

**RESOLUTION NO. 2024-13**

**A RESOLUTION RECOGNIZING AN AMENDMENT TO THE LINN COUNTY  
URBAN GROWTH MANAGEMENT AGREEMENT**

**WHEREAS**, ORS 190.003 through 190.030 require Cities and Counties to enter into an agreement called an Urban Growth Management Agreement (UGMA) administering procedures for Land Use applications within an Urban Growth Boundaries (UGB) and/or Planning Areas as identified in the agreement; and

**WHEREAS**, Linn County and the City of Millersburg have a current intergovernmental agreement (IGA) for an UGMA dated June 18, 1980, and implemented through Linn County Ordinance 80-163; and

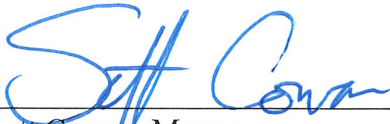
**WHEREAS**, in order to address concerns from the Dever-Conner farming community and build a coalition of support for a Goal Exception application with the County regarding access to property with the City limits, an amendment to the UGMA is proposed to assure that the City will not expand further westerly or northerly (as shown on the attached draft amendment) for a period of 50 years;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILLERSBURG**, a municipal corporation of the State of Oregon, as follows:

Section 1. The City Council recognizes and supports the UGMA amendment.

Section 2. The City Council authorizes the City Manager to execute the UGMA amendment through an IGA.

**ADOPTED** this 30<sup>th</sup> day of July, 2024.



\_\_\_\_\_  
Scott Cowan, Mayor  
City of Millersburg

ATTEST:



\_\_\_\_\_  
Sheena Dickerman  
City Recorder

AMENDMENT to URBAN GROWTH MANAGEMENT AGREEMENT  
CITY OF MILLERSBURG and LINN COUNTY

AGREEMENT BETWEEN THE CITY OF MILLERSBURG AND LINN COUNTY FOR THE  
JOINT MANAGEMENT OF THE CITY'S URBAN GROWTH AREA.

RECITALS:

- A. The City of Millersburg (the "**City**") and Linn County (the "**County**") (herein collectively the "**Parties**" and individually a "**Party**") are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform.
- B. ORS 197.175, 197.190, and 197.250 require counties and cities to prepare and adopt comprehensive plans consistent with statewide planning goals and to enact ordinances or regulations to implement the comprehensive plans.
- C. The Oregon Land Conservation and Development Commission ("**LCDC**") requires each jurisdiction requesting acknowledgement of compliance with statewide planning goals to submit an agreement setting forth the means by which comprehensive planning coordination within the Urban Growth Boundary ("**UGB**") will take place.
- D. The City and the County share a common concern regarding development and use of lands within the Urban Growth Area ("**UGA**") (the UGA is any property within the City's UGB, but not yet annexed into the City); and other identified areas of mutual interest including the City of Millersburg Planning Area as defined in the City's Comprehensive Plan and Exhibit B of the UGMA (defined below), which includes lands located outside of the City's UGB (the "**Planning Area**").
- E. The City and the County are required to have coordinated and consistent comprehensive plans that establish a UGB and a plan for the UGA and Planning Area.
- F. Statewide Planning Goal 14 requires that the establishment and change of urban growth boundaries shall be through a cooperative process between the City and the County.
- G. Statewide Planning Goal 2 requires the City and County to maintain a consistent and coordinated plan for the UGA and UGB when amending their respective comprehensive plans.
- H. The City is an applicant under County Land Use Application No. PD24-0128, requesting exceptions to Statewide Planning Goals 3 and 14, an amendment to the Linn County Transportation Plan, and amendments to the Linn County Comprehensive Plan (the "**Application**") necessary to approve a driveway (the "**Driveway**") to provide access to a set of parcels on the western edge of the City, within the City's urban growth boundary and City limits.

- I. The Driveway would provide access to Tax Lots 106, 203, 206, and 207 of Assessor's Map No. 10S-03W-29 (the "**Urban Property**"). These properties are within the City's UGB, subject to the City's zoning jurisdiction, are zoned General Industrial, and may be further divided.
- J. The Driveway is proposed to be located in part on Tax Lot 402 of Assessor's Map No. 10S-03W-20 (the "**Exception Property**").
- K. Timberlab Inc., or its related entities, including but not limited to Timberlab Holdings, Inc., (and its subsidiaries) intends to apply for local, state, and federal permits needed to develop a portion of the Urban Property for an industrial use anticipated for the construction of cross laminated timber billets and related construction materials (the "**Project**").
- L. Neighbors in the vicinity of the Driveway have raised concerns that the Driveway may encourage an expansion of the UGB.
- M. Neighbors support the Project and request that the City and County enter into this Agreement to ensure that the Driveway does not encourage expansions of the UGB, as detailed herein.
- N. The City has requested that the County adopt, and the County intends to initiate text amendments to the County's Comprehensive Plan that reflect Section I.A of this Agreement, which recognizes the significance of the Dever-Conner Agricultural District (defined below) and that provides that no UGB expansion shall include the Dever-Conner Agricultural District before January 1, 2075.
- O. The City has requested this Agreement to provide the neighbors adequate assurances that approval of the Application will not cause or support the future UGB expansion the "**Dever-Conner Agricultural District**," which consists of those lands as depicted in Exhibit A, which is attached hereto and incorporated by this reference herein.
- P. The Parties desire to enter into this Agreement to clarify and memorialize the terms discussed by the City and County.
- Q. This Agreement does not replace any prior Urban Growth Management Agreement ("**UGMA**") between the City and County or any other agreement between the Parties and is intended only to supplement and modify such UGMA adopted under Linn County Ordinance No. 80-217, as it may have been or may be amended and updated from time to time. This Agreement shall be construed to be consistent with all other prior agreements between the City and County; however, in the event of a conflict between this Agreement and any existing agreements between the Parties, this Agreement shall supersede. By way of example, nothing in this Agreement shall amend the Planning Area as the protections to the Dever-Conner Agricultural District are in addition to the Planning Area and not in lieu thereof. .

NOW, THEREFORE, THE CITY AND COUNTY DO MUTUALLY AGREE TO THE FOLLOWING:

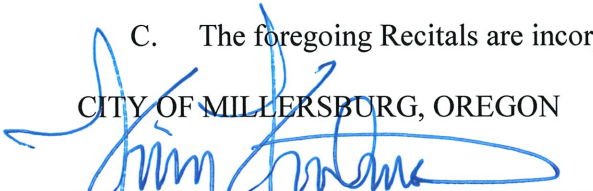
I. Dever Conner Protection

- A. The City and the County recognize a common interest in the protection of the productive agricultural lands within the Dever-Conner Agricultural District, which contribute to their regional economy and quality of life. The City and County agree that the County shall not approve urban growth boundary expansions into the Dever-Conner Agricultural District before January 1, 2075.

II. Miscellaneous

- A. This Agreement shall be valid until January 1, 2075.
- B. If any portion of this Agreement is or becomes invalid, illegal, or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal, and enforceable. If such modification is not possible, the relevant provision shall be deemed deleted. Any modification to or deletion of a provision or any part thereof shall not affect the validity or enforceability of the remaining provisions of this Agreement.
- C. The foregoing Recitals are incorporated into this Agreement by this reference.

CITY OF MILLERSBURG, OREGON



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Kevin Kreitman, City Manager

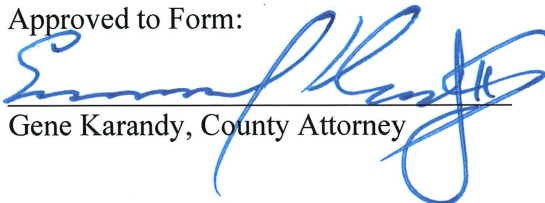
Attest:



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Sheena Dickerman, City Recorder

Approved to Form:



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Gene Karandy, County Attorney

LINN COUNTY BOARD OF COMMISSIONERS



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Chair



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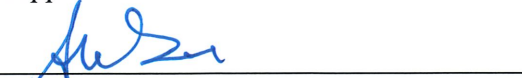
Commissioner



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Commissioner

Approved to Form:



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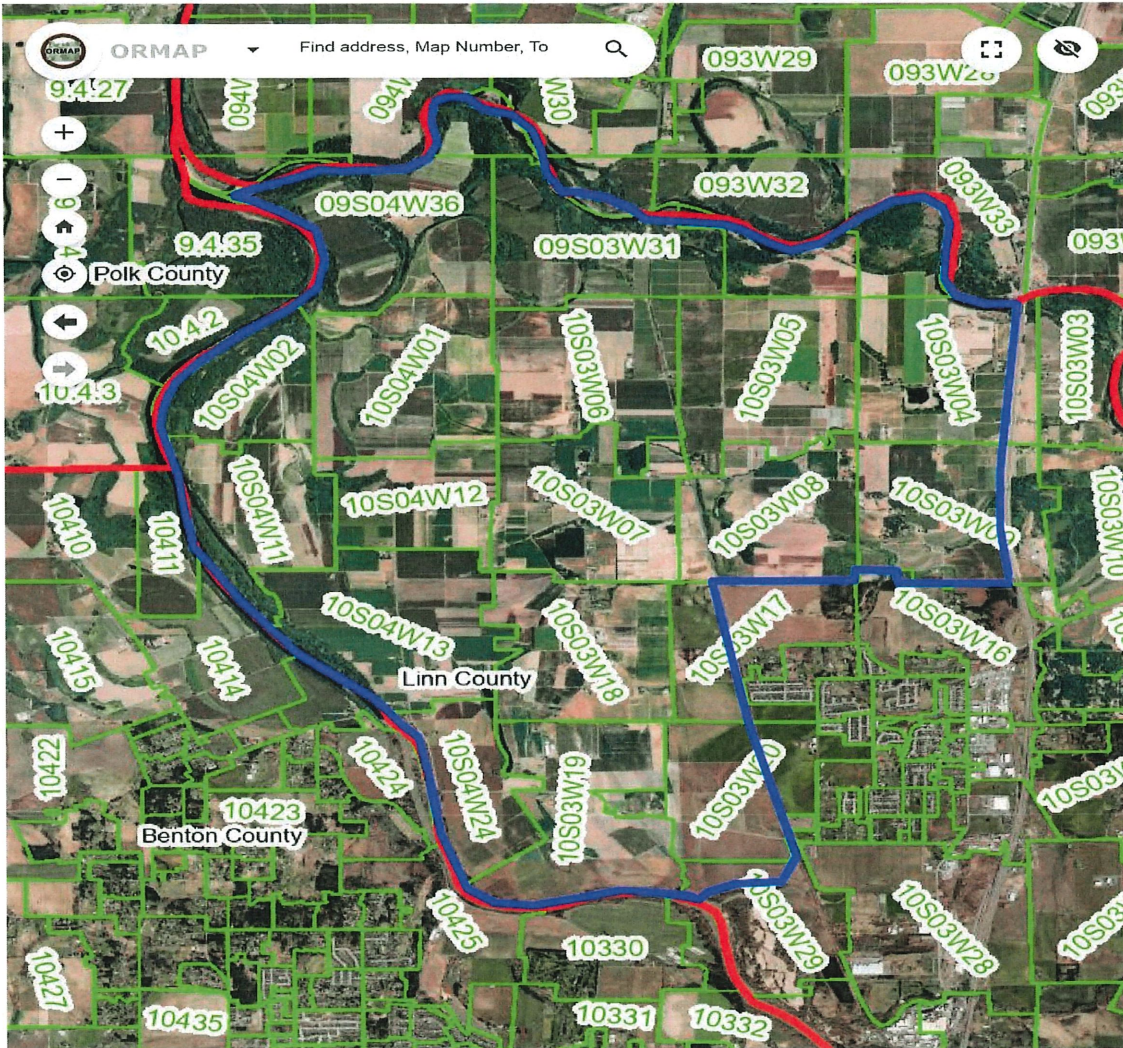
Alan Sorem, City Attorney

Exhibit A

Dever-Conner Agricultural District – Overall Area

7/17/24, 9:00 AM

ORMAP



-122.992 44.676 Degrees

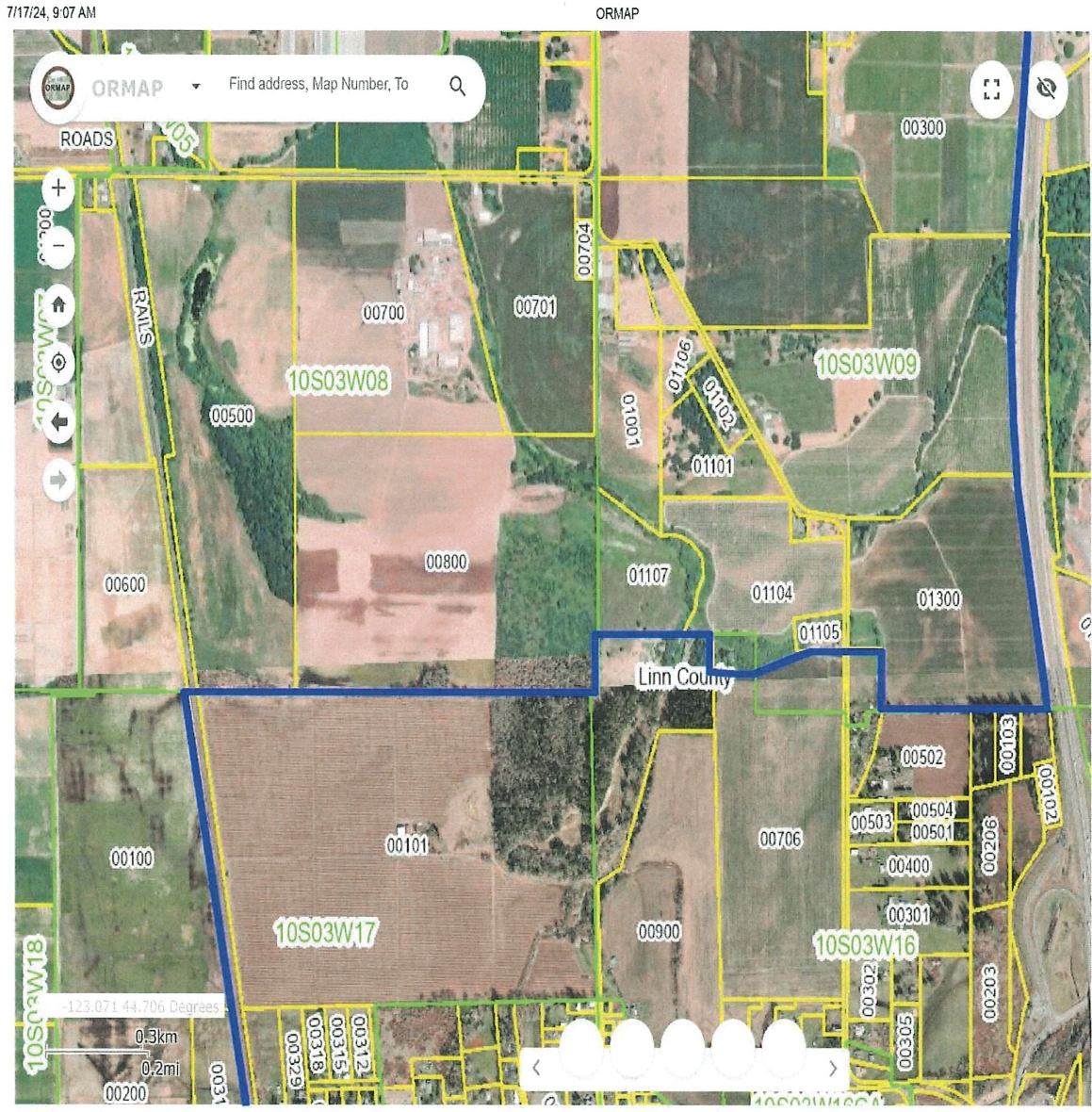
1km  
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Exhibit A

Dever-Conner Agricultural District – North Detail



<https://ormap.net/gis/index.html>

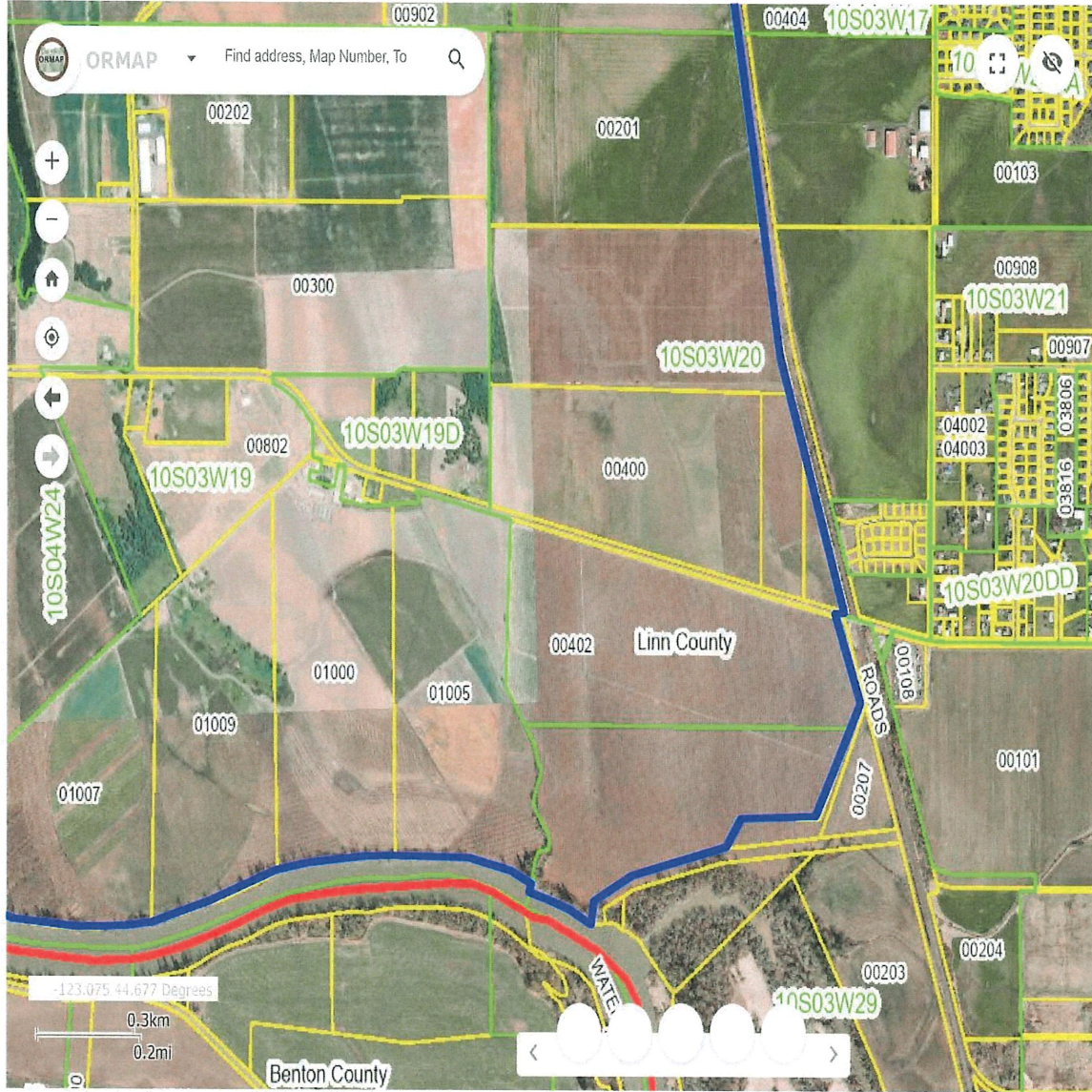
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Exhibit A

Dever-Conner Agricultural District – Southwest Detail

7/17/24, 9:07 AM

ORMAP



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