

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY OREGON

ORDER NO.

01-9-5-4

) In the Matter of Authorizing County
) Administrator Execution of an Agreement
) for Development Permit Processing with the
) City of Cottage Grove In Areas Near the
) City Municipal Water Lines

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, the City of Cottage Grove's municipal waterlines are partially located on lands subject to the exercise of Lane County's land use jurisdiction, and


WHEREAS, the City of Cottage Grove is prohibited from serving certain of these lands with municipal water, and

WHEREAS, Lane County and the City of Cottage Grove jointly developed an agreement for the County to help inform the City of the processing of county development permits on certain lands subject to the exercise of Lane County's land use jurisdiction that are near the City's municipal water line, and


WHEREAS, at a public meeting the Board of County Commissioners reviewed a proposed Coordination Agreement, attached hereto as Exhibit "A", and concurred with its purpose and use;
THEREFORE IT IS HEREBY

ORDERED, the County Administrator is authorized to execute a Coordination Agreement with the City of Cottage Grove in a form substantially similar to the agreement attached as "Exhibit A" and incorporated here by this reference.

DATED this 5th day of September, 2001.


Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8-28-2001 Lane County

OFFICE OF LEGAL COUNSEL

COORDINATION AGREEMENT

THIS AGREEMENT made and entered into on the ____ day of _____, 2001 by and between the CITY OF COTTAGE GROVE, a municipal corporation of the State of Oregon, hereinafter referred to as CITY; and LANE COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as COUNTY.

RECITALS

WHEREAS, the CITY owns and operates municipal waterlines in the unincorporated areas of Lane County for the purpose of transmitting municipal water from the source of supply to the City's reservoirs and for the purpose of serving existing water customers adjacent to those waterlines, and

WHEREAS, the CITY, in accordance with its Comprehensive Land Use Plan and Utility Policy, is prohibited from granting water service to new development outside its Urban Growth area, and

WHEREAS, the CITY's waterlines and appurtenant facilities need to be protected from the construction activities associated with new development, and

WHEREAS, the COUNTY is the administrator of all development permits issued in Lane County outside the CITY's Urban Growth area, and therefore has knowledge of where new development is proposed, and

WHEREAS, it is essential that the CITY be aware of all development activities within the vicinity of its waterlines outside its Urban Growth area,

NOW THEREFORE it is mutually understood that:

The COUNTY agrees to:

1. Request the source of potable water for new development as part of all development permit applications.
2. Periodically, but not less than once per month, provide the CITY with a current list of all development permits applied for within the quarter sections where the CITY's waterlines are located outside its Urban Growth area. The list shall contain information summarizing the proposed development activity.
3. Except for temporary, hardship cases, advise development permit applicants that the CITY is prohibited from providing water service for new development outside the CITY's Urban Growth area in accordance with the CITY's Comprehensive Land Use Plan and Utility Policy.
4. Refer all temporary, hardship requests for outside CITY water service to the CITY at the following location:

Public Works Dept.
400 E. Main Street
Cottage Grove, Oregon 97424

By doing so, the County will assist the City in preventing illegal hook-ups to the City water system.

The CITY agrees to:

1. Provide the COUNTY with a list of all quarter sections outside the CITY's Urban Growth area where CITY waterlines are located.
2. Periodically provide COUNTY with an updated list of all quarter sections where waterlines are located outside the CITY's Urban Growth area.
3. Do follow-up with the applicants of all COUNTY development permits, where necessary, to assure that the CITY's waterlines are protected from construction activities associated with the development permits.
4. Do follow-up with applicants of all COUNTY development permits, where necessary, to prevent illegal hookups to the CITY's water system.

BOTH PARTIES agree to the extent allowed by law, to indemnify, hold harmless and defend the other, its officials, agents and employees from and against all claims, damages, losses and expenses, including attorney fees, arising in or from its performance of or failure to perform this agreement.

BOTH PARTIES agree that this agreement commences immediately upon execution by both parties and will automatically renew every year unless terminated by one party giving the other party (30) days written notice of intent to terminate. If either party serves written notice of its intent to terminate or modify provisions of the agreement such notice shall set forth the specific item or items the party wishes to terminate or modify, and the parties shall commence negotiations at least 30 calendar days prior to the expiration of the agreement except by mutual consent.

IN WITNESS WHEREOF, CITY and COUNTY acting through their duly designated and authorized representatives have executed this agreement as of the date first above written.

CITY OF COTTAGE GROVE

LANE COUNTY

By: _____ By: _____
Richard Meyers William A. Van Vactor
City Manager County Administrator

Date: _____ Date: _____