

82-303

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
COUNTY, OREGON

JUL 12 9 38 AM '82

In the Matter of an Ordinance to)
Adopt a Service Boundary for the)
LA Water Co-op as an Overlay to)
the Yamhill County Plan Map and)
to Adopt a Yamhill County-LA Water)
Co-op Management Agreement as an)
Ancillary Document to the Yamhill)
County Comprehensive Plan of 1974.)

CHARLES STERN
COUNTY CLERK
ORDINANCE NO. 299 DEPUTY

THE BOARD OF COMMISSIONERS of Yamhill County, Oregon, (the Board), on the 7th day of July, 1982, sat for the transaction of County business, in regular session, Commissioners Colin Armstrong, Ted Lopuszynski and Robin J. Hamblet being present.

WHEREAS, the Board adopted the Yamhill County Comprehensive Plan on the 25th day of September, 1974, by Ordinance No. 62; and

WHEREAS, the County is charged with the responsibility of coordinating the comprehensive planning efforts of cities, districts and agencies within Yamhill County; and

WHEREAS, ORS 197.185 requires that special districts enter into cooperative agreements with counties in order to bring special district plans and programs into conformity with the Statewide Goals, and to coordinate such programs with other affected units of local government; and

WHEREAS, Yamhill County and the LA Water Co-op entered into a Coordination Agreement on the 28th day of November, 1978 in compliance with ORS 197.185; and

WHEREAS, the Board and the LA Water Co-op recognize that it is appropriate to adopt a Service Boundary and Mangement Agreement as a tool to refine and implement Comprehensive Plan policies and also to coordinate County land use decisions with LA Water Co-op activities; and

WHEREAS, the Yamhill County Planning Commission conducted a public hearing to review the LA Water Co-op Service Boundary and Management Agreement on the 17th day of June, 1982; and

WHEREAS, the Planning Commission recommended that the Board adopt the Service Boundary and Management Agreement, based upon the findings outlined in the staff memorandum; and

WHEREAS, the Board conducted a public hearing on the 7th day of July, 1982, to consider the LA Water Co-op Service Boundary and Management Agreement; NOW, THEREFORE,

The Yamhill County Board of Commissioners ordains as follows:

SECTION 1.-- The LA Water Co-op Service Boundary, attached hereto as "Exhibit A" and incorporated by this reference, is hereby adopted as an overlay to the Yamhill County Comprehensive Plan Map of 1974.

SECTION 2.-- The LA Water Cooperative-Yamhill County Service Boundary Mangement Agreement, attached hereto as "Exhibit B" and incorporated by this reference, is hereby adopted as an ancillary document to the Yamhill Comprehensive Plan of 1974.

SECTION 3.-- The provisions of the Mangement Agreement relating to water line extensions within the Service Boundary hereby supersede the conditional use permit provisions of the Zoning Ordinance, Ordinance No. 83, 1976, only within the adopted LA Water Co-op Service Boundary.

DONE THIS 7th day of July, 1982, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

Charles Stern, County Clerk

Elaine Pearcey
Elaine Pearcey, Deputy

Ted Lopuszynski
CHAIRMAN TED LOPUSZYNSKI

Colin Armstrong
COMMISSIONER COLIN ARMSTRONG

Robin J. Hamblet
COMMISSIONER ROBIN J. HAMBLET

APPROVED AS TO FORM

by:

N. Robert Shields
N. ROBERT SHIELDS,
ASSISTANT COUNTY COUNSEL

"EXHIBIT B"

LA WATER COOPERATIVE-YAMHILL COUNTY SERVICE BOUNDARY MANAGEMENT AGREEMENT

I. INTRODUCTION

The LA Water Cooperative (LA Co-op) and Yamhill County recognize the need for coordination of land use decisions and the provision of community water service consistent with the special district coordination provisions of ORS 197.185.

The purpose of the Agreement shall be to direct the provision of waterservice within the adopted LA Co-op Service Boundary in a manner consistent with plan and zone designations and goals and policies outlined in the Yamhill County Comprehensive Plan.

II. DEFINITIONS

- A. Co-op -- shall refer to the Board of Directors or authorized representative of the LA Water Cooperative.
- B. County -- shall refer to the Board of Commissioners of Yamhill County unless indicated otherwise.
- C. Service Boundary -- a boundary jointly adopted by the LA Co-op and the Yamhill County Board of Commissioners. The LA Co-op Service Boundary is attached to this Agreement as Exhibit A. Water line extensions and service connections within the LA Co-op Service Boundary shall be governed by the policies outlined in this Agreement.
- D. Water Line Extension-- An expansion of the LA Co-op distribution system which provides a continuous supply of water in quantities sufficient to meet the domestic and fire protection needs of three (3) or more dwellings
- E. Water Certificate -- A certificate issued by the Co-op which entitles the property owner to purchase water from the LA Co-op distribution system. (Based on an average of 15,000 gallons per month per equivalent dwelling unit.)

- F. Service Connection -- An authorized connection to the LA Co-op distribution system by the owner of a water certificate.

III. POLICIES

A. Yamhill County Comprehensive Plan

1. The location, density and type of land development permitted within the LA Co-op Service Boundary shall be determined by Yamhill County Plan and zone designations.
2. The provision of community water service within the Boundary shall be guided by general goals and policies outlined in the Yamhill County Comprehensive Plan; more specific policies outlined in this Agreement; and by the Constitution, By-laws and Contracts of the LA Co-op.
3. The presence of water lines within the adopted service boundary shall not be used as the basis for approval or denial of partitions, plan amendments and zone change requests.

B. Water Line Extensions -- Location

1. The adopted Service Boundary defines the area in which the LA Co-op may provide community water service. However, the Co-op is under no obligation to provide water service to all property located within the Service Boundary.
2. The Co-op shall locate water lines along existing roads and right-of-way whenever possible. If it is not possible for the Co-op to follow a road alignment, then the water line location shall be guided by the following policies:
 - a. The water line shall be located in a manner which does not disrupt agricultural or forestry activities;
 - b. The water line shall not disrupt tiled drainage systems;
 - c. The water line should follow property boundaries; and

- d. The proposed cross-country water line alignment shall be referred to the Yamhill County Soil and Water Conservation District (SWCD) for their review and the Co-op shall comply with all erosion control measures established by the SWCD.
3. When construction work is performed within the County right-of-way, the Co-op shall be responsible for obtaining necessary permits from the County Road Department.
4. Where it is necessary for water lines to pass through private property, the Co-op shall obtain easements from the property owners and shall record such easements with the County Clerk.

C. Water Line Extensions -- Size and Design

1. The following factors shall be considered by the Co-op in the design and sizing of water line extensions within the Service Boundary:
 - a. Existing development patterns;
 - b. Anticipated development patterns, based on Comprehensive Plan Map designations;
 - c. Fire flow, based on the recommendations of the affected Rural Fire Protection District (Gaston, Newberg or Yamhill); and
 - d. Oregon Health Division standards for community water systems.
2. The piping from the customer's property line to the point of water use shall be subject to the requirements of the State Plumbing Code.

D. Water Storage Facilities

1. Water storage facilities shall be designed and constructed in accordance with the standards of the Oregon Health Division (OAR Chapter 333.42).
2. The location of new Co-op water storage facilities within the Service Boundary shall require approval of a conditional use permit.

E. Water Certificates

1. The Co-op shall not issue a water certificate prior to review of the request by the Yamhill County Department of Planning and Development. The procedure for referral of water certificate requests is outlined in Section IV-B of this Agreement.
2. If any land use approvals are required before the parcel is considered a buildable lot (i.e., partition, plan variance, conditional use permit), the Co-op shall not issue a water certificate prior to County approval.
3. The Co-op shall not issue a water certificate for a secondary structure (i.e., guest house, mobile home for care of a relative, farm laborers dwelling, etc.) on one buildable lot prior to review of the request by the Yamhill County Department of Planning and Development.
4. If any land use approvals are required for the secondary structure, the Co-op shall not issue a water certificate prior to County approval.
5. The County shall be held harmless of any responsibility if the Co-op issues water certificates in excess of their ability to supply water.

F. Service Connections

1. Property owners who purchased water certificates prior to the effective date of this Agreement may connect to the LA Co-op water system without review by the Yamhill County Department of Planning and Development. However, the property owner shall be responsible for obtaining all land use approvals and development permits which may be required by the County.
2. Upon request, the Co-op shall send the County a year end summary of new service connections by tax lot number. The Department of Planning and Development will use this summary to update the LA Co-op base map.

G. Extraterritorial Service Connections

1. LA Co-op members located outside of the adopted Service Boundary who connected to the LA Co-op water system prior to the effective date of this Agreement are recognized by Yamhill County as legitimate service connections.
2. New extraterritorial service connections within Yamhill County shall not be allowed unless specifically approved by Yamhill County through the conditional use permit procedure. This procedure is intended to permit flexibility in cases of hardship. It is intended that the process be used sparingly and that the following criteria be strictly applied:
 - a. The applicant has documented that a genuine hardship exists due to quantity and/or quality of water;
 - b. Other alternatives have been investigated (e.g., deepening of existing well, drilling a new well or private treatment);
 - c. The dwelling to be served is in close proximity to the LA Co-op water system and would not overburden existing waterlines; and
 - d. Amendment of the LA Co-op Service Boundary is not immediately feasible.

H. Service Connections Within Gaston's Area of Influence

The City of Gaston has adopted an Urban Growth Boundary (UGB), attached to this Agreement as Exhibit B, and identified an Area of Influence which extends 500 feet beyond the UGB. The provision of community water service within the Area of Influence of Gaston could impact the future growth of the City. Therefore, the LA Co-op Service Boundary shall not include any land within the Area of Influence of Gaston.

Service connections within Gaston's Area of Influence shall not be allowed unless specifically approved by Yamhill County through the conditional use permit procedure outlined in Section III-G of this Agreement. Additionally, Yamhill County shall not approve such conditional use permit unless the service connection has been approved by resolution of the Gaston City Council.

If the governing bodies do not concur in their final decision, a joint meeting shall be scheduled to resolve the differences. If agreement cannot be reached by joint meeting(s), one governing body may appeal the other governing body's decision to the Land Use Board of Appeals, or the appropriate appellate body.

IV. REFERRAL PROCEDURES

A. Yamhill County Referral Responsibilities

1. Land use applications within the jurisdiction of Yamhill County and within the LA Co-op Service Boundary shall be referred to the Co-op for their review and comment prior to a final County decision. The following land use applications shall be referred to the Co-op:
 - a. Plan Amendment.
 - b. Zone Change.
 - c. Planned Unit Development.
 - d. Conditional Use Permit.
 - e. Variance.
 - f. Subdivision.
 - g. Partition.
2. The Co-op shall have 15 days from the date of the referral to return comments to the Department of Planning and Development. The Co-op may wish to address the following questions:
 - a. Is the Co-op able/willing to serve the proposed use?
 - b. Would a waterline extension, pumping facilities, additional reservoir capacity or other improvements be required to serve the proposed use?

B. Co-op Referral Responsibilities

1. Before the Co-op shall issue a water certificate, they shall refer a copy of the request (including the property owner's name and tax lot #) to the Department of Planning and Development. The water certificate request form is attached to this Agreement as Exhibit C.

2. The planning staff shall have 15 days from the date of the referral to return comments to the LA Co-op. The planning staff shall respond with the following information:
 - a. Whether the parcel is considered a buildable lot; and
 - b. Whether the property owner has to secure any land use approvals before the Co-op may issue a water certificate.
3. Before the Co-op extends or upgrades a waterline, they shall refer a generalized map which illustrates the proposed alignment and size of the waterline to the Department of Planning and Development.
4. The County Department of Planning and Development shall assume responsibility for coordination of the proposed water line extension with affected agencies and jurisdictions; including, but not limited to:
 - a. Yamhill County Road Department.
 - b. Yamhill Soil and Water Conservation District.
 - d. Gaston Fire Protection District.
 - e. Newberg Fire Protection District.
 - f. Yamhill Fire Protection District.

V. AMENDMENT PROCEDURES

Amendments to the text of this Agreement or to the LA Co-op Service Boundary may be initiated by the Board of Directors of the LA Co-op or the Yamhill County Board of Commissioners.

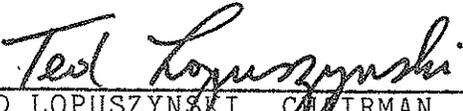
Proposed amendments shall be processed as an amendment to the Yamhill County Comprehensive Plan and evaluated for consistency with the policies outlined the Plan and this Agreement.

The LA Co-op and the County must concur in a decision to amend the text of this Agreement or to amend the LA Co-op Service Boundary.

VI. APPROVALS

Approved by the Yamhill County Board of Commissioners on this
7th day of July, 1982.

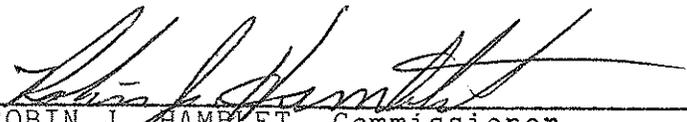
Ordinance # 299.



TED LOPUSZYNSKI, CHAIRMAN
Yamhill County Board of Commissioners

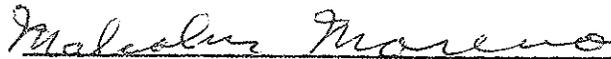


COLIN ARMSTRONG, Commissioner



ROBIN J. HAMBLET, Commissioner

Approved by the Board of Directors of the LA Water
Cooperative on this _____ day of _____, 1982.



MALCOLM MORENO, PRESIDENT
LA Water Cooperative

APPROVED AS TO FORM:

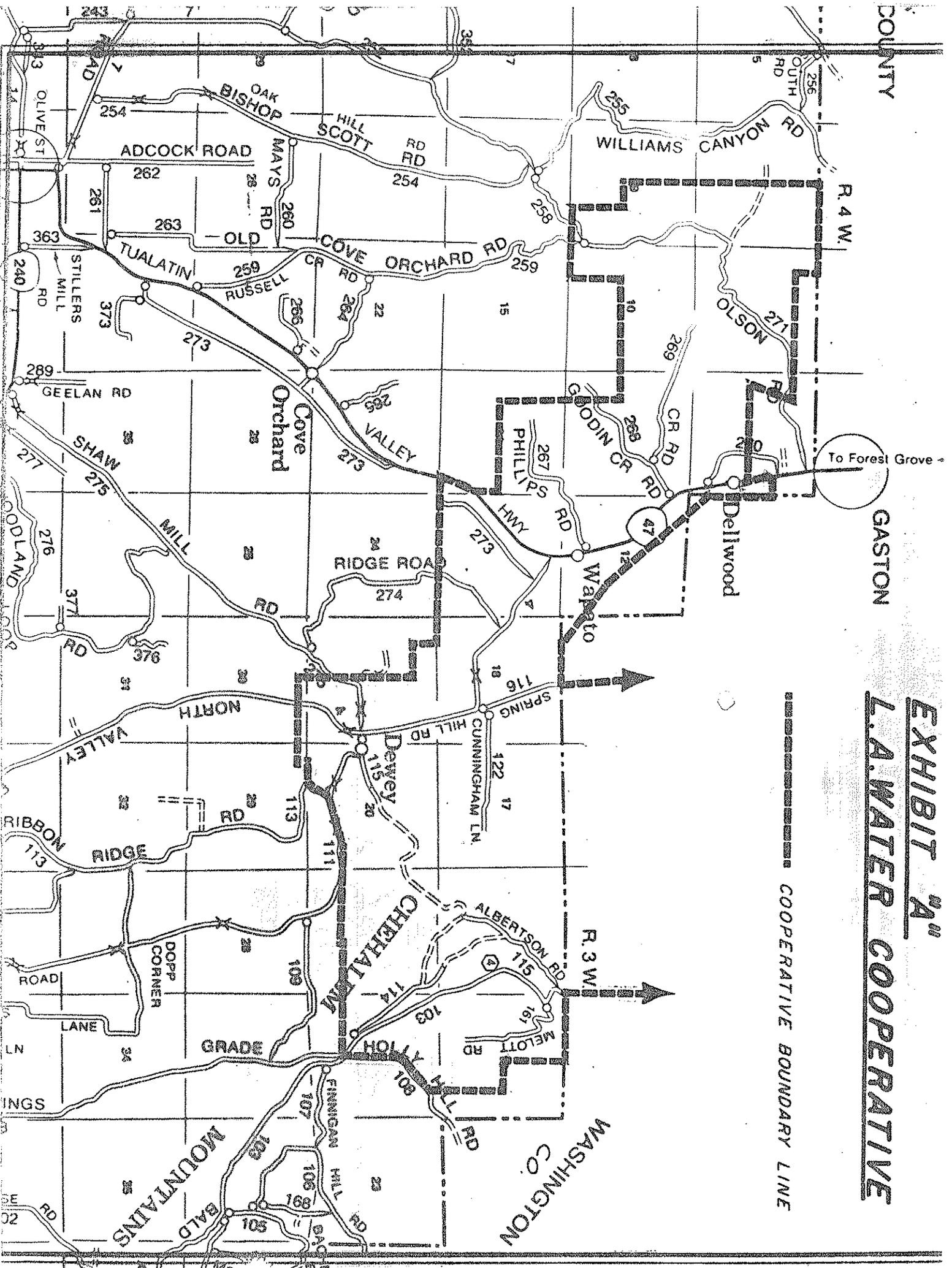
DARYL S. GARRETTSON
County Counsel

COUNTY

GASTON

EXHIBIT "A" L.A. WATER COOPERATIVE

----- COOPERATIVE BOUNDARY LINE



To Forest Grove

R.4 W.

R.3 W.

WASHINGTON CO.

"EXHIBIT B"
GASTON UGB

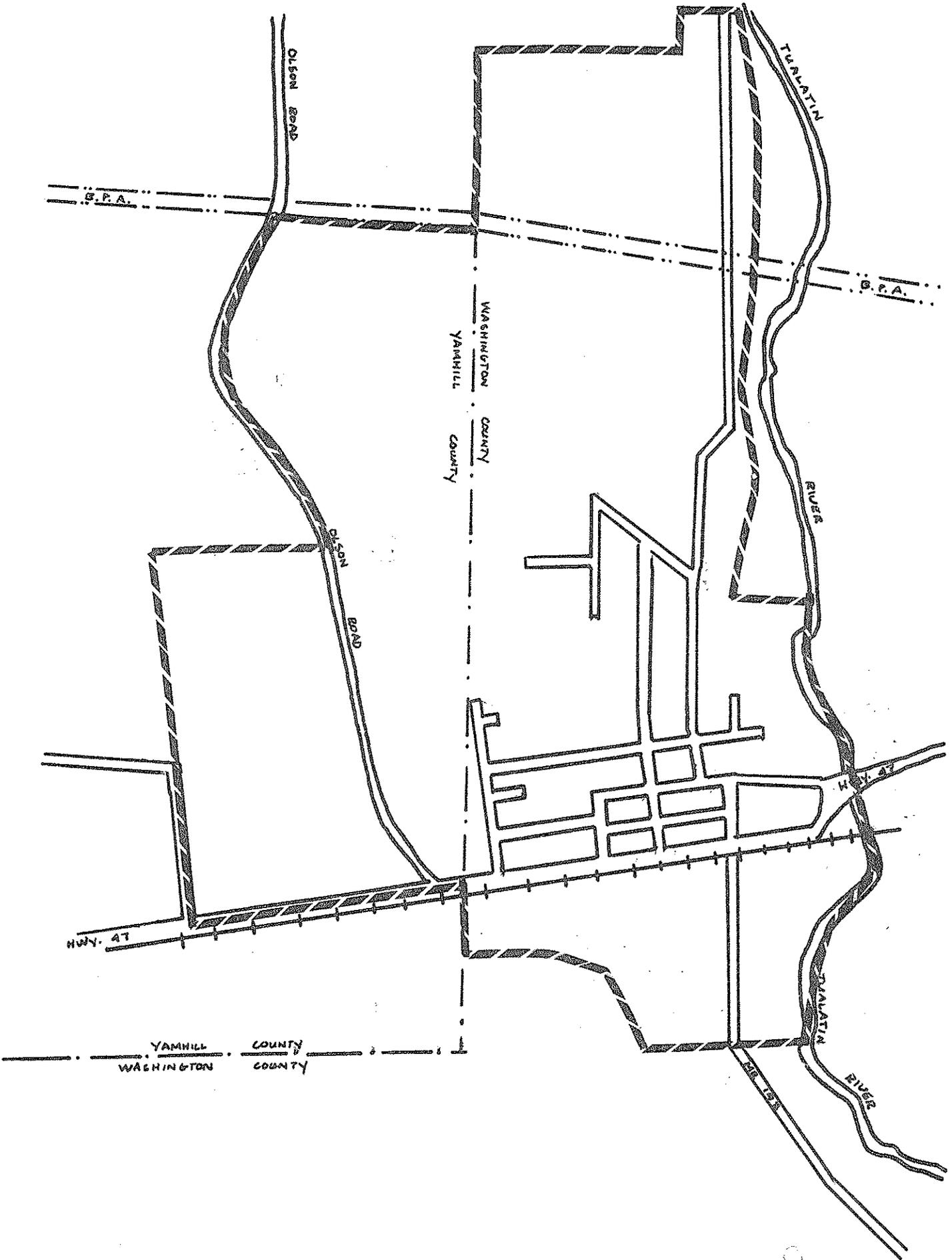


EXHIBIT C
LA WATER CO-OP
WATER CERTIFICATE REQUEST

1. Property Owner _____

2. Tax Lot No. _____

3. Is there a dwelling on the Tax Lot? _____

4. Meeting date when the LA Co-op Board will consider the request
for a water certificate _____

(NOTE: Allow at least 15 days before the next scheduled Co-op
Board meeting for a County planning department response.)

5. Other comments and/or information _____

1. Is the tax lot considered a buildable lot by Yamhill County?

2. Are any County land use approvals required before the Co-op may
issue a water certificate? _____

3. Other comments ad/or information _____

Reviewed by: _____

Date: _____

NOTE: It shall be the property owner's responsibility to obtain
all septic and building permits required by the County
prior to development.