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INTERGOVERNMENTAL AGREEMENT FOR THE ORDERLY MANAGEMENT OF THE GRANTS PASS URBAN RESERVE

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

WHEREAS, Oregon Revised Statutes (ORS) Chapter 190 provides authority for intergovernmental agreements; and

WHEREAS, Oregon Revised Statutes Chapter 190 requires that an intergovernmental agreement shall specify functions or activities to be performed and the responsibilities for performance of those functions; and

WHEREAS, Oregon Revised Statutes (ORS) 195.145 and Oregon Administrative Rules (OAR) 660-021-0020 provide authority for local governments to cooperatively designate lands outside urban growth boundaries as urban reserves in accordance with OAR 660 Division 21; and

WHEREAS, Oregon Administrative Rules (OAR) 660-021-0010 defines 'Urban Reserve' as lands outside of an urban growth boundary that will provide for (a) future expansion over a long-term period, and (b) the cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.

WHEREAS, City adopted Resolution 13-6075 and County adopted Resolution 2013-032, including provisions to proceed with planning for urban reserves and to exercise the authority provided in OAR 660-021-0040(6) to plan for the eventual provision of urban public facilities and services when lands in the urban reserves are included in the urban growth boundary; and

WHEREAS, OAR 660-021-0050 requires that urban reserve planning shall include the adoption and maintenance of urban reserve agreements, which shall be adopted by each applicable jurisdiction at or prior to the time of urban reserve designation; and

WHEREAS, OAR 660-021-0050 requires that urban reserve agreements include provisions that designate responsibilities among applicable jurisdictions; and

WHEREAS, OAR 660-021-0040(1) requires that lands within Urban Reserves shall retain rural zoning until included in the urban growth boundary; and

WHEREAS, OAR 660-021-0040 includes provisions for regulation and management of resource and nonresource lands within Urban Reserves and provides authority for measures that may be adopted to facilitate the efficient transition from rural to urban land uses and the orderly and efficient provision of urban services when lands are included in the urban growth boundary; and

WHEREAS, OAR 660-021-0040(2) specifies that urban reserve land use regulations shall be adopted by the time the urban reserves are designated; and

WHEREAS, it is the intent of this agreement to comply with Oregon Revised Statutes Chapters 190 and 195 and Oregon Administrative Rules 660 Division 021; to provide for cooperative management of the urban reserves as initially adopted, and as may be amended thereafter; and to provide for the efficient transition from rural to urban land uses and efficient provision of urban services when lands are included in the urban growth boundary.

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NOW, THEREFORE, the parties agree as follows:

I. DEFINITIONS

For purposes of this agreement, terms defined in ORS 197.015, the statewide planning goals (OAR Chapter 660, Division 15), and OAR 660-021-0010 (Urban Reserves) apply.

II. INTENT AND PURPOSE OF THE AGREEMENT

1. To comply with applicable state law for urban reserve agreements.
2. To enable the City and County to plan for the efficient transition from rural to urban land uses, the efficient provision of urban services and facilities, and the future transition of lands from the urban reserve to inclusion within the urban growth boundary.
3. To enable greater advance information to citizens, local governments, and services providers about the long-term direction and nature of future urban growth and services.
4. To minimize impacts to property owners, local governments, and service providers related to the transition from rural to urban land uses and provision of public facilities and services.
5. To enable the City and County to work together in planning for the transition from rural to urban land uses and provision of public facilities and services, and to maintain and improve coordination and communication between the City and County.
6. To specify the applicability of existing plans, policies, and regulations to lands within the urban reserve, and to establish supplemental plans, policies, and regulations consistent with OAR 660 Division 21 that provide for the rural use and development in the urban reserve in a manner that facilitates the future transition to urban uses and provision of public facilities and services when lands are included in the urban growth boundary.
7. To ensure incremental adjustments to the urban growth boundary are based on a comprehensive plan for the urban reserve that provides an adequate supply of sites planned at appropriate locations to meet future needs. To ensure that the finite supply of scarce sites with unique geographic characteristics and proximities is prioritized and protected for land uses with critical siting needs that require those characteristics, so those sites are not planned for, nor consumed by, land uses that have the most flexible siting capabilities.
8. To establish provisions for the amendment of the urban reserve.

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III. APPLICABILITY

1. **Applicability: Geographic Area.** This agreement applies to lands within the Grants Pass Urban Reserve, as initially established, and as may be amended thereafter. The term 'Urban Reserve' includes the singular and plural, whether or not the Urban Reserve boundary or boundaries, and lands within them, are contiguous to one another.
2. **Applicability: Provision and Management of Services and Facilities.** Provision and management of those services and facilities specified in this Agreement shall apply within the Urban Reserve as specified herein. Except as provided in this agreement, provision of all other services and facilities within the urban reserve not specified in this agreement shall continue to be provided and managed in the same manner as, and by the same providers, as applies to other properties outside the urban growth boundary which are not within the urban reserve. These include water, sewer, streets and drainage, and parks & open space, public safety, and code enforcement.

However, properties that connect to municipal sewer or water service as authorized by this agreement or other agreement shall sign a Service and Annexation Agreement in accordance with applicable City policy in place at the time of this agreement, or as revised thereafter. In accordance with policy, any properties subject to a Service and Annexation Agreement that requires payment of a fee equal to the city tax rate shall also receive City public safety service, including police and fire, subject to mutual aid agreements between participating public safety providers. Properties paying the fee are not required to have a separate rural fire protection contract to receive services from mutual aid public safety providers.

Nothing in this agreement shall preclude the options available to the City to provide services to properties within the urban reserve in the same manner as services can already be provided to rural properties outside the urban growth boundary by separate agreement or contract.

IV. LAND USE AND BUILDING MANAGEMENT

1. **Urban Reserve Boundary.** The City and County shall jointly adopt, and may amend, the urban reserve boundary in accordance with applicable state law using the Type V procedures specified in Section 13.6 of the Grants Pass and Urbanizing Area Comprehensive Community Development Plan Policies, or as thereafter mutually modified by the two governing bodies.

Plans, standards, and measures that govern the Urban Reserve shall be adopted prior to or concurrent with adoption of the Urban Reserve, and subsequent amendments shall be as provided in state law and in accordance with the provisions of this Agreement.

2. **Urban Reserve Planning and Zoning.** As required by OAR 660-021-0040(1), until included in the urban growth boundary, lands in the urban reserve shall continue to be zoned for rural uses, in accordance with the provisions of applicable state law and this agreement.

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3. **Josephine County Comprehensive Plan & Map, Rural Land Development Code & Zoning Map, Building Code.** Except as otherwise provided in this agreement, the County shall exclusively apply the applicable rural planning documents governing the rural use and development of properties to lands in the urban reserve, including the Josephine County Comprehensive Plan, the Josephine County Comprehensive Plan Map, the Rural Land Development Code, and the Rural Zoning Map. The County shall also administer and apply the Building Code for lands within the Urban Reserve.

The County will continue to coordinate all actions required for permits and inspections in the same manner as applies to other lands outside the UGB, with appropriate agencies including County Planning, County Building Department, DEQ, and Water Resources, as may apply.

The County shall also adopt and apply any rural services and facilities plans needed to serve the area while rural zoning applies. These include, but are not limited to, the rural Transportation System Plan and rural area drainage plans. Future updates to these plans shall be coordinated with the plans described in Sections IV.4. and IV.5 of this Agreement, which guide the future transition from rural to urban development.

The following additional provisions shall apply to the rural use and development of lands in the urban reserve.

A. **Limitations on Rezoning.**

1. **Exception Areas and Nonresource Land.** As required by OAR 660-021-0040(3), for exception areas and nonresource land in the urban reserve, this agreement prohibits zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning in effect as of the date of establishment of the urban reserve. This provision shall remain in effect until such time as the land is included in the urban growth boundary, at which time provisions of the applicable urban growth boundary management agreement shall apply.
2. **Resource Land.** As required by OAR 660-021-0040(4), resource land included in the urban reserves shall continue to be planned and zoned under the requirements of applicable statewide planning goals.

- B. **Siting of a Single-Family Dwelling.** Per OAR 660-021-0040(7), this agreement does not prohibit the siting, use, and development of a single-family dwelling on a legal parcel pursuant to urban reserve planning requirements if the single-family dwelling would otherwise have been allowed under law existing prior to the designation of the parcel as part of an urban reserve.

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C. Additional Standards for Siting of New Development on Existing Parcels.

1. As part of the development review for properties within the urban reserve, in addition to the review of standards in the Rural Comprehensive Plan and any associated planning documents and the Rural Land Development Code, Josephine County shall review and consider the plans described in Sections IV.4 and IV.5 of this Agreement including the Urban Reserve Transition Plan and plans that guide future provision of urban facilities and services of this agreement, to serve lands in the urban reserve when they are included in the urban growth boundary, This review shall be subject to the notification and comment provisions of Section IV.6 of this Agreement.
2. Development on existing parcels within the urban reserve shall be sited so that:
 - a. Structures shall not be sited within the alignment of future urban local collector, collector, or arterial streets and right-of-way identified in applicable transportation plans; and
 - b. Based on the future urban zones authorized by the Urban Reserve Transition Plan map, structures shall meet setbacks from the future right-of-way needed for urban standard local collector, collector, or arterial streets identified in applicable transportation plans; and
 - c. Structures shall not be sited within the alignment of future mainlines or easement widths identified for sewer collection or water distribution in applicable plans for future provision of urban infrastructure.
 - d. To the extent practical, structures shall be sited to facilitate the future development and extension of the local street network on the property and adjacent properties, that will be needed to serve future urban use and development, consistent with the map designations of the Urban Reserve Transition Plan and the street connectivity standards of the Development Code.
3. These provisions are intended to facilitate future transition from rural to urban use and development with minimal impacts to rural use and development that occurs while property is within the urban reserve. These provisions shall not preclude siting of development on a parcel. To the extent that a smaller property cannot meet all of the requirements of this subsection, structures shall be sited to minimize conflicts and impacts to the extent practical.

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4. **Service & Annexation Agreement and Written Waiver of Remonstrance.** A Service & Annexation Agreement and Written Waiver of Remonstrance for future annexation shall be required if the property is provided with urban services, including sewer and/or water services.

D. Additional Standards for Land Divisions.

1. **Minimum Parcel Size.** Except as authorized for the clustering option in Subsection (2), the minimum parcel size shall be as specified for the applicable rural zoning district in the Rural Land Development Code.
2. **Clustering Option.** As an option to Subsection (1) above, new parcels in the urban reserve may be smaller than the minimum parcel size specified for the rural zoning district in the Rural Land Development Code if the land division meets all of the requirements of this subsection.
 - a. The property is within a rural residential zone.
 - b. The property is within the Redwood sewer service area and is authorized to be served with public sewer.
 - c. No community water system shall be created. Either the land division includes no more than three parcels, which have individual wells or a shared well, or at its discretion, the City may authorize the parcels to be served with municipal water through separate agreement and terms.
 - d. The parent parcel is not a flag lot, and no new flag lots will be created.
 - e. The parent parcel may be divided using the clustering provisions of this section provided the overall average density of the newly created parcels does not exceed the density that would otherwise occur if the parent parcel was divided in a way that met minimum lot size requirements of the applicable rural zone for each new parcel.
 - f. One, and only one, of the newly created parcels shall be designated as the 'density granting parcel'. All other newly created parcels shall be designated as the 'density receiving parcels'. Density may be transferred from the 'density granting parcel' to the 'density receiving parcels' provided each 'density receiving parcel' is no larger than 0.25 acre and no smaller than smallest minimum lot size of the urban zoning district or districts authorized by the Urban Reserve Transition Plan Map, and meets the lot dimension requirements of that urban zoning district.

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- g. The application shall include a future development plan in accordance with Subsection (3) showing how the remaining 'density granting parcel' can be further divided and developed when included in the urban growth boundary in accordance with the applicable intergovernmental agreement for the UGB, the future urban infrastructure plans, and future urban zoning authorized by the Urban Reserve Future Land Use Plan Map; and
 - h. Each new parcel, including the 'density granting parcel', has frontage on a public street consistent with the future urban zoning district; and
 - i. At the City's discretion, if not already present, urban frontage improvements or a Deferred Development Agreement for future urban frontage improvements shall be required for the 'density receiving parcels' and the frontage of the area within the future development lot where a home will be sited on the 'density granting parcel'.
 - j. If the 'density granting parcel' will have more than twice the minimum lot size of the rural residential zone remaining after the land division, a deed declaration shall be recorded at the time the plat is filed, on a form approved by the City which states the property cannot be further divided until it is within the urban growth boundary has urban zoning applied, and must be developed in accordance with the provisions of the applicable intergovernmental agreement for urban growth boundary and the applicable urban zoning district.
 - k. Development of the 'density receiving parcels' and the future development portion of the 'density granting parcel' shall meet setbacks and development standards of the applicable future urban zone, including setbacks from the property lines shown in the future development plan for the 'density granting parcel'.
3. **Preplatting Future Lots or Parcels.** In addition to the submittal requirements of the Rural Land Development Code for a land division, a future development plan shall also be submitted that shows how the property can be further divided and developed in accordance with the future urban use and development standards for the map designation specified in the Urban Reserve Transition Plan and Future Urban Land Use Plan Map.
4. **Right-of-Way.** Excluding future streets shown on a future development plan that are not part of the immediate land division, adequate right-of-way width and dedication shall be required for the frontage of existing rural roads and new rural roads within the

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development consistent with the urban right-of-way widths required for future urban facilities specified in accordance with applicable plans and standards for future urban streets.

5. **New Facilities Serving More than One Parcel.** To the extent facilities that serve more than one parcel are permitted by the Rural Development Code and other applicable law, any new facility that serves more than one parcel in a land division shall be coordinated with the future provision of urban services.
 - a. **Community Water Systems.** Except as provided in Subsection (2)(c) above for the clustering option, if Community Water Systems are permitted by the Rural Land Development Code, such systems shall be allowed subject to the provisions of this Subsection. They shall be designed for future connection to the City water distribution system to accommodate future domestic use and fire flows, and to facilitate the transition to the City system when properties are further divided and/or developed with urban use and development. Any newly created Community Water System shall include provisions that specify the system will only serve rural use and development and that provide for the future connection and transfer of service to the City system at the time the property is developed with urban use and development that must be served by the City water distribution system.
 - b. **Streets and Drainage.** Any new streets and drainage facilities that serve a new land division shall be located and aligned to facilitate the future street system on the future development plan, and to the extent possible, to accommodate the grades and alignment of future underground utilities, such as sewer, water, and storm drainage.
6. **Service & Annexation Agreement and Written Waiver of Remonstrance.** A Service & Annexation Agreement and Written Waiver of Remonstrance for future annexation shall be required for each parcel that is provided with urban services, including public sewer and/or water services.
4. **Urban Reserve Transition Plan and Future Urban Land Use Plan Map.** As part of the Comprehensive Plan, the City and County shall adopt urban reserve transition planning documents as specified in this agreement, including a future urban land use plan map, to guide planning for the eventual inclusion of properties in the urban reserve within the urban growth boundary.
 - A. **Purpose.** The purpose of the Urban Reserve Transition Plan and Future Urban Land Use Plan Map is to:

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1. Provide the basis and guidance for the future transition from rural plan and zoning map designations to urban plan and zoning map designations.
 2. Ensure that lands that are uniquely suitable for certain land uses, due to unique geographic characteristics, proximities, and land use patterns are available for those uses when needed and included in the UGB,
 3. Avoid incremental, unplanned, piecemeal zoning that wouldn't meet long-term needs for land uses if lands are brought into urban growth boundary without a plan.
 4. Provide the basis and guidance for development of infrastructure and public facilities plans, including sizing of infrastructure to serve the urban growth boundary with consideration of the future needs and sizing of that infrastructure to serve lands within the urban reserve when they are included in the urban growth boundary.
 5. Together with the Future Public Facilities and Services Plans in Section IV.5 of this agreement, provide guidance for the Land Use Management provisions in Section IV.3 of this Agreement, which are intended to provide for the coordinated review of rural development to plan for efficient transition to future urbanization.
- B. The Future Urban Land Use Map may include the same Comprehensive Plan Map designations that apply to lands in the urban growth boundary, may contain different plan designations, or a combination. The map designations shall be sufficient to provide guidance on the generalized land use and development densities that will be permitted by future zoning, and shall be sufficient to guide future infrastructure planning.
5. **Urban Reserve Future Public Facilities and Services Plans.**
- A. Per OAR 660-021-0040(6), cities and counties are authorized to plan for the eventual provision of urban public facilities and services to urban reserves. This agreement includes planning for the eventual provision of urban public facilities and services to the land within the urban reserves. However, it does not authorize urban levels of development or services in urban reserves prior to their inclusion in the urban growth boundary. It is not intended to prevent the planning for, installation of, or connection to public facilities or services in urban reserves consistent with the statewide planning goals and with acknowledged comprehensive plans and land use regulations in effect at the effective date of this agreement.
 - B. The City shall be responsible for planning for eventual provision of urban public facilities and services; including Water, Sewer, Transportation, and Drainage, to eventually serve the lands within the urban reserve once they are included within the urban growth boundary and develop with urban use and development.

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- C. Sizing infrastructure for the long-term extension to serve the urban reserves is cumulative to the planning for the infrastructure and public facilities to serve the urban growth boundary. Therefore, this planning affects the sizing of infrastructure and public facilities that will be installed in the shorter term to serve the urban growth boundary as well as the infrastructure that will be in the longer term to serve lands in the urban reserve when they are included in the urban growth boundary and develop with urban use and development.

Therefore, these plans may be part of the same planning documents for infrastructure and public facilities for both the urban growth boundary and the urban reserve. The plans may identify how capital projects can be phased to initially serve lands in the urban growth boundary and to later serve lands in the urban reserve when they are included within the urban growth boundary. The plans may also include projects that cannot be phased, and must be initially sized and constructed to serve lands in the urban growth boundary and urban reserve, even though urban reserve lands may not initially be served at urban densities until they are included in the urban growth boundary.

- D. Nothing in this agreement is intended to limit or preclude the planning, siting, or development of facilities outside of the jurisdiction or service areas they are intended to serve, consistent with applicable state law.

6. Procedures, Notification, and Appeals.

- A. **Rural Planning and Development.** The following shall apply to actions taken by the County under the Rural Comprehensive Plan, Rural Comprehensive Plan Map, Rural Land Development Code, and Rural Zoning Map.

- 1. **Legislative Text Amendments and Legislative and Quasi-Judicial Map Amendments.** The County shall process these amendments in accordance with the procedures in the Rural Comprehensive Plan and Rural Land Development Code. In addition, the County shall provide written notice of all proposed legislative text amendments and legislative and quasi-judicial map amendment to the City 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.

- 2. **Quasi-Judicial Applications Except Map Amendments.** The County shall process these amendments in accordance with the procedures in the Rural Comprehensive Plan and Rural Land Development Code. The County shall give the City written notice of all land use, limited land use and expedited land division decisions in the urban reserve in the same manner as required by Oregon Law for adjacent property owners. The City shall be deemed to have automatic party status regarding all such decisions for the purposes of standing for appeals. Quasi-judicial

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land use and limited land use development decisions made by the County's Planning Director, Hearings Officer, or the Rural Planning Commission may be appealed according to the County's land use hearing rules. The County may provide staff support for any administrative or quasi-judicial review of decisions regarding the application of land use regulations to land within the urban reserve.

3. **Administrative Permit Approvals.** For building permits and administrative permits that do not require quasi-judicial or legislative review, which are subject to the standards of Section IV.3.C of this Agreement, in addition to the County's review for consistency with that Section, the County shall route plans to the City for review and comment for consistency with the provisions of that Section prior to issuance of a permit. The County shall provide 7 days for the City to comment prior to issuance of a permit.
4. **Preapplications.** For any action that relates to land use and permit approvals within the urban reserve for which the County is required to provide notification to the City under this agreement, the County shall also provide notification of any pre-application to the City for any such associated application so the City may comment prior to submittal of a formal application. The County shall provide notice to the City in the same manner it notifies other affected agencies, and shall provide notice at least 10 business days before comments are due.
5. **Cooperation on Planning Undertakings.** The County is encouraged to notify the City as early as possible when it is considering undertaking plan, code, map, and/or service amendments that may affect the use and development of land within the urban reserve, and to invite the City to participate in the those undertakings, prior to review of a formal proposal through the public hearing process.

B. Urban Planning and Development.

1. **Urban Reserve Transition Plan and Future Urban Land Use Plan Map.** The City and County shall initially adopt the Urban Reserve Transition Plan and Future Urban Land Use Plan Map at the time of adoption and amendment of the Urban Reserve, using the Type V procedure specified in the Grants Pass and Urbanizing Area Community Comprehensive Plan. Thereafter, the procedure for amendments to this plan for lands in the Urban Reserve shall be in the same manner specified in the Intergovernmental Agreement for the Urban Growth Boundary and specified in the Grants Pass and Urbanizing Area Community Comprehensive Plan, using the Type IV procedure, and including the same noticing provisions and automatic party status to the County.

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2. **Urban Reserve Future Public Facilities and Services Plans.** The City shall adopt Urban Reserve Future Public Facilities and Services Plans in the same manner specified in the Intergovernmental Agreement for the Urban Growth Boundary and specified in the Comprehensive Plan, using the Type IV procedure, and including the same noticing provisions and automatic party status to the County.
3. **Cooperation on Planning Undertakings.** For urban infrastructure planning that may affect rural lands and facilities, such as transportation and drainage facilities, including those outside the urban service planning area, the City is encouraged to involve the County in the planning process. This agreement is not intended to limit or preclude other cooperative infrastructure planning efforts that cross urban and rural boundaries.

7. **Inclusion of Urban Reserve Lands within the Urban Growth Boundary.**

- A. **Services.** When lands within the Urban Reserve are included within the Urban Growth Boundary, in accordance with the procedures of the applicable Intergovernmental Agreement for the Urban Growth Boundary, services shall be provided in accordance with the terms of the applicable Intergovernmental Agreement for the Urban Growth Boundary.

Land Use and Building Code Administration may differ for different lands within the UGB, depending on rezoning policies which may retain rural zoning on some lands within the UGB, whether the properties have rural or urban zoning, and the associated provisions of the Intergovernmental Agreement, or any Interim Intergovernmental Agreements for the UGB that may apply to lands with rural zoning.

- B. **Comprehensive Plan Map.** The Comprehensive Plan Map for the Urban Growth Boundary (UGB) shall be updated to include the new area added to the UGB, with plan designations that are the same as, or consistent with, the Urban Reserve Future Urban Land Use Plan Map for the subject lands.

V. **FINANCING AUTHORITY**

Lands within the Urban Reserve will retain rural zoning prior to inclusion in the Urban Growth Boundary. Most public facilities and services within the Urban Reserve will be County owned and managed facilities built to rural standards. However, some City owned and managed services are authorized to serve rural development, as specified in this Agreement and other agreements.

For any public services and facilities that will be provided by the City in accordance with the Agreements, the County grants, and the City accepts, the authority to raise and collect monies that are necessary or convenient to provide, construct, improve, and maintain Urban Reserve public facilities and services, subject to the requirements and procedures of Oregon law. This authority shall include, but is not limited to, the formation of local improvement districts and similar service districts and special

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assessments, and to exercise any and all powers now or hereafter granted to the County through waivers of remonstrance to lands within the Urban Reserve, and to secure financing and establish liens or other devices, deferred payment programs and formats, and otherwise take all actions necessary to assure the timely, orderly and efficient arrangement of public facilities and services within the Urban Reserve. This authority shall also include the right to require the signing of service and annexation agreements when so authorized, and require compliance with standards specified in applicable agreements, prior to the provision of City owned or managed services to specific properties.

VI. MAINTENANCE AND AMENDMENT

This agreement may be amended any time with the consent of the parties, provided 30-day written notice of the intention to amend is given to the Department of Land Conservation and Development. Modifications in this agreement shall be deemed consistent with the applicable Comprehensive Plan and its various elements.

VII. DISPUTE RESOLUTION

1. Per OAR 660-021-0070(2), disputes between jurisdictions regarding urban reserve boundaries, planning and regulation, or urban reserve agreements may be mediated by the Department of Land Conservation and Development (DLCD) or the Land Conservation and Development Commission (LCDC) upon request by an affected party to this agreement.
2. In the event a dispute occurs regarding the operation or interpretation of this agreement, or the need for an amendment, and the parties come to an impasse regarding the dispute, the governing body of either the County or City may refer the dispute to a resolution committee. The resolution committee shall be comprised of two County representatives chosen by the County Commissioners, and two City representatives chosen by the City Council and the Chair of the Urban Area Planning Commission. The committee shall immediately proceed with non-binding mediation. The Resolution Committee may elect to proceed with binding arbitration by unanimous agreement.

VIII. 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.

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IX. EFFECTIVE DATE

This Agreement shall become effective on the same effective date as the adoption of the Urban Reserve Boundary adopted by City Ordinance _____ and County Ordinance _____.

JOSEPHINE COUNTY

Simon Hare, Chair Date: _____

Cherryl Walker, Vice Chair Date: _____

Keith Heck, Commissioner Date: _____

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

CITY OF GRANTS PASS

Darin Fowler, Mayor Date: _____

Aaron Cubic, City Manager Date: _____

ATTEST: _____
Karen Frerk, City Recorder

Approved as to form: _____
Mark Bartholomew, City Attorney