

DRAFT – October 24, 2013

**INTERIM INTERGOVERNMENTAL AGREEMENT (IGA)
FOR THE ORDERLY MANAGEMENT OF PROPERTIES ADDED TO THE
GRANTS PASS URBAN GROWTH BOUNDARY AREA**

The parties to this agreement are Josephine County (hereinafter County) and the City of Grants Pass (hereinafter City).

WHEREAS, Oregon Revised Statutes Chapter 190 provides authority for management agreements; and

WHEREAS, City and County amended the Grants Pass Urban Growth Boundary (UGB) by City Ordinance _____ and County Ordinance _____, adding approximately 460 acres, consistent with the needs in the adopted Urbanization Element of the Comprehensive Plan; and

WHEREAS, City Ordinance _____ amended the Comprehensive Plan map designations for those properties added to the UGB, replacing the rural comprehensive plan map designations of the Josephine County Comprehensive Plan with the urban comprehensive plan map designations of the Grants Pass and Urbanizing Area Community Comprehensive Plan; and

WHEREAS, lands added to the UGB by City Ordinance _____ and County Ordinance _____ still have rural zoning, and they will retain rural zoning designations of the Josephine County Rural Land Development Code until rezoned to urban zoning designations of the City of Grants Pass Development Code; and

WHEREAS, it is anticipated that this Interim IGA will apply until urban infrastructure plans have been completed and adopted that address lands added to the UGB by the above ordinances. Following that work, this interim IGA will be replaced with the applicable permanent IGA; and

WHEREAS, it is in the public interest for the County to continue to manage rural development on land with rural zoning, including those lands that will retain rural zoning within the UGB until urban zoning is applied, and for the City to continue to manage urban development on land with urban zoning, and for the County and City to coordinate to facilitate the transition from rural zoning and development to urban zoning and development for lands within the UGB planned for future urban development; and

WHEREAS, the August 5, 1998 Intergovernmental Agreement (IGA) for the Orderly Management of the Grants Pass Urban Growth Boundary Area governs lands inside the UGB that have urban zoning designations of the City of Grants Pass Development Code; and

WHEREAS, it is not appropriate at this time to apply the 1998 IGA to land added to the UGB by City Ordinance _____ and County Ordinance _____ that retain rural zoning designations because the 1998 IGA provides for management of lands with urban zoning designations, and it does not provide for management of lands with rural zoning designations; and

WHEREAS, without this Interim IGA, the 1998 IGA would apply to all lands within the UGB, creating a conflict since the City of Grants Pass Development Code can't be applied to properties with rural zoning; and

WHEREAS this Interim IGA provides the necessary provisions for management of lands with rural zoning within the UGB until urban zoning has been applied.

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NOW, THEREFORE, the parties agree as follows:

1. Applicability.

- a. This Interim IGA will apply to properties added to the Urban Growth Boundary by City Ordinance _____ and County Ordinance _____ while they continue to have rural zoning.
- b. Once properties have been rezoned to urban zoning designations, the provisions of the August 5, 1998 IGA will apply to properties in the same manner as other properties with urban zoning in the UGB; however, if the City and County adopt a different IGA that applies to lands added to the UGB by the above ordinance, the provisions of said IGA will apply.
- c. The current August 5, 1998 IGA will continue to apply to properties already inside the Urban Growth Boundary with urban zoning prior to City Ordinance _____ and County Ordinance _____, and this Interim IGA does not apply to those properties with urban zoning.

2. All Provisions Except Land Use Management. Except for Land Use Management provisions specified in Section 3 of this Agreement, all other issues pertaining to land use and development, provisions of public facilities and services, and all other issues shall be continue to be managed in the same manner as lands outside the Urban Growth Boundary.

3. Land Use Management.

- a. **Non-Legislative Decisions.** All non-legislative land use actions, those actions that apply current law rather than amend the law, including ministerial permits, quasi-judicial decisions, and appeals of those decisions shall be subject to the following:
 - i. **Applicable Comprehensive Plan and Land Use Regulations.** The Grants Pass & Urbanizing Area Community Comprehensive Plan and Comprehensive Plan Map will apply to properties in the UGB that have urban zoning. The Josephine County Rural Land Development Code and Zoning Map will continue to apply to properties in the UGB with rural zoning until they are rezoned to urban zoning designations, and then the City of Grants Pass Development Code and Zoning Map will apply.
 - ii. **Administration.** The Josephine County Planning Department will continue to administer the Josephine County Rural Land Development Code for properties with rural zoning. Reviews and appeals shall be subject to the jurisdiction of the review bodies specified in the Josephine County Rural Land Development Code, including the Josephine County Planning Director, Rural Planning Commission, and Josephine County Board of Commissioners.
 - iii. **Coordination.** The Josephine County Planning Department will continue to coordinate all actions required for permits and inspections with appropriate agencies, including the Josephine County Building

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Department, DEQ, and Water Resources Department, and other agencies, as may apply.

- iv. **Quasi-Judicial Map Amendments.** Quasi-judicial Comprehensive Plan map amendments and zoning map amendments pertaining only to rural designations are considered non-legislative decisions addressed under this section. County will provide notice of quasi-judicial map amendments to City.
- b. **Legislative Decisions.**
- i. **Existing Lands in UGB.** All administration and procedures applicable to lands in the UGB with urban zoning *prior to* City Ordinance _____ and County Ordinance _____ shall continue to apply as they currently apply.
 - ii. **Urban.** Text and map amendments to the Grants Pass and Urbanizing Area Community Comprehensive Plan and/or Comprehensive Plan Map, Grants Pass Development Code and/or Zoning Map shall continue to be processed by the City in accordance with the 1998 IGA, including notification and County automatic party status specified in Section V.2 of the 1998 Intergovernmental Agreement. This shall include any provisions pertaining to urbanization and/or urban use and development, including applicability to lands added to the Urban Growth Boundary by City Ordinance _____ and County Ordinance _____, including zoning map amendments from rural to urban designations.
 - iii. **Rural.** Text and map amendments to the Josephine County Comprehensive Plan and/or Comprehensive Plan Map, Rural Land Development Code and/or Zoning Map shall be processed by the County. This shall include any provisions pertaining to rural use and development, including applicability to lands added to the Urban Growth Boundary by City Ordinance _____ and County Ordinance _____ that retain rural zoning. The County agrees to provide written notice of all proposed legislative actions that have applicability to lands within the new UGB at least 35 days prior to the public hearing at which the action is first considered. The City shall be deemed to have automatic party status regarding all such decisions for the purposes of standing for appeals.
4. **Severability.** If any term or provision of this agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this agreement and the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.
 5. **Repeal.** This Interim IGA shall remain in effect until replaced by a permanent IGA for all lands within the UGB by City Ordinance _____ and County Ordinance _____, or until all lands within the UGB have been rezoned to urban zoning designations, negating the necessity for provisions governing lands within rural zoning inside the UGB.
 6. **Effective Date.** This agreement shall become effective on the same effective date as the amended UGB adopted by City Ordinance _____ and County Ordinance _____.

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JOSEPHINE COUNTY

_____ Date: _____
Simon Hare, Chair

_____ Date: _____
Cherryl Walker, Vice Chair

_____ Date: _____
Keith Heck, Commissioner

Approved as to form: _____
Steve Rich, Josephine County Counsel

CITY OF GRANTS PASS

_____ Date: _____
Darin Fowler, Mayor

_____ Date: _____
Aaron K. Cubic, City Manager

ATTEST: _____
Karen Frerk, City Recorder

Approved as to form: _____
Mark Bartholomew, Grants Pass City Attorney