

*Urban Growth Mgmt*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

In the Matter of Amending the Urban )  
Growth Management Agreement )  
with the City of St. Helens )

**ORDINANCE NO. 99-3**

**WHEREAS**, Columbia County and the City of St. Helens have entered into an Urban Growth Management Agreement to establish the process for guiding growth within the St. Helens Urban Growth Boundary; and

**WHEREAS**, Columbia County and the City of St. Helens desire to complete work tasks in their respective State-approved Periodic Review work programs relating to the review and update of their Urban Growth Management Agreement; and

**WHEREAS**, the Columbia County Planning Commission and City of St. Helens Planning Commission held a joint public hearing on March 3, 1999, and recommended that certain amendments be made to the agreement as contained in Final Order TA 98-1; and

**WHEREAS**, the Columbia County Board of Commissioners held joint public hearings with the St. Helens City Council on May 6, and May 20, 1999; and

**WHEREAS**, findings in support of Draft 2 of the amendments are contained in the Board of Commissioners Staff Report dated April 27, 1999;

**NOW, THEREFORE, IT IS HEREBY ORDERED** as follows:


1. The Board of Commissioners adopts the findings of fact and conclusions of law listed in the April 27, 1999, Staff Report, a copy of which (minus attachments) is attached hereto, labeled Attachment "A", and incorporated herein by this reference.
2. The Board of County Commissioners hereby approves Draft 2 of the proposed amendments, as further revised herein; a copy of Draft 2 of the proposed amendments, as further revised herein, is attached hereto, labeled Attachment "B", and incorporated herein by this reference; and the Board will sign an amended Urban Growth Management Agreement to that effect.
3. The agreement, as amended, shall supercede the agreement between the County and the City dated February 7, 1979.

Dated this 16th day of August, 1999,  
NUNC PRO TUNC June 23, 1999.


**BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

By:   
Chair

By:   
Commissioner

By:   
Commissioner

**Approved as to Form**

By:   
County Counsel

**ATTACHMENT "A"**  
**COLUMBIA COUNTY BOARD OF COMMISSIONERS**  
**STAFF REPORT**  
4/27/99

**Amendments to the St. Helens Urban Growth Management Agreement**

**FILE NUMBER:** TA98-1

**APPLICANT:** City of St. Helens/Columbia County

**REQUEST:** Columbia County/City of St. Helens Periodic Review Task  
Amendment of City/County Urban Growth Management Agreement

**BACKGROUND:**

This request would complete both the approved City and the County Periodic Review work tasks related to the review and amendment of the St. Helens/Columbia County Urban Growth Management Agreement(UGMA). The UGMA is required in order to carry out Statewide Goal 14 implementation guidelines which state that "Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal." The recommended amendments are a result of joint City/County staff, City/County Planning Commission Sub-Committee, City/County Planning Commission and City Council/Board of Commissioner meetings and public hearings over the past year. At a joint public hearing of the City of St. Helens Planning and Columbia County Planning Commission held on March 3, 1999, two sets of amendments, one with a Special Joint City/County Planning Commission and one without, were considered. Both Planning Commissions, with one dissenting vote, recommended approval of the draft without the Special Planning Commission.

**AMENDMENTS:**

The two attached drafts (**Attachment 1**-Draft 1 and **Attachment 2**-Draft 2) of amendments have been submitted for consideration. Draft 1 and Draft two differ only in that Draft 1 would create a St. Helens Urban Growth Boundary Planning Commission and Draft 2 would not. **Attachment 3** provides a comparison of existing and proposed UGMA provisions.

The following is a brief summary of amendments proposed:

**Drafts 1 and 2**

**1. Interim Development Standards.** The current agreement requires adherence to City public facilities and services standards unless waived by the City Planning Commission. Historically, the City has not chosen to waive these standards, resulting in curtailment of subdivisions within the unincorporated urban area due to the lack of such services. The proposed amendment would provide for interim development standards requiring less than full urban services for large lot (i.e., 1 acre) developments including partitions and subdivisions. Authorization of partitions and subdivisions with services meeting interim standards would be predicated on terms of an interim

development agreement. The changes to the UGMA agreement will provide a policy framework for staff to develop both the interim standards and interim development agreement for later Board and City Council approval. Under the revised UGMA, partitions would also be subject to interim development standards. Currently they are exempt from the requirement for the urban services required of subdivisions.

## **2. A Process for UGMA Amendments.**

Amendments detail how the UGMA is amended consistent with State and local land use laws.

### **Draft 1 Only**

## **3. An Urban Growth Boundary Planning Commission.**

Provides for the creation of a UGB Planning Commission made up of members from the incorporated and unincorporated portions of the Urban Growth Boundary area with jurisdiction to on planning matters within the Urban Growth Boundary. The UGB Commission would replace the City of St. Helens Planning Commission and would handle planning matters in the unincorporated UGB formerly handled by the Columbia County Planning Commission.

### **FINDINGS:**

This request is being processed under Sections 1606 and 1611 of the Zoning Ordinance. The pertinent sections of the ordinance are as follows:

“1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance...are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

“.1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.”

Finding 1: These amendments were initiated by City and County Planning Directors in order to complete the State approved City and County Periodic Review work programs.

Continuing with Section 1606 of the Zoning Ordinance:

“.2 Notice of a Legislative Hearing shall be published at least twice, one week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing.”

Finding 2: A hearing notice was published in the St. Helens Chronicle newspaper in compliance with the above stated notice requirements. The mailing of notice to all property owners in the unincorporated St. Helens Urban Growth Boundary area in compliance with Measure 56 has been made by the City of St. Helens. In addition, the County mailed notices to all parties participating in previous proceedings relating to this matter.

“1611 Notice of Legislative Hearing: The notice of a legislative hearing shall contain the following items:

- “.1 Date, time and place of the hearing;
- “.2 A description of the area to be rezoned or the changes to the text;
- “.3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- “.4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.”

Finding 3: All of the above were included in the Notice of Public Hearing published twice in the Chronicle newspaper. Additional citizen involvement was achieved by means of

#### State Goal 1: Citizen Involvement

Finding 4: Two joint Planning Commission meetings were held in November and December of 1997. Staff met several times with the St. Helens CPAC and other interested citizens to discuss alternatives to address issues of Planning Commission member representation in the UGB, the need for more flexible development standards in the unincorporated area and the problem of the time/cost of extension of urban services to this area. Hearings were suspended to allow a review of the amendments by a joint sub-committee of the City and County Planning Commissions which met in January and February 1999. A public forum to discuss proposed amendments was hosted by the joint sub-committee in February 1999. The joint sub-committee recommended the current draft amendments to a joint City and County Planning Commission public hearing on March 3, 1999.

#### **ATTACHMENTS:**

1. Proposed Amendments-Draft 1, with Urban Growth Boundary Planning Commission
2. Proposed Amendments-Draft 2, without Urban Growth Boundary Planning Commission
3. Comparison of existing and proposed agreement provisions.

#### **COMMENTS:**

No written testimony has been received from property owners, parties of interest or government agencies since the Joint City and County Planning Commission hearing on March 3, 1999 to the date of this staff report.

#### **CONCLUSION AND RECOMMENDATION:**

Based on the above review, staff makes the following conclusions:

1. Draft 2 amendments address a pressing need to provide a more effective mechanism to jointly manage growth with the City of St. Helens. The current agreement encourages inappropriate serial partitioning without adequate standards for access and public services while prohibiting subdivisions without full urban services. The proposal

provides more flexibility to large lot subdivisions and better regulation of serial partitions by establishing interim standards applicable to both.

2. Draft 2 language anticipates the use of a binding agreement with developers in the unincorporated urban growth area which will assure that large lot development can be easily converted to urban densities consistent with the St. Helens Comprehensive Plan when the timing is right for urban service extension and annexation.
3. The concept of an Urban Growth Boundary Planning Commission is a good one; providing for more efficient and cooperative planning in the UGB. However, testimony to date has indicated that there is a lack of mutual trust among affected property owners in the unincorporated area to make the concept politically feasible at this time. Continued informal cooperation through joint City/County Planning Commission meetings and sub-committees on issues of mutual concern will build the trust necessary to reconsider this proposal at a later date.
4. Draft 2 language provides a written process for amending the agreement.

Based upon the above findings and conclusions, staff recommends adoption of Draft 2 amendments to the St. Helens Urban Growth Management Agreement.

## **ATTACHMENT "B"**

### **URBAN GROWTH MANAGEMENT AGREEMENT BETWEEN COLUMBIA COUNTY AND THE CITY OF ST. HELENS**

The parties to this Management Agreement shall be the City of St. Helens, Oregon, a municipality, and Columbia County, a political subdivision of the State of Oregon.

This Management Agreement is intended to facilitate the orderly and efficient transition from urbanizable to urban land uses within the City of St. Helens Urban Growth Area, and is entered into pursuant to Chapters 190 and 197 of the Oregon Revised Statutes and the Oregon Statewide Planning Goals.

The purposes of the agreement are: to preserve land around the City of St. Helens for economical and efficient development and public services so that the costs of future development will be placed more directly on those who benefit; and to differentiate land inside the Urban Growth Area from that outside the area so that future growth will be concentrated in and around the city. This agreement is also intended to reflect the mutual interests the City and the County have regarding the development and use of lands within the Urban Growth Area.

The City of St. Helens and Columbia County will manage the Urban Growth Area according to the terms contained in this Management Agreement. Their mutual expectations and decisions regarding land use shall promote the above-stated purposes. Specifically, partial-service subdivisions shall be restricted; the City and County will coordinate with all local service districts and service associations in providing public facilities; and the Comprehensive Plans and Zoning Ordinances of the City and County shall be revised as is necessary to meet the interests of this Management Agreement, as it pertains to the Urban Growth Area.

The terms of this Management Agreement shall be applicable to the City of St. Helens' Urban Growth Area. For the purposes of this Agreement, the Urban Growth Area (UGA) shall be defined as that area of land extending from the City of St. Helens' corporate limits to the City of St. Helens' Urban Growth Boundary as referenced and mapped in the City of St. Helens' Comprehensive Plan, adopted February 21, 1978, and as amended to date. The Urban Growth Boundary Area (UGBA) is defined as that area of land which encompasses both the City and the UGA.

Unless otherwise noted in this document, words and phrases used in this joint Management Agreement, the Comprehensive Plan and implementing ordinances of the City of St. Helens, and the Comprehensive Plan and implementing ordinances of Columbia County 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 Management Agreement.

I. COMPREHENSIVE PLAN PROVISIONS.

A. To promote an orderly and efficient transition from urbanizable to urban land within the Urban Growth Boundary and retention of land for non-urban uses outside of the Urban Growth Boundary, the comprehensive plans of the City of St. Helens and Columbia County shall not conflict.

B. Columbia County and the City of St. Helens recognize the need to coordinate their plans and ordinances.

C. Furthermore, it is a policy of the City of St. Helens and Columbia County to maintain ongoing planning processes that will facilitate development of mutually compatible plans and implementing ordinances.

D. Columbia County and the City of St. Helens will share the responsibility of land use planning and regulation for the land within the Urban Growth Area, as shown in Section II. County responsibility for enforcement of any land use ordinance or prosecution thereof will be relinquished over any land within this area upon its annexation to the City.

E. The County has designated the area within the Urban Growth Area as "UGB" in its Comprehensive Plan. The effect of this designation is to mirror the City's Comprehensive Plan designation. All County Zoning Map designations shall thus conform to the provisions of both the County's and the City's Comprehensive Plans.

II. ADMINISTRATION.

A. Zone Amendments. (See Section VIII.C).

B. Other land use actions as defined by the Zoning Ordinance. The Columbia County Planning Commission shall retain the decision making responsibility subject to appeal to the County Board of Commissioners for all variances, conditional use permits and exceptions as described in the County Zoning Ordinance. However, such decisions shall be made only after the receipt of a recommendation, in accordance with Section II (C and D) of the Agreement, by the City of St. Helens Planning Commission.

C. The County Planning Department shall refer each of the above requests within the St. Helens Urban Growth Area to the City of St. Helens Planning Department for the City's review and comment within five (5) days of the date the request was filed with the County Planning Department.

D. The City of St. Helens Planning Commission shall review the request and submit its recommendation to the County Planning Commission within twenty days (20) of the date the

request was received by the City of St. Helens. Should no recommendations be forthcoming within twenty (20) days of its receipt, absent a request for an extension, the City of St. Helens shall be presumed to have no comment regarding the application.

### III. CITY SERVICES.

- A. The City of St. Helens has sewer and water capacity to serve all planned growth in the Urban Growth Boundary Area. The City of St. Helens may extend City sewer and water service to any site located within the City of St. Helens Urban Growth Area at the affected property owner's request and expense, subject to an agreement signed by the affected property owner that the site be annexed.
- B. For the purposes of this Management Agreement, expenses to be incurred by the property owner shall include the extension of service mains or lines from the City mains or lines, including tap-in costs, to the properties to be served.
- C. Services and hook-on charges shall be established by the St. Helens City Council.
- D. Columbia County shall not approve any subdivision that is within the Urban Growth Area that is to be annexed within the foreseeable future unless such subdivision meets the requirements of the interim development standards as shown in the Interim Standards Agreement which shall be added as Appendix A to this agreement, or the City of St. Helens Development Code subdivision standards, whichever the applicant chooses.
- E. The City shall adopt a public facility plan for the Urban Growth Boundary Area. The public facility plan shall include rough estimates for public projects needed to provide sewer, water and transportation for the land uses contemplated in the Comprehensive Plan and land use regulations.
- F. The City of St. Helens shall be responsible for preparation, adoption, and amendment of a public facility plan for the Urban Growth Boundary Area. The public facility plan shall include rough estimates for public projects needed to provide sewer, water, and transportation for the land uses contemplated in the Comprehensive Plan and land use regulations.
- G. Land divisions within the St. Helens Urban Growth Area shall comply with the Interim Standards Agreement, or the City of St. Helens Development Code subdivision standards, whichever the applicant chooses.

### IV. ANNEXATION.

Annexation of sites within the City of St. Helens Urban Growth Area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes, Oregon case-law, and St. Helens City Ordinances and shall not occur until such sites become contiguous to the City of



St. Helens.

V. ROADS.

The governing bodies of Columbia County and the City of St. Helens shall cooperatively develop an implementation policy regarding streets and roads within the Urban Growth Area and city limits which is consistent with the comprehensive plans of each. Such policy shall include, but not be limited to, the following:

- A. The circumstances under which the City of St. Helens will assume jurisdiction over and/or maintenance of county roads within the city limits.
- B. The conditions under which existing roads designated as future arterials in the Comprehensive Plan will be developed.
- C. The conditions under which roads and bridges may be transferred to city jurisdiction and maintenance may be made by a separate agreement, so long as the agreement conforms to the intent of this Management Agreement.

VI. APPEALS.

Appeals of decisions regarding property located within the incorporated city limits and all decisions regarding road and infrastructure design standards within the Urban Growth Boundary Area shall be to the St. Helens City Council. Appeals of actions within the unincorporated urban growth area shall be to the Columbia County Board of Commissioners.

VII. MOBILE OR MANUFACTURED HOMES.

In the Urban Growth Area, the County shall allow mobile homes or manufactured homes on individual lots only if the mobile home or manufactured home meets the following requirements:

- A. The mobile home or manufactured home shall be multi sectional and enclose a minimum of 1000 sq. ft.
- B. The mobile home or manufactured home must have a pitched roof of at least 3:12.
- C. The mobile home or manufactured home must have a composition, wood shake or metal shake roof similar to that found on single family dwellings located in the City and Urban Growth Boundary.
- D. The mobile home or manufactured home must have siding which in color, material and appearance is similar to that found on single family dwellings located in the City and Urban Growth Boundary.

E. The mobile home or manufactured home must be affixed to an excavated and backfilled foundation and enclosed at the perimeter such that the mobile home or manufactured home is located not more than 12 inches above grade.

F. A minimum of two off-street parking spaces must be provided for each mobile home or manufactured home.

#### VIII. AMENDMENTS TO THE MANAGEMENT AGREEMENT, COMPREHENSIVE PLAN AND IMPLEMENTING MEASURES.

A. Amendments to the Management Agreement may be initiated by either party. The amendments shall be reviewed by the governing bodies and approved in an open meeting after opportunity for public comment has been given. The County will send a Notice of Adoption of amendments to the Management Agreement to the Department of Land Conservation and Development in conformance with ORS 197.610 after all parties have approved the amendments and the amendments have been integrated into the Management Agreement. Amendments to the Management Agreement shall be considered to be legislative amendments which are not subject to the provisions of ORS 215.428(7) and ORS 227.178(7).

B. Amendments to Comprehensive Plan Provisions. Amendments to the Columbia County Comprehensive Plan which affect the St. Helens Urban Growth Area shall be adopted according to the procedures described in the Columbia County Comprehensive Plan. The amendments may be adopted by the Columbia County Board of Commissioners only after recommendations have been received from the Planning Commissions of St. Helens and Columbia County. The City shall amend its Comprehensive Plan and implementing ordinances according to the procedures described in its charter or other regulations and as they may relate to the Urban Growth Area after recommendations have been received from the City of St. Helens and Columbia County Planning Commissions.

C. Zone Changes. Any person may apply for a zone change within the Urban Growth Boundary Area. The City of St. Helens shall retain decision making responsibility on all zoning amendments affecting property within the incorporated city limits. The Columbia County Board of Commissioners shall retain the decision making responsibility on all zoning amendments affecting property located within the Urban Growth Area. The Board of County Commissioners shall not approve a zoning designation which conflicts with the City of St. Helens Comprehensive Plan Map.

D. Other Regulations. Other regulatory actions or amendments which may affect property or the administration of land use regulations within the Urban Growth Boundary Area shall be initiated by either the City or the County governing body according to its own land use procedures. The parties shall coordinate the amendments to ensure the purposes of this agreement are retained.

IX. Development Agreements

A. Development Agreements pursuant to ORS Chapter 94 and local implementing ordinances are specifically authorized to achieve the objectives of this Urban Growth Management Agreement. Development Agreements shall, at a minimum, facilitate the choice of Interim Development Standards in accordance with procedures and requirements to be contained in jointly adopted Urban Growth Area Interim Development Standards. This provision is not intended to be a limitation on the permissible uses of Development Agreements.

IN WITNESS WHEREOF, this Urban Growth Management Agreement is signed and executed this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

CITY COUNCIL FOR THE  
CITY OF ST. HELENS, OREGON

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Council Member

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Council Member

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Council Member

By: \_\_\_\_\_  
Council Member

Approved as to form:

Approved as to form:

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Office of County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the Urban )  
Growth Management Agreement ) **ORDINANCE NO. 99-3**  
with the City of St. Helens )

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**WHEREAS**, the Columbia County Board of Commissioners held a joint public hearings with the St. Helens City Council on May 6, and May 20, 1999; and

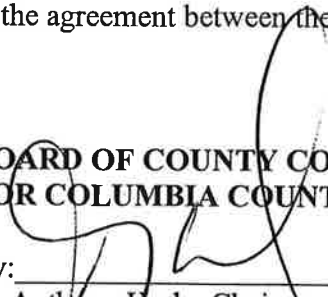
**WHEREAS**, findings in support of Draft 2 of the amendments are contained in the Board of Commissioners Staff Report dated April 27, 1999;

**NOW, THEREFORE, IT IS HEREBY ORDERED** as follows:

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2. The of Board of County Commissioners hereby approves the proposed amendments, a copy of which is attached hereto, labeled Attachment "B", and is incorporated herein by this reference, and will sign the agreement to that effect.
3. The agreement, as amended, shall supercede the agreement between the County and the City dated February 7, 1979.

Dated this 23rd day of June, 1999.

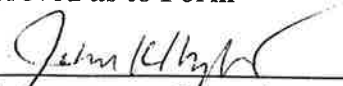
**BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

By:   
Anthony Hyde, Chairman

By:   
Jack R. Peterson, Commissioner

By:   
Rita Bernhard, Commissioner

Approved as to Form

By:   
Office of County Counsel