foss Road, Wagner Creek Road (including the unimproved section off Colver Road at the eastern boundary of Urban Reserve Area TA-1), Rapp Lane and Talent Avenue the City shall request jurisdiction of the road(s). Upon annexation of Colver Road, City shall also request jurisdiction of that portion of Colver Road already within city limits. The request for road jurisdiction shall be regardless of the design standard used to construct the road(s) and regardless of when and how the road(s) became county roads. The transfer shall occur without compensation and City shall not impose other conditions that might otherwise be allowed under ORS 373.270(6). County shall ensure the pavement condition of the road(s) is in good or better condition at the time of the transfer as determined by county's Pavement Management Grading System.

AMENDMENTS AND CORRECTIONS TO THE URBAN GROWTH BOUNDARY

The procedure for joint City and County review and amendment of urban growth boundary and urbanization policies are established as follows:

MAJOR REVISIONS

Major revisions in boundary or policies will be considered amendments to both the City and County comprehensive plans and, as such, are subject to a legislative review process.

A major revision shall include any boundary change that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in

population or significant increases in resource impacts; qualitative changes in the land use itself, such as conversion of residential to industrial use, or spatial changes that affect large areas of many different ownerships. Any change in urbanization policies is considered a major revision.

Major revisions will be considered by the City and County at periodic intervals in accordance with the terms of the mutually adopted urban growth boundary agreements between the County and each municipal jurisdiction. It is the intent of the governing bodies to review the urban growth boundary and urbanization policies for consistency upon completion of the City and County Comprehensive Plans.

A request for major revision can be initiated only by the County or City governing bodies or their respective planning commissions. Individuals, groups, citizen advisory committees, and affected agencies may petition the County or appropriate City in accordance with the procedural guidelines adopted by the jurisdiction for initiating major legislative amendments. The party who seeks the revision shall be responsible for filing adequate written documentation with the City and County governing bodies. Final legislative action on major revision requests shall be based on the factors stated in each mutually adopted urban growth boundary agreement.

Generally, these are:

- A) Demonstrated need to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities;
- B) The orderly and economic provision of public facilities and services;
- C) Maximum efficiency of land uses within the current urbanizable area;
- D) Environmental, energy, economic and social consequences;
- E) Compatibility of the proposed change with other elements of the City and County comprehensive plans; and,
- F) The other statewide planning goals.

Major revision proposals shall be subject to a mutual City and County review and agreement process involving affected agencies, citizen advisory committees, and the general public. The review process has the following steps:

- A) CAC and planning commissions review and make recommendations to the City Council and Board of County Commissioners;
- B) Proposal mailed to the affected agencies and property owners; and,
- C) Proposal heard and acted upon by City Council and Board of County Commissioners.

MINOR BOUNDARY LINE ADJUSTMENTS

Minor adjustments to an urban growth boundary line may be considered subject to similar procedures used by the City and County in hearing zoning requests. A minor amendment is defined as focusing on specific individual properties and not having significant impacts beyond the immediate area of the change.

Application for a minor boundary line amendment can only be made by property owners, their authorized agents, or by a City or County governing body. Written applications for amendments may be filed in the office of Jackson County Development Services on forms prescribed by the County. The standards for processing an application are as indicated in the mutually adopted urban growth boundary agreement. Generally, these are the same factors as for a major urban growth boundary amendment.

CORRECTION OF ERRORS

- A. An error is generally considered to be a cartographic mistake, or a misprint, omission, or duplication in the text. They are technical in nature and not the result of new information or changing attitudes or policies.
- B. If the City Council and Board of County Commissioners become aware of an error in the map(s) or text of this mutually-adopted urbanization program, both bodies may cause an immediate amendment to correct the error, after mutual agreement is reached.
- C. Corrections shall be made by ordinance, following a public hearing conducted by both governing bodies, but hearings before the planning commissions shall not be required when an amendment is intended specifically to correct an error.

REVIEW, AMENDMENT AND TERMINATION OF AGREEMENT

- A. This Agreement may be reviewed and amended at any time by mutual consent of both parties, after public hearings by the Council and the Board of Commissioners.
- B. Any modifications to this Agreement will be consistent with City and County comprehensive plans and state law.
- C. Staff from City and County will attempt to informally resolve any disputes regarding the terms, conditions, or meaning of this Agreement. For any disputes not resolved through this informal process, the Council and the BOC will meet jointly in an attempt to resolve those disputes. Either party may request the services of a mediator to resolve any dispute.
- D. This Agreement may be terminated by either party subsequent to

