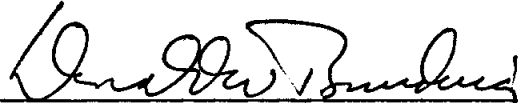


RESOLUTION NO. 2268

NOW, THEREFOR, BE IT RESOLVED by the Albany City Council that it does adopt the attached Exhibit "A" known as the "Agreement Between the City of Albany, Oregon and Linn County, Oregon for the Management of The Albany Comprehensive Plan as it Pertains to the Urban Growth Boundary and the Urban Growth Area," which will be the governing procedure for the implementation of the Albany Urban Growth Boundary and plan for the Albany Fringe pursuant to ORS 197.190.

DATED this 12th day of August, 1981.

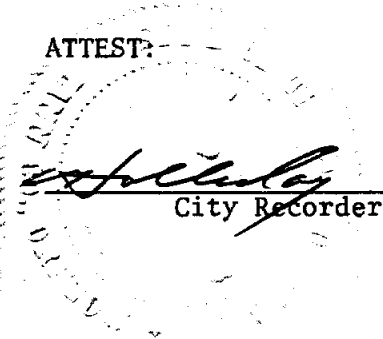


Mayor

ATTEST:



City Recorder



AGREEMENT BETWEEN THE CITY OF ALBANY,
OREGON AND LINN COUNTY, OREGON FOR THE MANAGEMENT OF
THE ALBANY COMPREHENSIVE PLAN AS IT PERTAINS TO THE URBAN GROWTH
BOUNDARY, THE URBAN GROWTH AREA, AND THE PLANNING AREA

1. The City of Albany, Oregon (hereafter called City) and Linn County, Oregon (hereafter called County) hereby agree to establish a joint management procedure pursuant to ORS 197.190 for the implementation of the Albany Urban Growth Boundary and plan for the Albany Urban Growth Area, both of which form an integral part of the Albany Comprehensive Plan. The Albany Urban Growth Boundary is shown on the attached Exhibit "A". The area situated inside the Albany Urban Growth Boundary and outside the Albany City limits as revised shall be referred to as the Urban Growth Area.
2. The City and County further agree to utilize the provisions of this agreement, the Albany Comprehensive Land Use Plan as amended, and the Linn County Comprehensive Land Use Plan as amended as the basis for review and action on Comprehensive Plan amendments, development proposals and implementing regulations which pertain to the Urban Growth Area.
3. The City and County recognize a common interest in the amendment of the Comprehensive Plan text and map, and the Zoning Ordinance text and map, as it pertains to the Urban Growth Area. The specific procedures (referred to as a Type III review process) are outlined in the County Urban Growth Boundary Procedural Ordinance.
4. The City and County further agree to the following process for formal review of certain land use activities. The specific procedures (referred to as a Type II review process) are outlined in the County Urban Growth Boundary Procedural Ordinance. The City shall have the opportunity to review and comment on the following activities taking place within the Urban Growth Area:
 - a. Conditional use permits
 - b. Variance to lot area standards.
 - c. Minor or major partitions, including lots platted for subdivision or planned unit development at County standards.
 - d. Fill permits, drainage, or road permits.
 - e. Building permits for other than one and two family dwellings, where the request is for a new development or the request is for construction of addition(s) to an existing structure and such addition is over 1,000 square feet in size or more than 25% of the existing floor area.
 - f. Recommendations for the designation of health hazard areas.
 - g. Requests for establishment or amendment of special district including but not limited to fire or water districts.

The County shall have the opportunity to review and comment on the following City related activities:

- a. Transportation facility improvements or extensions
- b. Sanitary sewer, or drainage system improvements or extensions
- c. Public facility or utility improvement or extensions
- d. Requests for annexation
- e. Amendments to the City Development Code as they may apply to the Urban Growth Area.

5. The City and County recognize a common interest in delayed annexations. in which it may be possible for urban development to occur (as permitted in accordance with the Comprehensive Plan) without actual annexation to the City. Individual delayed annexations shall not be approved until both the City and County agree on all terms and conditions for approval. Procedures for approving delayed annexations shall be according to Article 17 of the County Zoning Ordinance as adopted or modified with City written concurrence.

In establishing UGM District zoning the City and County further agree to attach the specific UGM overlay zoning designations as established on the attached map labeled exhibit B. Future modifications to the map may be made only upon written concurrence of both the City and the County and through the zone amendment process.

6. Annexation proposals to the City which are for areas outside the Urban Growth Boundary shall be considered as a request for an amendment to the Urban Growth Boundary and shall be subject to the approval of the City and the County as an amendment to the Comprehensive Plan.
7. The County Zoning, Land Division, Urban Growth Boundary Procedural Ordinance and other applicable ordinances shall be the governing ordinances for the Urban Growth Area. City design standards for improvements shall be considered and utilized where possible to make the rural to urban conversion of public facilities possible. The City and County further agree to work towards standardization of public improvement requirements for public facilities to be built within the Urban Growth Boundary.
8. The City and County agree that for proposed development or channel alteration on flood plain lands the Flood Plain District Regulation, of the City Development Code shall apply for areas inside the Urban Growth Boundary. The County will send all flood plain development requests to the City, and the City shall review such request to determine code compliance or conditional requirements needed to meet code compliance. City reviews shall be completed in writing within 30 days of the date received from the County or the request will be deemed acceptable.
9. Linn County shall not authorize or create any special districts for the provision of utilities, transportation, recreation or other public facilities or services serving any part of the UGB unless such districts:
 - a. are approved by both parties;
 - b. recognize the City as the ultimate provider of urban services;
 - c. are created with adequate safeguards to assure that the ability of the City to provide adequate services will not be impaired.
10. Because there is a need to protect certain areas outside the Urban Growth Boundary and to maintain high standards for major arterials entering the City, the City and County further agree to establish a "Planning Area" as shown on Exhibit C.

Within this area, no subdivision, plan or zone changes, or conditional use permits will be allowed on any properties within the Planning Area until after Linn County has notified the City, provided the City with 30 days in which to review the proposal, and reviewed any comments made by the City in regards to the proposed land use activities.

11. This agreement may be amended at any time by mutual consent of both parties, after public hearing and referral to the City and County Planning Commissions for recommendation. Any modifications in this agreement shall be consistent with the comprehensive plans of the City of Albany and Linn County.
12. This agreement may be terminated by either party provided that the following procedure is used:
 - a. A public hearing shall be called by the party considering termination. That party shall give the other party notice of hearing at least 40 days prior to the scheduled hearing date. This 40-day period shall be used by both parties to seek resolution of any differences.
 - b. Public notice of the hearing shall be in accordance with applicable state and local statutes and goals.
 - c. An established date for termination of the agreement shall be at least 180 days after public hearing in order to provide ample time for resolution of differences, reconsideration of the decision and the adoption of a replacement Urban Growth Management Agreement which complies with statewide goals, statutes and administrative rules.

Dated this _____ day of _____, 1981.

CITY OF ALBANY

Date: August 13, 1981

Donald D. Brudney
Mayor

LINN COUNTY BOARD OF COMMISSIONERS

Date: _____

Chairman

Commissioner

Commissioner

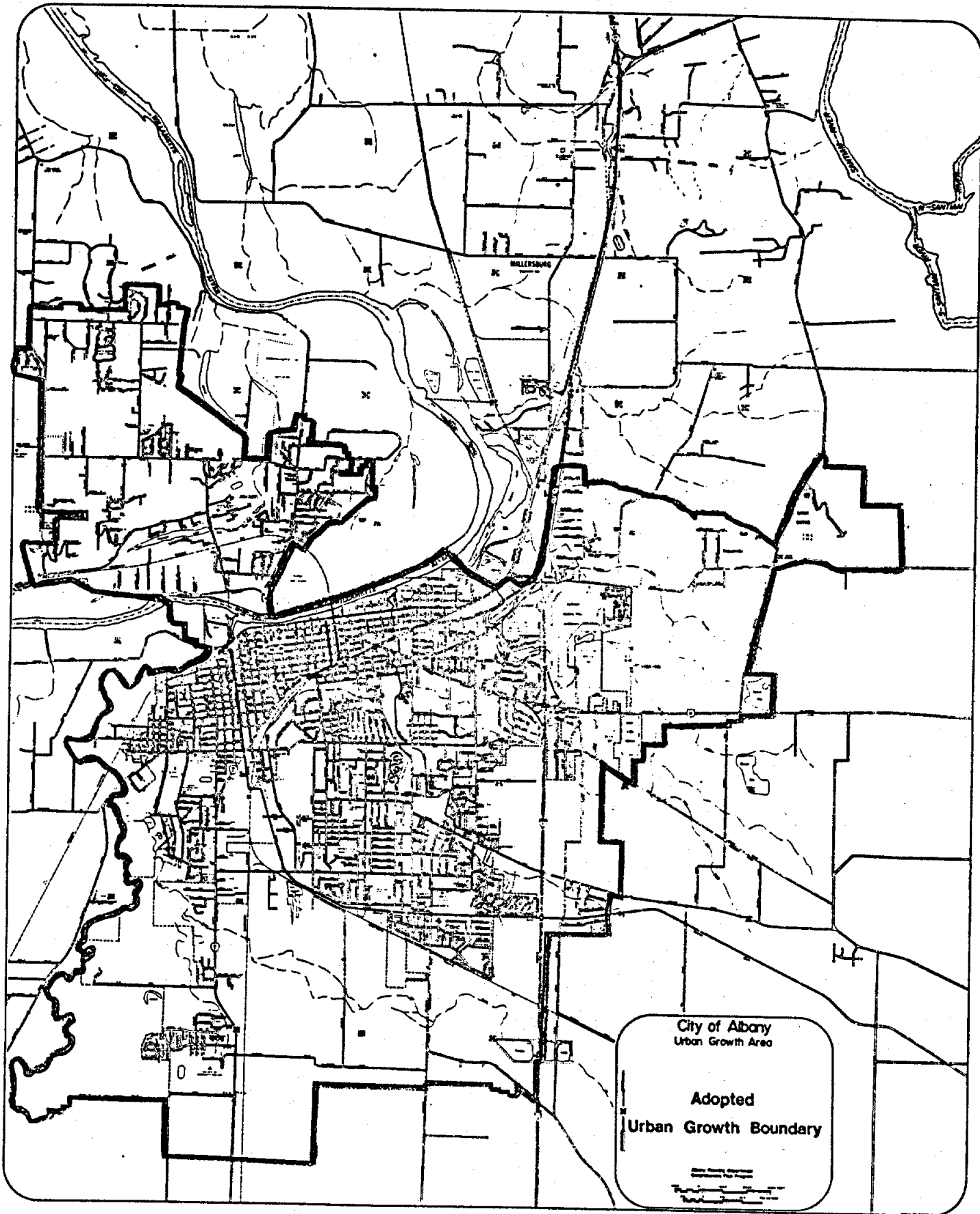


Exhibit A - Urban Growth Boundary

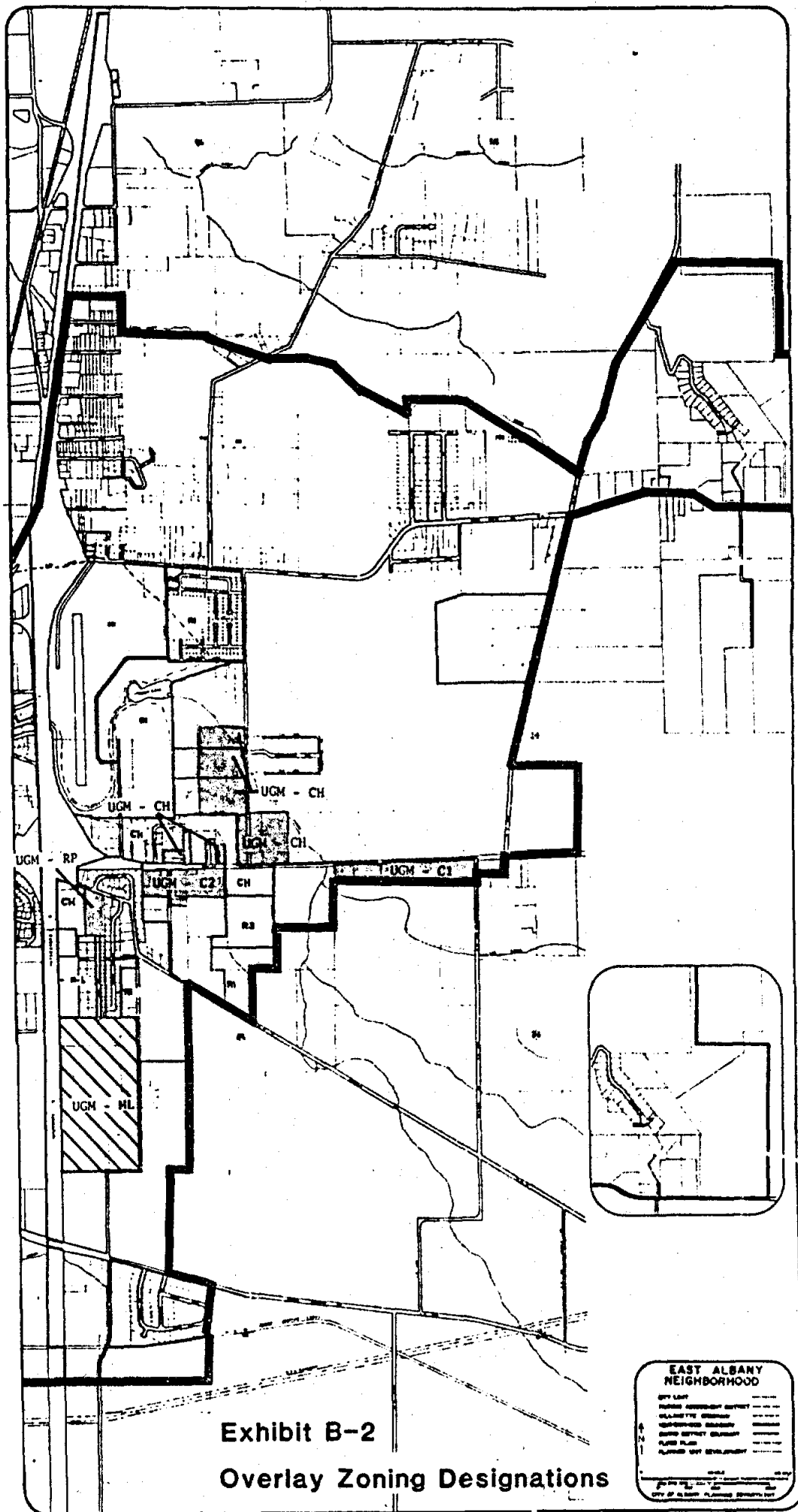


Exhibit B-2
Overlay Zoning Designations

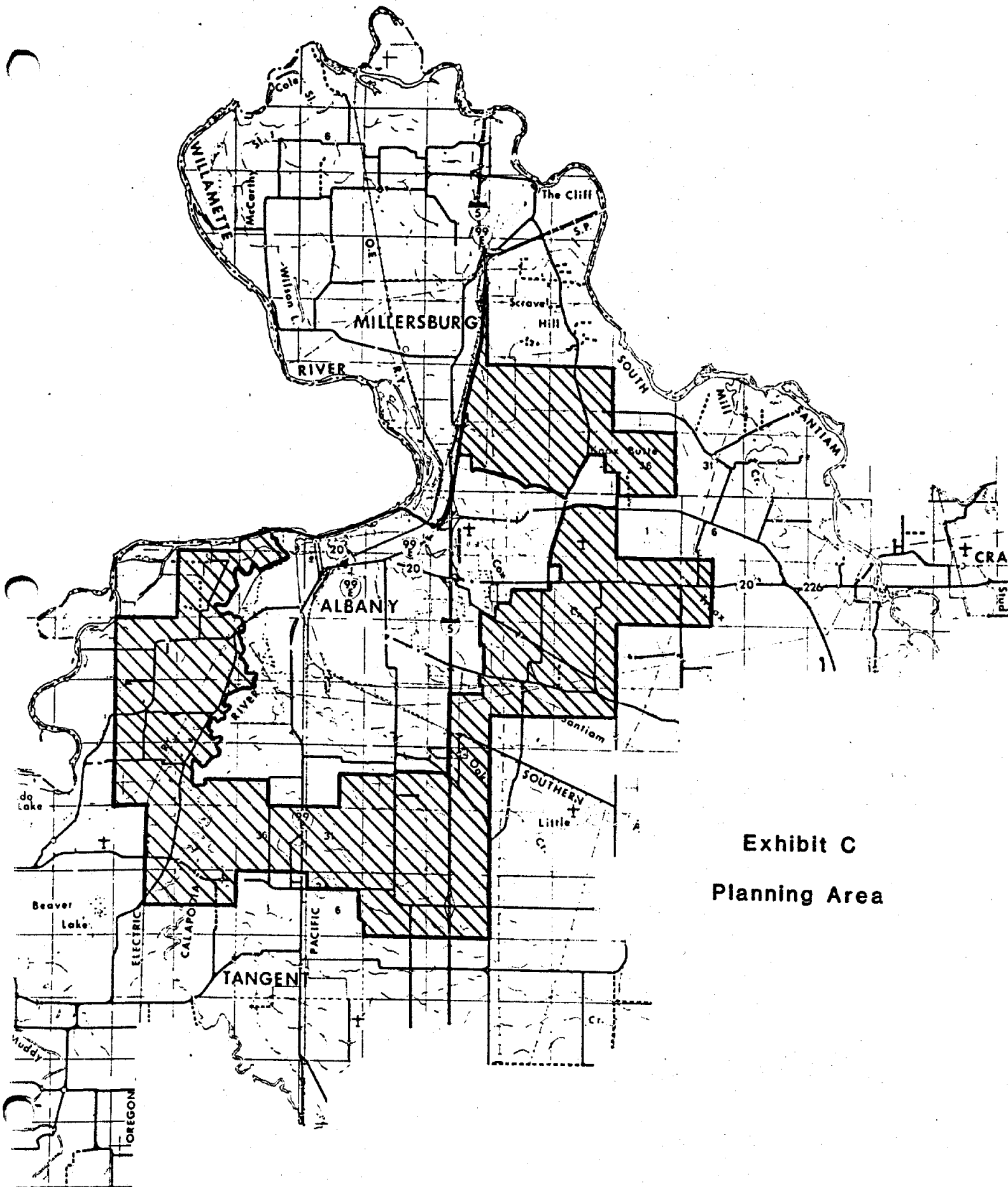


Exhibit C
Planning Area