



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515
Portland, Or 97204-1914
Phone: (503) 248-3308 FAX (503) 248-3093
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Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500
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Serena Cruz, Commission Dist. 2

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Lisa Naito, Commission Dist. 3

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Sharron Kelley, Commission Dist. 4

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Phone: (503) 248-5213 FAX (503) 248-5262
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ANY QUESTIONS? CALL BOARD CLERK DEB BOGSTAD @ 248-3277

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES
MAY CALL THE BOARD CLERK AT
248-3277, OR MULTNOMAH COUNTY
TDD PHONE 248-5040, FOR
INFORMATION ON AVAILABLE
SERVICES AND ACCESSIBILITY.**

MAY 11 & 13, 1999

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

| | |
|---------|--|
| Pg 2 | 9:30 a.m. Tuesday Early Childhood & Community Clinics & Health Budget |
| Pg 2 | 1:30 p.m. Tuesday Schools; Community Building; CCFC and Community & Family Services Budget |
| Pg 4 | 9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters |
| Pg 4 | 9:30 a.m. Thursday Mixed-use and Affordable Housing Resolution |
| Pg 5 | 9:50 a.m. Thursday Animal Control Fee Resolution |
| Pg 5 | 10:00 a.m. Thursday Public Hearing on Three Boundary Change Proposals |
| ✱ | Check the County Web Site: http://www.multnomah.or.us |

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

Tuesday, May 11, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET/POLICY WORK SESSION

WS-1 Budget/Policy Review Work Session on Early Childhood and Community Clinics and Impacts to Rockwood and Cully Clinics. Presented by Gary Oxman, Health Department Staff, Felicity Taormina, and Invited Others. 2.5 HOURS REQUESTED.

- Focus on the Child
 - Current Early Childhood Research
 - Current Early Childhood Initiatives
 - Exploration of Integrated Service Delivery
 - Looking into the Future
 - Cully - La Clinica
 - Rockwood Access Clinic
 - Headstart Mental Health
 - Hispanic Mental Health Services
 - Health Department Citizen Budget Advisory Committee Report by Felicity Taormina
 - Health Department Budget, Issues and Opportunities, and Board Budget Discussion
-

Tuesday, May 11, 1999 - 1:30 PM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET/POLICY WORK SESSION

WS-2 Budget/Policy Review Work Session on School Support Budget Actions; Community Building; Department of Community and Family Services; Department of Community Justice and Commission on Children, Families and Community. Presented by Lorenzo Poe, Elyse Clawson, Susan Oliver, Jim Clay and Invited Other. 2.5 HOURS REQUESTED.

- SUN Schools;
- Combined RFP;
- School Attendance - Westside School Attendance
- Hispanic Retention;
- Touchstone;

- RACC Arts funding in Schools;
- FAST Pilot Program;
- Franklin Caring Community;
- CCFC plans;
- Funding for alternative schools/transition classrooms.
- Department of Community and Family Services Citizen Budget Advisory Committee Presentation by Susan Oliver, Chair (5 minutes)
- Commission on Children, Families and Community Citizen Budget Advisory Committee Presentation by Susan Oliver, Chair (5 minutes)
- Commission on Children, Families and Community Budget, Issues and Opportunities, Jim Clay, (10 minutes)
- Department of Community and Family Services Budget, Issues and Opportunities, Lorenzo Poe, Staff (45 minutes)

Thursday, May 13, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 Appointments of Carolyn Marks Bax, Jason Dimen, Beckie Lee, Stephen J. March and Ramsay Weit to the Greenspaces Review Committee

DISTRICT ATTORNEY'S OFFICE

- C-2 Budget Modification DA 99-4 Adding 1.0 Victim Advocate to the Victims of Crime Act Grant

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-3 Budget Modification CFS 10 to Increase the Budget for Revenue for the Behavioral Health Division by \$198,644 for Day and Residential Treatment Services to Reflect Changes in the State Mental Health and Developmental Disabilities Services Division Intergovernmental Agreement

- C-4 Budget Modification CFS 11 to Increase the Department's Budget by \$404,996 through an Intergovernmental Agreement with the U.S. Department of Labor for Administration of Urban/Rural Opportunities Grant Funds

DEPARTMENT OF SUPPORT SERVICES

- C-5 Budget Modification DSS 12 Recognizing \$300,000 in Revenues Received from FEMA for Project Impact: Building a Disaster Resistant Community

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-6 RESOLUTION Designating Newspaper for Publication of Notice of Foreclosure of Tax Liens as Shown on the Multnomah County 1999 Foreclosure List

- C-7 Intergovernmental Revenue Agreement 9910789 with Oregon Department of Transportation (Local Assistant Grant) to Building a Pedestrian Island on Powell Valley Road in Front of Powell Valley Elementary School

DEPARTMENT OF HEALTH

- C-8 Budget Modification HD 20 Adding \$52,000 to the Support Services Materials and Services Budget Funded with Contract Dollars Received from Oregon Health Division and Office of Medical Assistance Programs for the Maternal Child Health Hotline

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NON-DEPARTMENTAL

- R-2 RESOLUTION Establishing a Policy to Promote the Goals of Managed Growth by Making Available Vacant and/or Surplus County Lands for Mixed-use and Affordable Housing Development and Pursuing these Opportunities in the Design of Future County Facility Projects

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- R-3 Supplemental Budget Requesting Approval of Budget Modification DCJ 59, Adding \$35,705 in Unexpended Prior-year Fee Revenue to the Family Court Services Program to Pay for Replacement of Office Equipment, Completion of Client Data Entry into the Computer System, and Additional Instruction and Security Coverage for Parent Education Classes

DEPARTMENT OF HEALTH

- R-4 NOTICE OF INTENT to Respond to a Request for Proposals from the Bureau of Primary Health Care to Fund Satellite Clinics for Homeless Youth

AGING AND DISABILITY SERVICES DEPARTMENT

- R-5 Budget Modification ADS 2 to Recognize Additional One-time Only Federal and State Revenue; to Authorize Various Information Technology Related Expenditures; and Reduction of the ADS General Fund Resources Used for Matching Federal Medicaid Funds and a Corresponding Reduction of County Supplement Expenditures

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 RESOLUTION Establishing Fees and Charges for Chapter 13 of the Multnomah County Code Relating to Animal Control and Repealing Resolution No. 98-85
- R-7 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Metro [Boundary Change Proposal No. MU-0199 Annexing Property within Washington County to Metro]
- R-8 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Metro [Boundary Change Proposal No. MU-0299 Annexing Property within Washington County to Metro]
- R-9 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District [Boundary Change Proposal No. MU-0399 Annexing Property to Dunthorpe-Riverdale County Service District for Sewers]

COMMISSIONER COMMENT/LEGISLATIVE ISSUES

- R-10 Opportunity (as Time Allows) for Commissioners to Comment on Non-Agenda Items or to Discuss Legislative Issues.

BOGSTAD Deborah L

From: LEE Beckie K
Sent: Monday, May 10, 1999 8:01 AM
To: BOGSTAD Deborah L
Subject: FYI

Bev has asked Serena to attend the Port meeting at 8 am on Thursday, May 13th. IT's the meeting that they will be discussing the Rivergate site. I don't know for sure, but my guess is she will be a little bit late to the Board meeting. Just wanted to let you know.

Thanks,
Beckie

SHARRON KELLEY
Multnomah County Commissioner
District 4



Portland Building
1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5213
E-Mail: sharron.e.KELLEY@co.multnomah.or.us

MEMORANDUM

TO: Chair Beverly Stein
Commissioner Diane Linn
Commissioner Serena Cruz
Commissioner Lisa Naito
✓ Board Clerk Deb Bogstad

FROM: Debra Erickson
Staff to Commissioner Sharron Kelley

DATE: May 12, 1999

RE: Board Meeting Late Arrival

BOARD OF
COUNTY COMMISSIONERS
99 MAY 12 AM 11:43
MULTNOMAH COUNTY
OREGON

Commissioner Kelley may miss the first part of the Board meeting on Thursday, May 13, 1999 as she is expecting the JPACT meeting that morning to run late. I apologize for the late notice.

MEETING DATE: May 13, 1999
AGENDA #: C-1
ESTIMATED START TIME: 9:30 AM

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Appointments to the Greenspaces Review Committee

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: Thursday, May 13, 1999

AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Non-Departmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

Appointments of Carolyn Marks Bax, Jason Dimen, Beckie Lee, Stephen J. March
and Ramsay Weit to the Greenspaces Review Committee

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Beverly Stein

(OR)

DEPARTMENT

MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
99 MAY - 7 PM 1:50
MULTI-COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277

BUDGET MODIFICATION NO:DA # 99-4

(For Clerk's Use) Meeting Date:

MAY 13 1999

Agenda No:

C-2**1. REQUEST FOR PLACEMENT ON THE AGENDA FOR**5/13/99

DEPARTMENT

District Attorney

DIVISION

Circuit Court

CONTACT

Thomas G Simpson

TELEPHONE

248-3863

NAME(s) OF PERSON MAKING PRESENTATION TO THE BOARD

Mike Schrunk**SUGGESTED AGENDA TITLE**

Budget Modification DA #99-4 adding 1.0 Victim Advocate to the Victims of Crime Act Grant

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION☒ PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET.

The additional funding will provide a new Victim Advocate position which would work in conjunction with the Youth Gun Anti-Violence Task Force. The Victim Advocate will help victims of gun violence by assisting in the movement of cases from one agency to another or make a direct effort to insure that the victims are not left out in the process. The assignment of a Victim Advocate will assure that the concerns of the victims are heard.

3. REVENUE IMPACT

Addition of \$49,034 to the current year Victims of Crime Act Grant

4. CONTINGENCY STATUS

| | | | |
|---------------------|----------------|---------------------|----------------|
| Originated By: | Date | Department Director | Date |
| Fred M. Davis, Jr | April 29, 1999 | Thomas G Simpson | April 29, 1999 |
| Plan/Budget Analyst | Date | Employee Services | Date |
| J. Mark Campbell | 5/5/99 | Mike Schrunk | 5/5/99 |
| Board Approval | Date | | |
| Deborah C. Boster | 5/13/99 | | |

CLERK OF
CLINT COUNTY
99 MAY - 3 PM 12:03
MULTI-COUNTY
OREGON

PERSONNEL DETAIL FOR BUDGET MODIFICATION

DA 99-4

ANNUALIZED PERSONNEL CHANGES

| FTE Increase (Decrease) | POSITION TITLE | ANNUALIZED | | | |
|-------------------------------|-------------------------|------------------------------------|----------|----------|---------------------------------|
| | | BASE PAY Increase (Decrease) | Fringe | Insur. | TOTAL Increase (Decrease) |
| 1.00 | Victim Advocate | 33,859 | 8,535.76 | 6,639.62 | 49,034 |
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| | | | | | - |
| 1.00 | Total Annualized Change | 33,859 | 8,536 | 6,640 | 49,034 |

CURRENT YEAR PERSONNEL CHANGES

| FTE Increase (Decrease) | Explanation of Change | CURRENT FY | | | |
|-------------------------------|----------------------------|------------------------------------|--------|--------|---------------------------------|
| | | BASE PAY Increase (Decrease) | Fringe | Insur. | TOTAL Increase (Decrease) |
| 1.00 | Victim Advocate | 33,859 | 8,536 | 6,640 | 49,034 |
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| 1.00 | Total Current Year Changes | 33,859 | 8,536 | 6,640 | 49,034 |

EXPENDITURE TRANSACTION

| FUND | AGENCY | ORG | ACTIVITY | REPTG CAT | OBJECT | CURRENT AMOUNT | REVISED AMOUNT | CHANGE | SUBTOTAL | Description |
|--------------------------|--------|------|----------|--------------|--------|-------------------|-------------------|--------|----------|-------------------------|
| 156 | 023 | 2463 | | | 5100 | | | | 33,859 | Base Pay |
| 156 | 023 | 2463 | | | 5500 | | | | 8,536 | Fringe |
| 156 | 023 | 2463 | | | 5550 | | | | 6,640 | Insurance |
| 400 | 070 | 7522 | | | 6580 | | | | 6,640 | Insurance Fund Transfer |
| 156 | 023 | 2463 | | | 7100 | | | | 3,246 | Indirect Costs |
| 100 | 075 | 9120 | | | 7700 | | | | 3,246 | Indirect Fund Transfer |
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| TOTAL EXPENDITURE CHANGE | | | | | | | | - | 62,167 | |

REVENUE TRANSACTION

| FUND | AGENCY | ORG | ACTIVITY | REPTG CAT | REVENUE CODE | CURRENT AMOUNT | REVISED AMOUNT | CHANGE | SUBTOTAL | Description |
|----------------------|--------|------|----------|--------------|-----------------|-------------------|-------------------|--------|----------|-------------------------|
| 156 | 023 | 2463 | | | 2015 | | | | 52,281 | Department of Justice |
| 400 | 070 | 7522 | | | 6580 | | | | 6,640 | Insurance Fund Transfer |
| 100 | 075 | 9120 | | | 7700 | | | | 3,246 | Indirect Fund Transfer |
| | | | | | | | | | | |
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| TOTAL REVENUE CHANGE | | | | | | | | - | 62,167 | |

MICHAEL D. SCHRUNK

Office Memorandum

District Attorney

TO: Board of County Commissioners

FROM: Michael D. Schrunk

DATE: April 29, 1999

REQUESTED PLACEMENT DATE:

RE: Budget Modification DA #99-4 adding 1.0 Victim Advocate for
Victims of Crime Act Grant

I. Recommendation/Action Requested: Approval of the Budget Modification

II. Background/Analysis: The additional funding will provide a new Victim Advocate position which would work in conjunction with the Youth Gun Anti-Violence Task Force. The Victim Advocate will help victims of gun violence by assisting in the movement of cases from one agency to another or make a direct effort to insure that the victims are not left out in the process. The assignment of a Victim Advocate will assure that the concerns of the victims are heard.

III. Financial Impact: Adds \$49,034 to the current year budget from the Victims of Crime Act Grant

IV. Legal Issues: N/A

V. Controversial Issues: N/A

VI. Link to Current County Policies: N/A

VII. Other Government Participation: N/A

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: **COMMUNITY AND FAMILY SERVICES**DIVISION: **N/A**CONTACT: **LES WALKER**PHONE: **26777**

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

KATHY TINKLE/MIKE WADDELLSUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification CFS#10 to increase the budget for revenue for the Behavioral Health Division by \$198,644 for Day and Residential Treatment Services (DARTS) to reflect changes in the State Mental Health and Developmental Disabilities Services Division Intergovernmental Agreement (SMHDDSD) as of Plan Amendment Approval Form 99 (PAAF #99).

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Budget Modification CFS#10 recognizes \$198,644 in new State MHDDSD revenue through PAAF #99 for Day and Residential Treatment Services (DARTS).

Budget Modification CFS#10 increases the budget of the Behavioral Health Division by \$198,644 in Pass Through expenditures with Edgefield Children's Center for DARTS, a community-based service provided to children aged 3 to 17 and to their families, the children may reside at home or in an alternative placement.

Budget Modification CFS#10 increases indirect costs by \$1,391. Internal Services Reimbursements from Federal/State Fund to General Fund also increases by \$1,391.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

| | |
|--|-----------|
| Increase State Mental Health | \$198,644 |
| Increase CGF Indirect support | \$1,391 |
| Increase Svs Reim BHMC to General Fund | \$1,391 |

TOTAL **\$201,426**

BOARD OF
 COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON
 99 APR 30 AM 11:01

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____

(Specify Fund)

AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Department Director:

Date:

Plan / Budget Analyst:

Date:

Employee Services:

Date:

Board Approval:

Date:

BUDGET MODIFICATION NO. CFS#10

EXPENDITURES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agency | Org | Activity | Report Categor | Object | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|---------|--------|------|--------|------|----------|----------------|--------|----------------|----------------|-----------------------------|----------|-----------------------|
| 1 | | | | | | | | | | | | | |
| 2 | | | 395 | 010 | 1664 | | | 6060 | 19,448,195 | 19,646,839 | 198,644 | | Pass Through |
| 3 | | | 395 | 010 | 1664 | | | 7100 | 136,137 | 137,528 | 1,391 | | Indirect @ 0.7% |
| 4 | | | | | | | | | | | | 200,035 | Org 1664 Subtotal |
| 5 | | | | | | | | | | | | | |
| 6 | | | 100 | 010 | 9130 | | | 7640 | 1,022,521 | 1,023,912 | 1,391 | 1,391 | Cash Transfer to BHMC |
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| | | | | | | | | | | | 201,426 | 201,426 | GRAND TOTAL |

BUDGET MODIFICATION NO. CFS#10

REVENUES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agenc | Org | Activity | Report Category | Rev Source | Current Amount | Revised Amount | Change Increase (Decrease) | Subtotal | Description |
|----------|---------|--------|------|-------|------|----------|-----------------|------------|----------------|----------------|----------------------------|-------------|------------------------|
| 1 | | | | | | | | | | | | | |
| 2 | | | 395 | 010 | 1664 | | | 2605 | 1,752,615 | 1,951,259 | 198,644 | | SMHD MHS 21 |
| 3 | | | 395 | 010 | 1664 | | | 7601 | 554,322 | 555,713 | 1,391 | | Indirect |
| 4 | | | | | | | | | | | | 200,035 | Org 1664 Subtotal |
| 5 | | | | | | | | | | | | | |
| 6 | | | 100 | 075 | 7410 | | | 6644 | 466,657 | 468,048 | 1,391 | 1,391 | Svs Reim BHMC Gen Fund |
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| | | | | | | | | | | 201-235 | 201-235 | GRAND TOTAL | |

BUDGET MODIFICATION NO. CFS#10

5. **ANNUALIZED PERSONNEL CHANGE** (Change on a full-year basis even though this action affects only a part of the fiscal year (FY)).

| | | ANNUALIZED | | | |
|------|--------------------------|------------|--------|-------|-------|
| FTE | POSITION TITLE | BASE PAY | FRINGE | INSUR | TOTAL |
| | | | | | |
| | No net change in FTE. | | | | 0 |
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| 0.00 | TOTAL ANNUALIZED CHANGES | 0 | 0 | 0 | 0 |

6. **CURRENT YEAR PERSONNEL DOLLAR CHANGE** (Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

| | | | CURRENT YEAR | | | |
|------|-----------------------------------|-------------|--------------|--------|-------|-------|
| FTE | POSITION TITLE | EXPLANATION | BASE PAY | FRINGE | INSUR | TOTAL |
| | | | | | | |
| | No net change in FTE. | | | | | 0 |
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| | | | | | | 0 |
| 0.00 | TOTAL CURRENT FISCAL YEAR CHANGES | | 0 | 0 | 0 | 0 |



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
OFFICE OF THE DIRECTOR
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379 TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director
Department of Community and Family Services

DATE: April 20, 1999

SUBJECT: Budget Modification CFS#10

I. RECOMMENDATION/ACTION REQUESTED: The Department of Community and Family Services recommends the approval of Budget Modification CFS#10. This modification increases the Department's budget by \$200,035 to reflect the most recent State Mental Health and Developmental Disabilities Services Division Intergovernmental Agreement (SMHDDSD) in Plan Amendment Approval Form (PAAF) #99.

II. BACKGROUND ANALYSIS: Budget Modification CFS#10 recognizes \$198,244 in new State MHDDSD revenue in PAAF #99 to fund an increase to the Behavioral Health Division to contract with Edgefield Children's Center for Day and Residential Treatment Services (DARTS) a community-based service provided to children aged 3 to 17 and to their families, the children may reside at home or in an alternative placement.

III. FINANCIAL IMPACT: Budget Modification CFS#10 increases the Department's budget by \$200,035. Pass through expenditures increase \$198,244 and indirect costs \$1,391. Behavioral Mental Health Managed Care Fund Indirect Support increases by \$1,391. Service reimbursement from the Behavioral Health Managed Care Fund to the General Fund increase of \$1,391.

IV. LEGAL ISSUES: N/A

V. CONTROVERSIAL ISSUES: N/A

VI. LINK TO CURRENT COUNTY POLICY: N/A

VII. CITIZEN PARTICIPATIONS: N/A

VIII. OTHER GOVERNMENT PARTICIPATION: N/A

MAY 13 1999

C-4

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: COMMUNITY AND FAMILY SERVICESDIVISION: N/ACONTACT: LES WALKERPHONE: 26777

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

KATHY TINKLE/MIKE WADDELL

SUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification CFS#11 to increase the ^{DEPARTMENT'S} ~~County~~ budget by \$404,996 through an intergovernmental agreement with the U.S. Department of Labor for Administration of Urban/Rural Opportunities Grant Funds.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Budget Modification CFS#11 increases the budget for the Department's Contracts & Evaluation Services by \$404,996 to reflect Intergovernmental Agreement 9910363 with the U.S Department of Labor. The funds awarded to Empowerment Zones and Enterprise Communities is to implement School-To-Work systems for youth who live or attend school in these areas. The purpose of the funds is to implement school-to-work systems for youth who live or attend school in high poverty areas. School-To-Work programs will offer youth a variety of activities and services-- job shadowing, career counseling, internships, apprenticeships and project-based learning to prepare them for high-skill, high-wage careers, and further education and training.

Budget Modification CFS#11 increases pass through expenditures by \$400,983 for services provided by the Workforce Development Board to implement the school-to-work programs. Supplies expenditures are increased by \$1,087. Indirect costs, paid by the grant, increase \$2,926. Contingency is increased by \$2,926 to reflect the grant paid indirect. Service reimbursement from the Fed/State Fund to General Fund increase \$2,926.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

| | |
|-------------------------------------|------------------|
| Add Urban Rural Opportunities Grant | \$404,996 |
| Increase Contingency | \$2,926 |
| TOTAL | \$407,922 |

99 APR 30 AM 11:01
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

GENERAL
(Specify Fund)

Fund Contingency BEFORE THIS MODIFICATION (as of 4/30/99): \$ 3,290,534
AFTER THIS MODIFICATION: \$ 3,293,460

Originated By:

Date:

Mike Waddell4/28/99

Department Director:

Date:

John Doe4/28/99

Plan / Budget Analyst:

Date:

Michael D. Jones4/30/99

Employee Services:

Date:

Board Approval:

Date:

WILBOROH L. Boaster5/13/99

BUDGET MODIFICATION NO. CFS#11

EXPENDITURES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agency | Org | Activity | Report Categor | Object | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|---------|--------|------|--------|------|----------|----------------|--------|----------------|----------------|-----------------------------|----------|--------------------------|
| 1 | | | | | | | | | | | | | |
| 2 | | | 156 | 010 | 0142 | | | 6060 | 831,348 | 1,232,331 | 400,983 | | Pass Through |
| 3 | | | 156 | 010 | 0142 | | | 6230 | 636 | 1,723 | 1,087 | | Supplies |
| 4 | | | 156 | 010 | 0142 | | | 7100 | 11,032 | 13,958 | 2,926 | | Indirect @ 7% and 10.98% |
| 5 | | | | | | | | | | | | 404,996 | Org 0142 Subtotal |
| 6 | | | | | | | | | | | | | |
| 7 | | | 100 | 075 | 9120 | | | 7700 | | | 2,926 | 2,926 | Contingency |
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| | | | | | | | | | | 000,000 | 000,000 | 000,000 | GRAND TOTAL |

BUDGET MODIFICATION NO. CFS#11

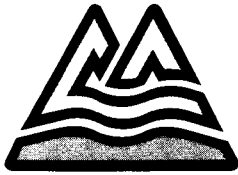
REVENUES

TRANS EB GM TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agency | Org | Activity | Report Category | Rev Source | Current Amount | Revised Amount | Change Increase (Decrease) | Subtotal | Description |
|----------|---------|--------|------|--------|------|----------|-----------------|------------|----------------|----------------|----------------------------|----------|--------------------------|
| 1 | | | | | | | | | | | | | |
| 2 | | | 156 | 010 | 0142 | | | 2185 | 0 | 404,996 | 404,996 | | Urban/Rural Opportunity |
| 3 | | | | | | | | | | | | 404,996 | Org 0142 Subtotal |
| 4 | | | | | | | | | | | | | |
| 5 | | | 100 | 075 | 7410 | | | 6602 | | | 2,926 | 2,926 | Svs Reim F/S to Gen Fund |
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| 48 | | | | | | | | | | | | | |
| | | | | | | | | | | | 407,922 | 407,922 | GRAND TOTAL |



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
OFFICE OF THE DIRECTOR
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379 TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director
Department of Community and Family Services

DATE: April 27, 1999

SUBJECT: Budget Modification CFS#11

I. RECOMMENDATION/ACTION REQUESTED: The Department of Community and Family Services recommends the approval of Budget Modification CFS#11. This modification increases the Department's budget by \$404,996 through an intergovernmental agreement with the U.S. Department of Labor for administration of Urban/Rural Opportunities Grant Funds.

II. BACKGROUND ANALYSIS: Budget Modification CFS#11 recognizes \$404,996 in Urban/Rural Opportunities Grant funds awarded to Empowerment Zones and Enterprise Communities to implement School-To-Work systems for youth who live or attend school in high poverty areas. School-To-Work programs will offer youth a variety of activities and services—job shadowing, career counseling, internships, apprenticeships and project-based learning to prepare them for high-skill, high-wage careers, and further education and training.

III. FINANCIAL IMPACT: Budget Modification CFS#11 increases the Department's budget by ~~\$408,244~~ \$404,996. Pass through expenditures increase \$400,983, supplies increase \$1,087, and indirect costs, paid by the grant, increase \$2,926. Contingency is increased by \$2,926 to reflect the grant paid indirect. Service reimbursement from the Federal/State Fund to the General Fund increases \$2,926.

IV. LEGAL ISSUES: N/A

V. CONTROVERSIAL ISSUES: N/A

VI. LINK TO CURRENT COUNTY POLICY: N/A

VII. CITIZEN PARTICIPATIONS: N/A

VIII. OTHER GOVERNMENT PARTICIPATION:

BUDGET MODIFICATION NO. DSS #12(For Clerk's Use) Meeting Date MAY 13 1999Agenda No. C-5

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR 4/22/99
(Date)

DEPARTMENT Support Services DIVISION Emergency ManagementCONTACT Doug McGillivray TELEPHONE 618-2353*NAME (s) OF PERSON MAKING PRESENTATION TO BOARD Consent Item

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification requesting authorization to recognize \$300,000 in revenues received from FEMA for Project Impact: Building A Disaster Resistant Community.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)
[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

The County has been awarded a grant by FEMA in the amount of \$300,000 that will be equally divided between East Multnomah County and the City of Portland (Johnson Creek Watershed). The County's Office of Emergency Management is the grantee and will facilitate the dispersal of Pass-Thru funds to the City of Portland.

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

Increase budget by \$300,000. A total of \$150,000 is to Pass-Thru to City of Portland.

4. CONTINGENCY STATUS (to be completed by Finance/budget)

 Contingency before this modification (as of)
(Specify Fund) (Date)

\$

After this modification

\$

| | | | |
|---|-------------------------|---|------------------------|
| Originated by <i>Wendy J. C.</i> | Date <i>15/10/99</i> | Department Manager <i>Theresa J. Jones</i> | Date <i>4/20/99</i> |
| Budget Analyst <i>J. Mark Campbell</i> | Date <i>5-4-99</i> | Personnel Analyst | Date |
| Board Approval <i>DOROTHY L. Bozstad</i> | <i>5/13/99</i> | | Date |

EXPENDITURE

TRANSACTION EB { } GM { } TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY _____

| Document Number | Action | Fund | Agency | Organi- zation | Activity | Reporting Category | Object | Current Amount | Revised Amount | Change Increase (Decrease) | Sub- Total | Description |
|--------------------------|--------|------|--------|-------------------|----------|-----------------------|--------|-------------------|-------------------|----------------------------------|---------------|-----------------------|
| | | 156 | 070 | | | | 6230 | 0 | +\$55,500.00 | +\$55,500.00 | | Supplies |
| | | 156 | 070 | | | | 6120 | 0 | +\$14,500.00 | +\$14,500.00 | | Printing |
| | | 156 | 070 | | | | 6200 | 0 | +\$ 2,000.00 | +\$ 2,000.00 | | Postage |
| | | 156 | 070 | | | | 6310 | 0 | +\$8,000.00 | +\$8,000.00 | | Travel |
| | | 156 | 070 | | | | 6110 | 0 | +\$55,000.00 | +\$55,000.00 | | Professional Services |
| | | 156 | 070 | | | | 6060 | 0 | +\$150,000.00 | +\$150,000.00 | | Pass Thru |
| | | 156 | 070 | | | | 8400 | 0 | +\$ 15,000.00 | +\$ 15,000.00 | | Equipment |
| | | | | | | | | | | | | |
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| TOTAL EXPENDITURE CHANGE | | | | | | | | | | \$300,000.00 | | |

REVENUE

TRANSACTION EB { } GM { } TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY _____

| Document Number | Action | Fund | Agency | Organi- zation | Activity | Reporting Category | Object | Current Amount | Revised Amount | Change Increase (Decrease) | Sub- Total | Description |
|----------------------|--------|------|--------|-------------------|----------|-----------------------|--------|-------------------|-------------------|----------------------------------|---------------|----------------------------------|
| | | 156 | 070 | | | | | | 300,000.00 | +300,000.00 | | Projected-- Project Impact funds |
| | | | | | | | | | | | | |
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| | | | | | | | | | | | | |
| TOTAL REVENUE CHANGE | | | | | | | | | | +300,000.00 | | TOTAL REVENUE CHANGE |

East Multnomah/Johnson Creek Work Elements

| | ADMIN | SCH. | BUS. CNT. | COM. MT | ACQU. | TOTAL Federal E. Mult | TOTAL Match E.Mult. | TOTAL Federal John.Ck. | TOTAL Match John.Ck | GRAND TOTAL FEDERAL | GRAND TOTAL MATCH |
|---------------------------------------|------------|----------|-----------|-----------|-----------|-----------------------------|---------------------------|------------------------------|---------------------------|---------------------------|-------------------------|
| a. Personnel | | | | | | | | | | | |
| Federal | | | | | | | | | | | |
| Non-Federal | \$ 100,000 | | | | | | \$ 100,000 | | \$24,000 | | \$ 124,000 |
| b. Fringe | | | | | | | | | | | |
| Federal | | | | | | | | | | | |
| Non Federal | | | | | | | | | \$4,800 | | \$ 4,800 |
| e. Supplies, Printing, Postage | | | | | | | | | | | |
| Federal | \$7,000 | \$33,000 | \$8,500 | \$18,000 | \$5,500 | \$ 72,000 | | \$15,000 | | \$ 87,000 | |
| Non-Federal | | | | | | | | | \$7,000 | | \$ 7,000 |
| c. Travel | | | | | | | | | | | |
| Federal | \$ 8,000 | | | | | \$ 8,000 | | \$2,000 | | \$ 10,000 | |
| Non-Federal | | | | | | | | | | | |
| d. Equipment | | | | | | | | | | | |
| Federal | | \$ 5,000 | | \$ 10,000 | | \$ 15,000 | | \$8,800 | | \$23,800 | |
| Non-Federal | | | | | | | | | \$4,000 | | \$ 4,000 |
| f. Contractual | | | | | | | | | | | |
| Federal | | | \$ 20,000 | \$ 5,000 | \$ 30,000 | \$ 55,000 | | \$62,000 | | \$ 117,000 | |
| Non-Federal | | | | | | | | | | | |
| g. Construction | | | | | | | | | | | |
| Federal | | | | | | | | | | | |
| Non-Federal | | | | | | | | | | | |
| Other | | | | | | | | | | | |
| Federal | | | | | | | | \$62,200 | | \$ 62,200 | |
| Non-Federal | | | | | | | | | \$453,200 | | \$ 453,200 |
| | | | | | | \$ 150,000 | | \$150,000 | | \$ 300,000 | |
| | | | | | | | \$ 100,000 | | \$493,000 | | \$ 593,000 |



MULTNOMAH COUNTY OREGON

OFFICE OF EMERGENCY MANAGEMENT
1333 NW EASTMAN PARKWAY
GRESHAM, OREGON 97030
(503) 618-2363

SUPPLEMENTAL STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS
FROM: MIKE GILSDORF 
MULTNOMAH COUNTY EMERGENCY MANAGEMENT

TODAY'S DATE: March 31, 1999

REQUESTED PLACEMENT DATE: April 22, 1999

RE: Office of Emergency Management request for budget modification approval.

I. Recommendation/Action Requested:

Approve budget modification for the Office of Emergency Management to recognize \$300,000 in revenues received from FEMA for the Project Impact: Building Disaster Resistant Communities..

II. Background/Analysis:

Multnomah County has been selected as a national Project Impact Community by FEMA. This is cooperative effort between East Multnomah and the Johnson Creek Watershed. See attached Project Impact Statements of Work.

III. Financial Impact:

The County has been awarded a grant in the amount of \$300,000 that will be equally divided between East Multnomah County and the City of Portland (Johnson Creek Watershed). The County's Office of Emergency Management is the grantee and will facilitate the dispersal of Pass-Thru funds to the City of Portland.

IV. Legal Issues:

Compliance to National Environmental Policy Act (NEPA) & 44 CFR Part 10; and accordance to Agreement Articles stipulated in Grant#EMS-1999-GR-3022.

V. Controversial Issues:

None.

VI. Link to Current County Policies:

VII. Citizen Participation:

Schools, business and industries.

VII. Other Government Participation:

FEMA Region X and City of Portland.

Building a Disaster Resistant Community

MULTNOMAH COUNTY PROJECT IMPACT STATEMENTS OF WORK

Those objectives and suggested projects identified thus far as integral parts of the Multnomah County Project Impact Program are important to the emergency management organization in general and to the general public in particular. The program's component pieces will assist in not only assuring the preparedness of the public to deal with the effects of a major emergency or a disaster, but will also advance mitigation objectives in ensuring that a great many homes, schools and workplaces are much safer environments.

The Multnomah County 'Project Impact Program' is a cooperative effort between two major yet distinct Multnomah County entities -- East Multnomah and the Johnson Creek Watershed. The geographic areas serviced by these two entities will be described later in this document.

As with other Project Impact communities, the Federal Emergency Management Agency (FEMA) will facilitate the partnership process, which is an integral part of the program, and one to which Multnomah County subscribes wholeheartedly. Additionally, FEMA will support specific mitigation projects and actions, and bring attention to the consequent successes and lessons learned throughout the process.

1. Background

Located along the southern banks of the mighty Columbia River, Multnomah County stretches approximately 50 miles from east to west, and is populated by well over a million individuals. In addition to the Columbia River, Multnomah County is home to many other significant waterways, numerous interstate highways, major rail routes and complexes, and is one of the favorite tourist destinations in the Northwest.

Much of this area is mountainous and rural and some of it lies within the Columbia River Gorge. That which lies within the Gorge is located along Interstate 84 and is made up of material that has been deposited there over the eons by numerous landslides or debris flows. The eastern portion of the County is adjacent to one of the Northwest's famous volcanic peaks, Mount Hood -- a volcano currently at rest with the potential to awaken at any moment.

Life and commerce in Multnomah County is vulnerable to numerous natural hazards, including, but not limited to, earthquake, flooding, volcano, mudslides, landslides, debris flows, wildfires and severe winter storms. A Great Cascadia Subduction Zone earthquake could severely and adversely affect any or all of our communities.

Based on earthquake frequency and magnitude research, scientists believe that the area is due for a large and potentially devastating event. The last significant earthquake in the region occurred in April of 1993.

Multnomah County has been declared a Presidential Disaster area several times, the latest being in January 1996.

2. Grant Development & Administration

In the Fall of 1998, both East Multnomah County and a group representing the Johnson Creek Watershed were pursuing independent applications to become designated as Project Impact Communities. Following a series of meetings and discussions, they combined their Project Impact Applications and requested Multnomah County be designated a Project Impact community. This consolidation will not only reduce duplication of effort and the reduction of general costs, but will aid in the development of area wide partnerships that include the widest possible range of community resources.

The Project Impact grant development process consists of two distinct phases. The first phase includes a preliminary scope of work sufficient to receive the award and begin the process. The second will begin once the grant has been awarded and will be a more inclusive comprehensive process involving a wide range of interests and possible partners.

The Project Impact grant application needed to be developed very quickly. Hazards, risks and vulnerabilities were identified and preliminarily assessed by East Multnomah and Portland City staffs. Objectives were determined and potential suggested. The East Multnomah County Emergency Management Council and the Johnson Creek Watershed Group were consulted, but the expedited process did not allow for the development of a comprehensive planning process involving broad representation.

After the grant has been awarded, possible partners will be invited to a Project Impact workshop scheduled for May 1999. Attendees will be briefed on the entire program and will be brought into the planning process. They will not only be given the opportunity to align themselves with any of the suggested projects, they will also be invited to review the objectives and to nominate other projects for consideration. Representatives will form a committee that will visit key potential partners or groups and/or agencies that may become a partner.

Potential projects fall into two general groups. Those affecting the Johnson Creek watershed and those not directly associated with the Johnson Creek flood hazard. Each project group, when completed and proven successful, will be exported to the other areas. For instance, the application includes a school non-structural earthquake-retrofitting project. This project may be piloted with East Multnomah but would be exported

throughout the County and State if proven successful. This allows for maximum impact to County residents while having minimum impact on the dollars available from the respective budgets.

Once this second phase has been completed, there will be a formal signing ceremony to recognize partners and partner efforts. This ceremony could occur as early as the summer of 1999.

The County's Office of Emergency Management is the grantee and as such will facilitate the dispersal of program funds. County Emergency Management will also serve as part of the general oversight committee that also includes a member of Portland Emergency Management, and a representative from the Johnson Creek Watershed Group. This committee will monitor those projects that are identified as part of the overall Project Impact Program, while each of the Subgrantees (East Multnomah County and Johnson Creek Watershed) will administer and oversee their own specific projects.

3. East Multnomah County Project Description & Objectives

The region known as East Multnomah County extends from the common boundary between the cities of Portland and Gresham, Oregon, Eastward to the County line; a distance of over 30 miles. The East County is home to 120,000 people in 5 cities and several unincorporated areas, covering some 130 square miles. This portion of Multnomah County is home to many sophisticated industrial complexes, many of which are designated as EHS (Extremely Hazardous Substance) facilities. It is also home to a number of health care facilities, including one hospital and a major regional airport that serves as an alternate to Portland International Airport (PDX).

East Multnomah is ... (a little more back ground is needed short introduction to hazard, risk and vulnerability)

EAST MULTNOMAH COUNTY'S PHASE ONE PROJECTS DESCRIBED:

a. Schools:

East Multnomah is home to four school districts and currently houses approximately thousands of students. Since these students are most precious to our communities, we need to ensure their ability to survive a major emergency or disaster. One of the methods we have identified to accomplish this is to deliver proper and adequate training to them.

Our method is to foster and perpetuate the relationship that currently exists in the region between the school districts and our emergency management offices.

The school districts will partner with us in this undertaking by providing the custodial staff to install earthquake mitigation measures in the classrooms. The

installation of such things as brackets to hold bookcases in place, gum type products to keep items on shelves from moving, straps or similar devices to secure desk top items, will be done with the students present. Our program will provide a small quantity of these security devices for the students to take home, along with appropriate literature, to assist a parent in their installation. Students could be asked to write a short essay describing the home installation.

One of our business partners could provide the hardware parts necessary at a discount as part of their Project Impact participation.

School Objectives:

- Ensure that the school classrooms inhabited by our students by day and the homes they live in by night, are safe places to be. (e.g. install non-structural earthquake retrofitting measures in the classrooms using School district personnel).
- Encourage parents to institute structural and non-structural earthquake retrofitting measures in the home.
- Ensure that the students are prepared to survive a major or disastrous event by promoting self sufficiency via the 72 hour program
- Facilitate the continued cooperation of the school districts in the development and delivery of preparedness and mitigation messages.

b. Community Mitigation and Preparedness:

The population of the eastern portion of Multnomah County is approximately 120,000 individuals. Many of these folks live in rural areas that are not easily accessible and do not have the benefit of a full complement of emergency response agencies available to them. For these citizens we feel we have a tremendous responsibility for delivering appropriate messages and information on how to make their home more environmentally safe through mitigation, and on how to make their neighborhood more self sufficient in the event of a major emergency or disaster through preparedness.

The citizens in the more populated areas are much more easily reached but are no less in need of the same information. We have gained access through local law enforcement agencies to the existing neighborhood associations to deliver our messages.

We will be assisted by both fire and police department personnel in this endeavor, and their participation will constitute both a match for grant funds, and will be demonstrative of the type of partnerships that we seek. Implementation of this program will ensure a cadre of trained initial neighborhood responders who will assist in the response phase of an incident. Their activities will lessen the strain

on fire and police responders, at least initially, while protecting property, saving lives, and reducing the stress and chaos of the moment for the area residents.

We are currently using a modified version of the FEMA Community Emergency Response Team (CERT) program, revised to include a substantial portion on mitigation projects for the home. CERT members can implement these mitigation measures with a minimum of cost and effort. Again, as in our 'Schools' project, local retail establishments will assist with the supply of hardware items needed to perform these mitigation activities.

Neighborhood Project Objectives:

- Have a trained CERT team in place in identified urban neighborhood.
- Have trained CERT teams in place in identified rural regions.
- Train all team members to identify potential hazards in their homes and the homes of friends, relatives and neighbors.
- Train residents to apply appropriate measures to mitigate against the identified potential hazards such as installing non-structural earthquake retrofitting measures, anchoring and bolting their homes to the foundations or elevating homes in flood plains.
- Conduct 72-hour kit training to civic organizations.

c. ***Business Continuation:***

Within Multnomah County, large and small business is acutely interdependent. Many large companies reside here and the network of small businesses that thrive on and contribute to the success of these large corporations also supports the extensive population employed by these large corporations.

While the economy in East Multnomah County is reasonably good at the moment and the business and industry community is enjoying a degree of success, it is understood that the entire economic picture could change for these facilities as a result of a major emergency or disaster. This change is often immediate and in many cases of such magnitude as to be irrecoverable. The Small Business Administration tells us that most small businesses *ARE NOT PREPARED FOR A DISASTER*, and that many incur avoidable losses resulting from the disaster.

Many large corporations are not only seeing the virtue of mitigating their own facilities, but also the importance of including disaster preparedness, mitigation and response elements in vendor agreements with their small business and sole source suppliers

Building a network of disaster resistant industries will help both large and small businesses avoid financial ruin following a disaster. Coordination, education and mentoring between large and small businesses helps to protect everyone's interest and increases the likelihood of business continuity following a disaster. The

Multnomah County Project Impact effort will examine and identify ways for small business to become more disaster resistant. Our approach to this will be the development of business alliances, development and delivery of mitigation and preparedness programs, and initiating a business-mentoring program

Business Objectives:

- To assist local business and industry in identifying threats and hazards that may impact their ability to conduct business.
- To assist local business and industry in developing and implementing a program to mitigate those threats and hazard identified.
- To assist the business community in the development of a mitigation mentoring program.
- Assist business in recognizing the need for cold sites for data storage.
- Conduct 72-hr preparedness for employees of local business and industry.

d. 'At Risk' Property Acquisition:

Multnomah County Emergency Management is implementing a program to mitigate the effects of debris flows in the Dodson/Warrendale area of the eastern portion of the county. The program entails the purchase (acquisition) of residential properties that stand on an alluvial fan and in an area that has a history of similar, repetitive events that date back to 1918. The area in the program stretches eastward along the Columbia River from milepost 34.5 to milepost 37.5 of the Old Columbia River Highway and from the Columbia River on the north to the hills that rim the Gorge on the south. At this point, the hills are approximately 3000 ft in elevation and rise some 2400 feet in about a mile. The total assessed value of the properties in the area is in excess of \$11 million.

Initial funding for this project has expired, and was insufficient to assist all of the area residents. We intend to use a portion of the Project Impact grant funds to search for additional funds that will enable us to continue the program.

The area has been designated a 'Hazardous Area' and as a result, property owners are having a great deal of difficulty selling their property. Most importantly, though, is the fact that we would like to see all residential properties vacated and the structures removed. If this were done, no humans would be residing there; therefore, few lives would be at risk from future debris flow events.

Acquisition Objectives:

- To secure additional funding.
- To use the newly acquired (contractor secured) funds to purchase additional residential properties in the area.
- To remove all structures from acquired properties.

- To deed all properties acquired under this program as '*Greenspace in Perpetuity*' to either a State or Federal Park agency.

4. City of Portland -- Johnson Creek Project Description & Objectives

The Johnson Creek Watershed is a large area extending from Eastern Multnomah County, across the tip of Clackamas County, and into the City of Portland.

The Johnson Creek Watershed geography features large floodplains in the lower watershed with a mixture of industrial and residential uses and forested dormant lava domes riparian and upland areas with agricultural and rural land uses.

The watershed lies in the following six jurisdictions: Multnomah County, Clackamas County, City of Portland, City of Milwaukie, City of Gresham, and the City of Happy Valley. Each jurisdiction has its own regulations, policies and procedures when it comes to land use, flood plain and stormwater management.

Flooding impacts the Johnson Creek Watershed, in some areas, on average every other year. Larger floods, some caused by back up waters of the Willamette River, also occur although on a less frequent basis, causing more damage per event.

Project Impact funds will be used to inform residents, businesses, and industries about flood plain issues and how to mitigate damages.

JOHNSON CREEK WATERSHED PHASE ONE PROJECTS:

a. Schools:

This objective is similar to the East Multnomah County School Objective. The difference here is that the schools districts including the Johnson Creek watershed is be given material on flooding and flood mitigation. Students will be shown and give material on how to flood proof, as well as how to earthquake proof homes and classrooms. This material will be shared with their parents.

Flood Related School Objectives:

- To ensure that students going to school or living in the floodplain are aware of this natural hazard.
- To have each student learn at least two flood proofing techniques. Students will then be given the materials to transfer the knowledge to home.

b. Flood Hazard Information

Project Impact funds will be used to develop a real time flood information system where Johnson Creek residents can call on the phone and get the stream gage

reading and compare it to written information about flooding impacts. A computer web page may be developed and have the following information:

- Flood plain maps with building location and flood depths on the maps.
- How to plan an escape route in your house and out of the area – what roads are likely to be flooded.
- How to flood proof your home before the event.
- How to prepare for flooding, where to get sandbags, what to do if you need to evacuate.
- How to clean up after a flood event.
- How to elevate your structure.
- How to create flood storage in your own backyard.

Such information will help preparedness and response activities, however such information will also be used to validate the need and suggest design solutions for specific longer term mitigation measures.

Flood Hazard Information Objectives

- Create a communication system where businesses and residents can obtain real time data on flood threat.
- Create and distribute written materials on flood information for preparedness, mitigation and flood maps.

c. Community Rating System (CRS)

The Flood Insurance Community Rating System offers an excellent template for achieving long term mitigation objectives. Residents will be more willing to take action if there are real immediate gains. The Community Rating System though insurance premium reduction will offer such incentives. Also the system outlines real mitigation measure. It is suggested that a local flood plain expert will work with the Johnson Creek watershed communities to initiate CRS projects to include.

- Outreach projects
- Hazard disclosure
- Flood protection library
- Flood data management
- Storm water management
- Floodplain management planning
- Drainage system management

Objectives:

- CRS will be the framework to build collaborative efforts between all the jurisdictions in the watershed to develop and implement projects for flood hazard mitigation.

- Create a more comprehensive mitigation strategy, **watershed wide** for flood hazards.
 - Develop more efficient and effective implementation of programs and policies.
 - To mitigate and lower the cost of flood damage
 - To increase damage avoidance
 - To lower flood insurance premiums
- Assist each jurisdiction with administration, planning and project development for inclusion into the Community Rating System. Thereby reducing flood insurance premiums for policyholders, creating cooperation between upstream and downstream jurisdiction flood plain and stormwater management and collaboration on hazard information.

d. Demonstration project

A large building located within the Johnson Creek flood plain is available. Moving the structure out of the floodway and retrofitting the building for area hazards would provide an excellent showcase. Workshops and training could take place within the structure to demonstrate the techniques and materials needed to mitigate the structure for a variety of local hazards. (eg. flooding, fire, earthquake). The project would demonstrate the benefits of:

- Flood and Earthquake retrofitting.
- Creating flood storage that could also serve to provide water quality improvements and enhancement for wildlife habitat will be included in this demonstration.
- Moving the structure would also include the development of flood storage on the property with the other benefits of improving water quality and enhancing wildlife habitat.
- Creating a stream restoration project that would include flood storage and the improvement of water quality and fish and wildlife habitat.

Demonstration Project Objectives:

- Create a permanent showcase, in the community, of a structure moving or being elevated out of the floodplain.
- Demonstrate earthquake proofing along with floodproofing techniques.
- Create flood storage, which incorporates water quality and wildlife habitat improvements.

e. Develop long term partnerships

The Johnson Creek watershed effort has been too much the responsibility of Government. The effort could benefit from the development of partnering with

business and industries to sponsor programs and projects that directly affect their employees, customers and products. These partnership could be long term with partners such as realtors, homebuilders, insurance companies and lending institutions. Create a partnership task force to plan and implement projects such as:

- Workshops
- Town meetings
- Demonstrations
- Task Force Group
- Partnership Agreement

Partnership Development Objectives:

- Create partnerships with businesses and industries to implement best management practices.
- Educate employees about natural hazards and mitigation strategies.
- Solicit sponsorships from partners, for win-win projects.
- Gain input into jurisdictions planning and projects development and implementation.

5. Geography:

This application is the combined effort of two Multnomah County entities -- the East Multnomah County emergency management service area and the Johnson Creek watershed.

East Multnomah County generally includes those incorporated and unincorporated areas east of Interstate 205. See attached map.

The Johnson Creek Watershed area generally includes those portions of Multnomah County, the City of Portland and Clackamas County, which drain into Johnson creek. See attached map.

6. Agreements:

It is the intent of both sub-grantees named in the grant application, to reserve the right to apply funds to areas of the program where they will be most effective and have the greatest result. Determination is to be made by each program's coordinator and will be based on the degree of success and/or failure of the program elements and the degree of need, not on the budget draft submitted.

Matching funds for the federal grant will include, but will not necessarily be limited to the following:

- House supplied for the demonstration project in Johnson Creek.

- Salary and benefits paid by Multnomah County to employees of the County's Office of Emergency Management while engaged in Project Impact activities.
- Salary and benefits paid to other individuals involved in the program, while engaged in Project Impact activities.

Multnomah County Finance Department has agreed to waive its usual and regular administrative fee as additional match.

MEETING DATE: MAY 13 1999

AGENDA NO: C-6

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Designating Daily Journal of Commerce as Newspaper for Publication of 1999 Foreclosure List

BOARD BRIEFING: Date Requested: _____
Requested By _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: May 13, 1999
Amount of Time Needed: _____ Consent Calendar

DEPARTMENT: Environment Services DIVISION: Assessment & Taxation

CONTACT: Pat Frahler TELEPHONE #: 248-3380 X22330
BLDG/ROOM # 166/300/COLLECTIONS

PERSON (S) MAKING PRESENTATION CONSENT CALENDAR

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

Resolution
Request ~~Order~~ designating the Daily Journal of Commerce as newspaper for publication of the Notice of Foreclosure of tax liens as shown on the Multnomah County 1999 Foreclosure List

5/13/99 copies to Pat Frahler

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: *W. Lawrence Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS
FROM: KATHY TUNEBERG
TODAY'S DATE: April 26, 1999
REQUESTED PLACEMENT DATE: May 13, 1999

RE: Designation of Newspaper for Publication of Notice of Foreclosure of Tax Liens and Show as Shown on the Multnomah County 1999 Foreclosure List

I. Recommendation/Action Requested:

Recommend Board approval

II. Background/Analysis:

Approval of this designation is requested each year as required by ORS 312.040(a) which states "Notice shall be given by one publication of the foreclosure list in a newspaper of general circulation in the county, to be designated by the county court or Board of County Commissioners".

III. Financial Impact:

Publication costs are added to individual tax accounts so that costs can be recovered when delinquent taxes are paid to avoid foreclosure. Daily Journal of Commerce has been able to meet our publication schedule and has been the most economical.

IV. Legal Issues:

None Known

V. Controversial Issues:

None Known

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

None

VIII. Other Government Participation:

None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-77

Designating Newspaper for Publication of Notice of Foreclosure of Tax Liens as Shown
on the Multnomah County 1999 Foreclosure List

The Board of County Commissioners Finds:

- a. The Multnomah County Assessor and Tax Collector, with the assistance of the Multnomah County Counsel, has prepared for filing in the Multnomah County Circuit Court of the State of Oregon, an application for the foreclosure of liens for delinquent taxes as shown by the Multnomah County 1999 Foreclosure List.
- b. The law requires that this Board designate a newspaper of general circulation published in Multnomah County in which notice of such foreclosure shall be published.

The Board of County Commissioners Resolves:

1. The Daily Journal of Commerce, a newspaper of general circulation, published in Multnomah County, Oregon, is designated as the newspaper in which notice of foreclosure of tax liens as shown by the Multnomah County 1999 Foreclosure List shall be published.

Adopted this 13th day of May, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Counsel

MEETING DATE: MAY 13 1999
AGENDA NO: C-7
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Powell Valley Road Pedestrian Island

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: May 13, 1999

AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: Environmental Services

DIVISION: Transportation

CONTACT: April Siebenaler

TELEPHONE x29637

BLDG/ROOM # 455/Yeon Annex

PERSON(S) MAKING PRESENTATION: April Siebenaler

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Pedestrian island on Powell Valley Road in front of Powell Valley Elementary School.

5/13/99 ORIGINALS to CARTER KRAMER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: *Larry F. Nicholas pro*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

CLERK OF
COUNTY COMMISSIONERS
99 MAY - 5 AM 11:55 PM
HOLLAND COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR • 248-3308
DIANE LINN • DISTRICT 1 • 248-5220
SERENA CRUZ • DISTRICT 2 • 248-5219
LISA NAITO • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213

MEMORANDUM

TO: Board of County Commissioners
FROM: Larry F. Nicholas, P.E., Director, Dept. of Environmental Services
April Siebenaler, Transportation Planning Specialist

TODAY'S DATE: April 30, 1999

REQUESTED PLACEMENT DATE: May 13, 1999

RE: Powell Valley Road Pedestrian Island Local Assistance Grant

I. Recommendation/Action Requested:

Approve contract agreement with ODOT to construct a pedestrian island on Powell Valley Road in front of Powell Valley Elementary School.

II. Background/Analysis:

The County received a local assistance grant from ODOT to build a pedestrian island on Powell Valley Road in front of Powell Valley Elementary School. The pedestrian island will increase safety for children crossing to the school.

III. Financial Impact:

The total project is estimated to cost \$75,500. The County is responsible for \$15,100 and any cost overruns. The grant is for 80% of the total project cost or \$60,400 whichever is less.

The project is identified in the 1998-2002 Capital Improvement Program. Funding will come from the County's Bicycle Capital Improvement Program

IV. Legal Issues:

There are no legal issues with this agreement.

V. Controversial Issues:

There are no controversial issues with this agreement.

VI. Link to Current County Policies:

It is the County's policy (Comprehensive Plan Policy 33A and 33C) to provide a safe and efficient multi-modal transportation system.

VII. Citizen Participation:

Informal citizen input identified the need for a pedestrian crossing improvement. Citizen testimony is not expected at the Board meeting.

VIII. Other Government Participation:

This project is within the City of Gresham. The City of Gresham and the Gresham-Barlow School District have written letters in support of the project.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☐ Not Attached Contract #: 9910789
Amendment #: _____

| | | |
|--|--|--|
| <p style="text-align: center;">CLASS I</p> <p><input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption)</p> <p><input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption)</p> <p><input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000</p> <p style="margin-left: 20px;"><input type="checkbox"/> Expenditure</p> <p style="margin-left: 20px;"><input type="checkbox"/> Revenue</p> <p><input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)</p> | <p style="text-align: center;">CLASS II</p> <p><input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)</p> | <p style="text-align: center;">CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000</p> <p style="margin-left: 20px;"><input type="checkbox"/> Expenditure</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Revenue</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-7</u> DATE <u>5/13/99</u></p> <p style="text-align: center;"><u>DEB BOGSTAD</u> BOARD CLERK</p> |
|--|--|--|

Department: Environmental Services Division: Transportation Division Date: 5/3/99
Originator: April Siebenaler Phone: x29637 Bldg/Rm: 455/Yeon Annex
Contact: Cathy Kramer Phone: X22589 Bldg/Rm: 455/Yeon

Description of Contract: Local assistance grant from Oregon Department of Transportation to build a pedestrian island on Powell Valley Road in front of Powell Valley Elementary School.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): _____
RFP/BID: _____ RFP/BID DATE: _____
EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____
CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☐ NONE (Check all boxes that apply)

| | |
|--|--|
| <p>Contractor <u>Oregon Dept. of Transportation</u></p> <p>Address <u>Transportation Building, Room 210</u> <u>Salem, OR 97310</u> <u>Michael Ronkin</u></p> <p>Phone <u>(503) 986-3555</u></p> <p>Employer ID# or SS# _____</p> <p>Effective Date <u>July 1, 1999</u></p> <p>Termination Date <u>May 1, 2000</u></p> <p>Original Contract Amount \$ _____</p> <p>Total Amt of Previous Amendments \$ _____</p> <p>Amount of Amendment \$ _____</p> <p>Total Amount of Agreement \$ <u>75,500.00</u></p> | <p>\$60,400 ODOT Maximum \$15,100 County Match \$75,500</p> <p>Remittance address _____ (If different) _____</p> <p>Payment Schedule / Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input checked="" type="checkbox"/> Other \$ <u>\$30,200 then balance</u> <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
|--|--|

REQUIRED SIGNATURES:

Department Manager: Larry F. Nicholas DATE 5/5/99
Purchasing Manager: _____ DATE _____
(Class II Contracts Only)
County Counsel: Matthew C. Ryan DATE May 6, 1999
County Chair: Wally Dean DATE May 13, 1999
Sheriff: _____ DATE _____
Contract Administration: _____ DATE _____
(Class I, Class II Contracts only)

| LGFS VENDOR CODE | | | | | | DEPT REFERENCE | | | | | |
|------------------|------|--------|------|---------|----------|----------------|---------|---------|------------------|--------|---------|
| LINE # | FUND | AGENCY | ORG | SUB ORG | ACTIVITY | OBJ/ REV | SUB OBJ | REP CAT | LGFS DESCRIPTION | AMOUNT | INC DEC |
| 01 | 154 | 030 | 6220 | | | 2353 | | | | | |
| 02 | | | | | | | | | | | |

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

FISCAL YEAR 2000-2001 LOCAL ASSISTANCE BICYCLE/PEDESTRIAN
PROJECT AGREEMENT

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and MULTNOMAH COUNTY acting by and through its Elected Officials, hereinafter referred to as "County."

WITNESSETH

RECITALS

1. By the authority granted in ORS 366.514, funds received from the State Highway Trust Fund are to be expended by the State and the various counties and cities for the establishment of footpaths and bicycle trails. For purposes of Article IX, Section 3a, of the Oregon Constitution, the establishment and maintenance of such footpaths and bicycle trails are for highway, road, and street purposes when constructed within the right of way.
2. By the authority granted in ORS 190.110, 366.770 and 366.775, State may enter into cooperative agreements with counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State and County plan and propose to construct pedestrian crossing improvements and sidewalk on Powell Valley Road hereinafter referred to as "project." The location of the project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.
2. County has determined that the actual total cost of the project is estimated to be \$75,500 This cost shall be shared 80% by State and 20% by County; in no event shall State participation exceed the total sum of \$60,400 or 80% of the actual cost, whichever is the lesser. County shall be responsible for all costs in excess of States participation amount.

3. This agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance responsibilities for the useful life of the facilities constructed as part of the project. The project shall be completed within two calendar years from initiation of a contract to develop the project or commencement of the project by County forces.

COUNTY OBLIGATIONS

1. County shall perform the work described in this agreement. County shall conduct the necessary field surveys, prepare plans and contract documents, advertise for bid proposals, award all contracts, and supervise construction of the project. Actual construction of the project may be accomplished by County forces, by contract, or by any combination of these methods, as County shall elect.
2. County shall submit a copy of the plans and specifications to State's Bicycle and Pedestrian Program Manager for review and concurrence prior to construction. The project design, signing, and marking shall be in conformance with the current Oregon Bicycle and Pedestrian Plan.
3. County shall submit to the State's Bicycle and Pedestrians Program Manager a notification that County is prepared to proceed with the development of the project and a request for 50% of the agreed maximum State share of the project costs in the amount of \$30,200.
4. County shall by October 1, 1999, enter into a contract for development of project with a private contractor or commence actual development if project is to be accomplished by County forces. Preparation of construction plans may be considered development of project. This deadline may be extended upon written request from County and approved in writing by the State's Bicycle and Pedestrian Program Manager, but shall not be extended beyond May 1, 2000. If such deadlines are not met, County shall refund all funds paid by State on the project. County shall complete project within two calendar years from initiation of a contract or commencement of the project.
5. County shall, upon completion of project, submit to State Bicycle and Pedestrian Program an itemized statement of the final actual total cost of the project.
6. County shall, upon completion of project, thereafter maintain and operate the completed project at its own cost and expense, and in a manner satisfactory to State.
7. County shall enter into and execute this agreement during a duly authorized session of its County Commission. County shall be responsible for all costs in excess of States' participation amount.

8. County shall not enter into any subcontracts for any of the work scheduled under this agreement without obtaining prior written approval from State.

9. County agrees to comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, which hereby are incorporated by reference. Without limiting the generality of the foregoing, County expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

10. County shall perform the service under this agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this agreement, including but not limited to retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.

STATE OBLIGATIONS

1. State's Bicycle and Pedestrian Program Manager shall review and must concur in the plans prepared by County before construction begins, and shall process all billings submitted by County.

2. Upon receipt of notification that the County is prepared to proceed with the development of project, State shall deposit with County the sum of \$30,200 such amount being equal to 50 percent of the agreed maximum State share of project costs. Said deposit shall not be made prior to July 1, 1999. Upon completion of project, inspection by the Bicycle and Pedestrian Program staff (or a representative of State's Region office), and receipt from County of an itemized statement of the actual total cost of the project, State shall deposit with County a final payment in an amount which, when added to the initial deposit, would equal State's proportional share of the total project costs, but in no event shall participation by State exceed the total sum of \$60,400.

3. In the event this agreement is terminated for any reason, County shall provide an itemized statement of the costs and expenses prior to date of termination. County and State shall share expenses in proportion to the rate established in Terms of Agreement,

paragraph 2, and if any funds are remaining from the advance deposit they will be refunded to State.

4. State certifies, at the time this agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this agreement within State's current appropriation or limitation of current biennial budget.

GENERAL PROVISIONS

1. County, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

2. This agreement may be terminated by mutual written consent of both parties.

State may terminate this agreement effective upon delivery of written notice to County, or at such later date as may be established by State, under any of the following conditions:

- a. If County fails to provide services called for by this agreement within the time specified herein or any extension thereof.
- b. If County fails to perform any of the other provisions of this agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within 10 days or such longer period as State may authorize.
- c. If State fails to receive funding, appropriations, limitations or other expenditure authority at levels sufficient to pay for the work provided in the agreement.
- d. If Federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.

Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

3. Minor modifications to the project details may be made with the written consent of the State's Bicycle and Pedestrian Program Manager. A minor modification is one that does not materially alter the objectives or products of the project. Budget modifications and major modifications to the agreement must be processed as an amendment to the agreement.

4. County acknowledges and agrees that State, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of County which are directly pertinent to the specific agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.

5. This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this agreement shall not constitute a waiver by State of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The Oregon Transportation Commission approved this project on December 16, 1998, as part of the Fiscal Year 2000-2001 Local Assistance Bicycle and Pedestrian Program. The funds are included under Statewide Programs in the 1998-2001 Statewide Transportation Improvement Program.

Pursuant to a Letter of Authority dated January 28, 1999 the Technical Services Branch Manager authorized the Project Support Manager to execute agreements for local bicycle and pedestrian projects approved by the Transportation Commission up to \$100,000 per project to a total of \$1,000,000 per fiscal year.

Misc. Contract Agreement No 17,257
Multnomah County

APPROVAL RECOMMENDED:

STATE OF OREGON,
by and through its
Department of Transportation

By *Chris M*
Bicycle and Pedestrian Program Mgr.

Date 3-30-99

STATE OF OREGON
by and through its
Department of Transportation

By *EL English*
Project Support Manager

Date 3-30-99

MULTNOMAH COUNTY
by and through its Elected Officials:

By *Beverly Stein*
Beverly Stein, Chair
Date May 13, 1999

County Address:

Multnomah County
Attn: Doug Strickler/April Siebenaler
1620 SE 190th Ave
Portland OR 97233-3321

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-7 DATE 5/13/99
DEB BOGSTAD
BOARD CLERK

REVIEWED:
THOMAS SPONSER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY
BY *Thomas Sponser*
ASSISTANT COUNTY COUNSEL
DATE May 5, 1999

B-130

MULTNOMAH County

POWELL VALLEY ROAD PEDESTRIAN ISLAND

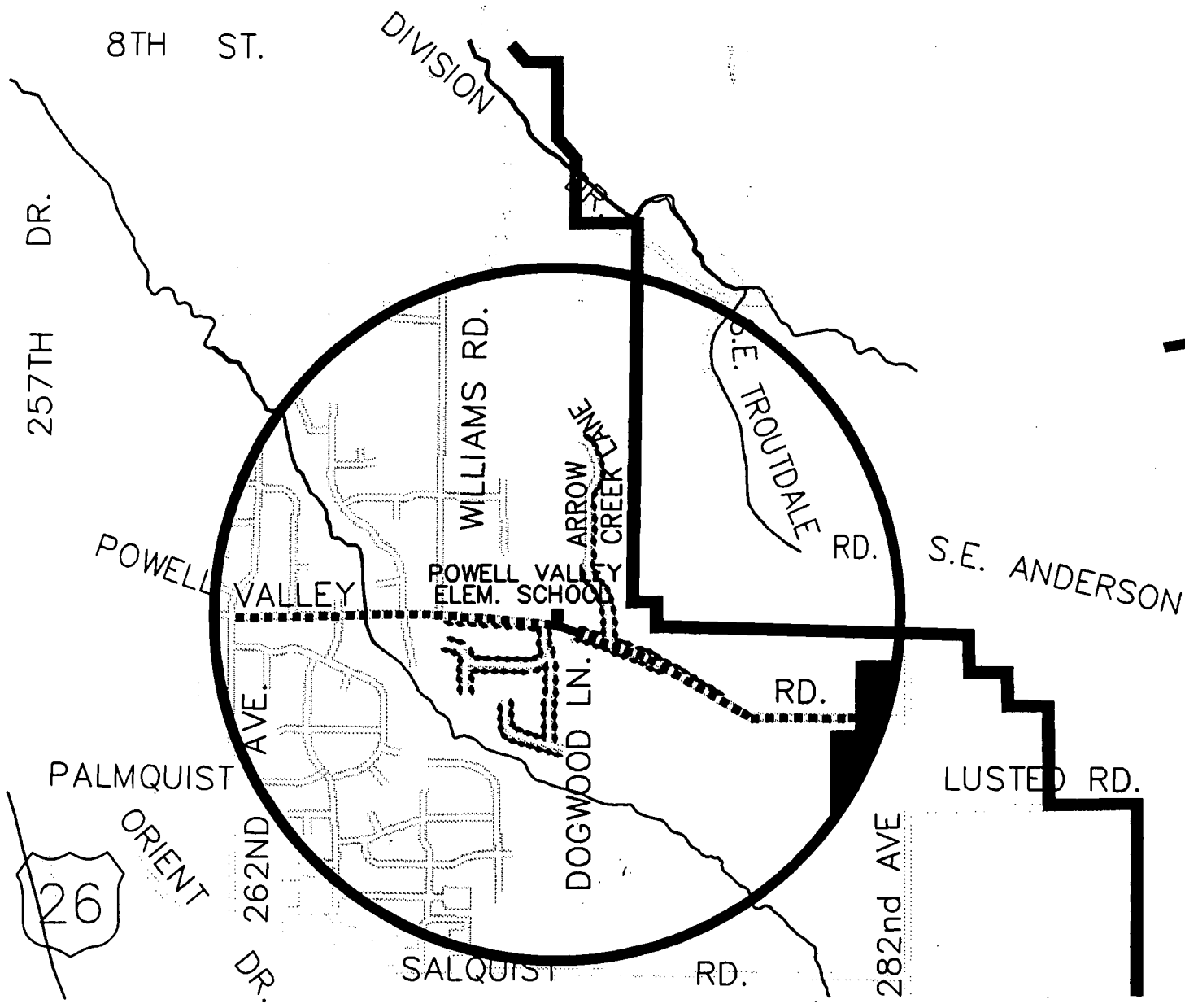
EXHIBIT A

LEGEND

- PROJECT AREA
- EXISTING SIDEWALKS
- EXISTING BIKE LANES
- SCHOOL
- HALF MILE RADIUS

ZONING

- SINGLE FAMILY
- MULTI FAMILY
- URBAN GROWTH BOUNDARY



BUDGET MODIFICATION NO.

HD 20

(For Clerk's Use) Meeting Date

MAY 13 1999

Agenda No.

C-8

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT

Health

DIVISION Support Services

CONTACT

Kathy Innes

TELEPHONE 248-3056 x27027

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Ardys Craghead

SUGGESTED

AGENDA TITLE

(to assist in preparing a description for the printed agenda)

Approve an increase of \$52,000 in the Support Services budget funded with contract dollars received from Oregon Health Division and Office of Medical Assistance Programs for the Maternal Child Health (MCH) Hotline.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

This action adds \$52,000 in Materials and Services funded with a contract with Oregon Health Division and Office of Medical Assistance Programs. The funds will be used to promote early access to prenatal care through media and community outreach.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Adds \$52,000 to the Federal State Fund and \$1,248 to the General Fund in indirect costs.

4. CONTINGENCY STATUS (to be completed by Budget & Quality)

Fund Contingency before this modification

Date

After this modification

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

CLERK OF
COUNTY COMMISSIONERS
99 MAY - 5 AM 10:56
MULTNOMAH COUNTY
OREGON

Jan Sears

4/29/99

Gary Oxman DMF

4-30-99

Cheryl

5-3-99

N/A

Cheryl L. Boistero

5/13/99

[illegible]



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

HEALTH DEPARTMENT
BUSINESS SERVICES
McCOY BUILDING
426 SW STARK
PORTLAND, OR 97204
PHONE (503) 248-3056

TO: Board of County Commissioners

FROM: Gary Oxman *GO*

TODAY'S DATE: April 28, 1999

REQUESTED PLACEMENT DATE: May 13 1999

SUBJECT: Health Budget Modification Number 20

I. Recommendation / Action Requested:

Approve an increase of \$52,000 in the Support Services budget. The increase is funded with contract dollars from the Oregon Health Division and Office of Medical Assistance Programs.

II. Background / Analysis:

The Safenet program contracts with the Oregon Health Division and the Office of Medical Assistance Programs to operate a statewide toll-free hotline (the SafeNet MCH Hotline) for the use of parents, women of child-bearing age, and adolescents to access information about health care. Within the contract are funds for advertising campaigns that are jointly developed by Multnomah County and Oregon Health Division staff. The SafeNet program and Oregon Health Division have agreed on an Oregon MothersCare Outreach advertising campaign. The goal of the campaign is to promote early access to prenatal care through media and community outreach.

III. Financial Impact:

This action adds \$52,000 to the Federal State Fund from the contract with Oregon Health Division and Office of Medical Assistance Programs and \$856 in General Funds. \$1,248 of indirect is added to the General Fund contingency.

IV. Legal Issues: NA

V. Controversial Issues: NA

VI. Link to Current County Policies:

Coincides with MCHD's "Healthy People, Healthy Communities" mission statement.

VII. Citizen Participation: NA

VIII. Other Government Participation:

Oregon Health Division and Office of Medical Assistance Programs

#1

SPEAKER SIGN UP CARDS

DATE 5/13/99

NAME

NEAL BEROZ

ADDRESS

~~1613 SE 5TH~~

5415 SE Milwaukee Ave

PHONE

238-0769 X125

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-2

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 5/13/99

NAME

SANK GARGUET OF

ADDRESS

7720 S.W. HAWTHORNE AVE

PORTLAND, OR 97217

PHONE

248-3435

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

R-Z

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 5/13/99

NAME RICHARD HARRIS

ADDRESS 2 NW Second Ave.

PORTLAND 97209

PHONE 294-1681

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC RES. R-2

GIVE TO BOARD CLERK

MEETING DATE: MAY 13 1999
AGENDA NO: R-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Establishing a policy to promote the goals of managed growth by making available vacant and/or surplus county land for mixed-use and affordable housing development, systematically considering those opportunities in the design of county projects, and creating a County Development Review Board

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: May 13, 1999
AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: Non-dep't'l DIVISION: Commissioner Linn

CONTACT: Ramsay Weit TELEPHONE #: 248-5137
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Commissioner Linn, Ramsay Weit

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Establishing a policy to promote the goals of managed growth by making available vacant and/or surplus county land for mixed-use and affordable housing development, systematically considering those opportunities in the design of county projects, and creating a County Development view Board

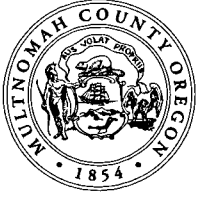
5/13/99 copies to Commissioner Linn, Larry
Nicholas, Bob Orkest, Maria (SA) Johnson
SIGNATURES REQUIRED:

ELECTED OFFICIAL: Deane M J
(OR)
DEPARTMENT
MANAGER: _____

CLERK OF COUNTY COMMISSIONERS
MAY - 5 PM 4:11
CLERK OF COUNTY COMMISSIONERS
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



Diane Linn, Multnomah County Commissioner
DISTRICT ONE

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioner Linn

DATE: May 5, 1999

RE: Mixed-Use Resolution

1. Recommendation/Action Requested:

Approval of Resolution setting policy to encourage affordable housing and mixed-use development on vacant/surplus county land and creating a County Development Review board to identify the potential for these initiatives as part of proposed county development projects.

2. Background/Analysis:

As a local government participant in Metro's 2040 planning process, Multnomah County is responsible for its share of managed growth. As part of its Strategic Space Plan, the County has committed to making its properties available for mixed-use development which promote compact growth and better modal splits by co-locating housing, services, and work. This initiative will establish a Development Review Board in the County whose task it will be to assess the potential for mixed-use and/or affordable housing on vacant, surplus, or underutilized county land and as part of any proposed development project. Priority will be placed on transit corridor and central city opportunities.



3. Financial Impact:

Any proposed mixed-use or affordable housing project dependent on the use of county land would have a financial analysis conducted by the Development Review board before the Board of Commissioners vote to approve the use. Operation of the Review Group itself would have no fiscal impact beyond the time necessary to meet.

4. Legal Issues:

On a property-by-property basis, legal issues, such as liens or deed restrictions, might arise. Such concerns would be identified by the Review team before approval of the use by the Board of Commissioners. Operation of the Review Board itself is a management tool that poses no legal problems.

5. Controversial Issues:

The initiative to review properties for their housing and mixed-use potential should not be controversial. Any particular use could generate debate but would be heard and decided by the Board of Commissioners.

6. Link to Current County Policies:

The Strategic Space Plan, adopted by the Board specifically identifies this strategy as part of the County's response to Metro's 2040 plan and the challenges of managed growth.

7. Citizen Participation:

This policy will promote the goals of existing and future neighborhood plans adopted by citizen groups and responds to inquiries from local communities interested in compatible development of county properties. The Board of Commissioners will take public testimony and decide on any use recommended by the Review Board.

8. Other Government Participation:

Members of the Review Board may be recruited from other jurisdictions, such as the Portland Development Commission or the City of Gresham.

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

421 S.W. 6th Avenue
Suite 1100-A
Portland, Oregon 97204-1966

May 6, 1999

Chair Beverly Stein
Members of the Multnomah County Board of Commissioners
1120 SW Fifth Avenue, 15th Floor
Portland, OR 97204

Dear Chair Stein and Members of the Multnomah County Board of Commissioners:

At the request of Commissioner Diane Linn's Office we have reviewed and discussed at our April 7 meeting the Draft Resolution promoting use of County land for housing and mixed-use development.

We welcome the initiative taken by Multnomah County to employ adopted growth management policy in the future development of County facilities, such as new library construction, by promoting mixed-uses in furtherance of compact urban growth, an increased supply of affordable housing, and maximum use of public transit.

As we read your resolution, we note and encourage a thoughtful and inclusive process for identifying available sites and promoting development that is an asset in our communities. **We expect that as specific development plans are formulated, they will fully involve the affected neighbors in a public process that allows meaningful citizen input.** We look forward to helping you achieve these goals.

Sincerely,

Mike Silver

Mike Silver

Peg Malloy (Mrs.)

Peg Malloy, Co-Chairs

Housing and Community Development Commission

Telephone: (503) 823-2375

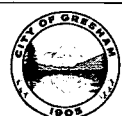
FAX: (503) 823-2387



City of Portland



Multnomah County



City of Gresham

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 99-78

Establishing a Policy to Promote the Goals of Managed Growth by Making Available Vacant and/or Surplus County Lands for Mixed-use and Affordable Housing Development and Pursuing these Opportunities in the Design of Future County Facility Projects

The Multnomah County Board of Commissioners Finds:

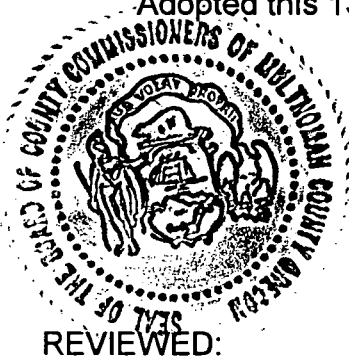
- a. Community and neighborhood plans often call for mixed-use development, affordable housing, town centers, and main street designs. Multnomah County should be a partner in the realization of community plans whenever possible. County facilities and/or vacant or surplus land should add to, not detract from neighborhood livability.
- b. Multnomah County supports the principles adopted by the Metro Council in its Regional Framework Plan and Urban Growth Management Functional Plan which together declare the intention of local governments to plan for and create opportunities to develop affordable housing, employment, open spaces, and other related aspects of growth between now and the year 2017.
- c. The 1998 Multnomah County Strategic Space Plan, adopted by the Board, at page 27 declared the County's support for Metro's 2040 Plan and specifically recognized the County's role in creating partnerships and making property available for development offerings. Mixed-use projects were described as key to enabling better modal splits by locating housing, services, and work closer to each other.
- d. Multnomah County is an active participant as a regional partner with government and neighborhoods in planning for the implementation of these plans through the Metro Housing Technical Assistance Committee, chaired by Commissioner Diane Linn. Its charge is to recommend to the Metro Council fair share affordable housing targets for each jurisdiction in the region.
- e. Available land for new affordable housing development is increasingly scarce and/or costly, making it difficult for prospective projects to succeed financially.
- f. Multnomah County is exploring potential opportunities for mixed-use development throughout the County where affordable housing and/or commercial uses might be constructed in conjunction with a County facility, e.g. a library at street level with residences above, a health clinic with a commercial storefront.
- g. There is and will be a revolving inventory of County-owned property not currently targeted for public use which might be available for development to support

initiatives consistent with Metro's goals of promoting compact urban growth, a supply of affordable housing, and maximum use of public transit.

The Multnomah County Board of Commissioners Resolves:

1. Multnomah County recognizes and accepts its responsibility as a regional partner with other governments, local neighborhoods, and citizens to identify opportunities within its control to contribute to the goals outlined in the Metro Urban Growth strategies, local government development priorities, and promotion of neighborhood livability.
2. The Board, acting through the Chair, directs staff to inventory all County-owned or managed properties to identify vacant, surplus, or underutilized property which could be made available for housing or mixed-use development either by the County, the private sector, or through a collaborative approach.
3. As an element of planning for County programs and facilities, County staff will demonstrate that design options have been considered which promote the potential for affordable housing and mixed-use development to the end of creating contiguous housing and public services.
4. The Director of the Department of Environmental Services will convene an inter-departmental Development Review Board whose task it will be to assess and advise the Board of Commissioners at an early stage of the potential for housing and mixed-use opportunities presented by available County property and proposed County development plans. Membership may be drawn from other jurisdictions.
5. The Review Board will develop criteria to be used in identifying potential sites for mixed-use or affordable housing, incorporating existing County policies, and report their progress to the Board of County Commissioners in sixty days.

Adopted this 13th day of May, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
John Thomas, Assistant County Counsel

[For Clerk's Use] Meeting Date **MAY 13 1999**Agenda # **R-3**

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne SteeleDIVISION: Family Court
TELEPHONE: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Sharon James

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ59 Adds \$35,705 Unexpended Revenue From FY98 To The FY99 Budget

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. **DESCRIPTION OF MODIFICATION** [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].
Personnel changes are shown in detail on the attached. No

This budget modification adds \$35,705 Beginning Working Capital in unexpended fees revenue from FY98 to the FY99 Family Court budget. Of this total, \$28,675 is budgeted in Professional Services, \$4,501 in Supplies, \$800 in Other Internal Services, and \$1,729 in Indirect Cost. General fund Contingency is increased by the \$1,729 Indirect Cost support dollars.

3. **REVENUE IMPACT** [Explain revenues being changed and the reason for the change]

- Increases Rev code 0500 by \$35,705.
- Increases general fund Contingency by \$1,729 Indirect Cost support.
- Increases Justice Services Special Operations service reimbursement by \$800.

4. **CONTINGENCY STATUS** [to be completed by Finance/Budget]

Contingency before this modification [as of _____ \$ _____]
[Specify Fund] [Date]

After this modification \$ _____

Shane H. Englemy 3/30/99 *M. Steele* 4/19/99
[Originated By] [Date] [Department Manager] [Date]

Debra 4-26-99
[Finance/Budget] [Date] [Employee Relations] [Date]

Wendy C. Boggs 5/13/99
[Board Approval] [Date]

99 APR 28 PM 4:33
MULTI-COUNTY
CLERK OF
COUNTY COMMISSIONERS

Page 2

| | | | | REPT | OBJ | CURR | REV | | | |
|------|------|------|-----|-------|------|------|-----|--------|--------|--------------------------------|
| FUND | AGCY | ORG | ACT | CATEG | CODE | AMT | AMT | CHANGE | TOTAL | DESCRIPTION |
| 180 | 22 | 2770 | | | 6110 | | | 28,675 | | Professional Services |
| 180 | 22 | 2770 | | | 6230 | | | 4,501 | | Supplies |
| 180 | 22 | 2770 | | | 7500 | | | 800 | | Other Internal Services |
| 180 | 22 | 2770 | | | 7100 | | | 1,729 | | Indirect Cost |
| | | | | | | | | . | 35,705 | Subtotal Org 2770 Fnd 180 |
| 100 | 75 | 9120 | | | 7700 | | | 1,729 | 1,729 | Contingency |
| 100 | 25 | 3420 | | | 7500 | | | 800 | 800 | Facility Security Other Int Sv |
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| | | | | | | | | 38,234 | 38,234 | TOTAL EXPENSE |

| | | | | REPT | REV | CURR | REV | | | |
|------|------|------|-----|-------|------|------|-----|--------|--------|---------------------------|
| FUND | AGCY | ORG | ACT | CATEG | SO. | AMT | AMT | CHANGE | TOTAL | DESCRIPTION |
| 180 | 22 | 2770 | | | 500 | | | 35,705 | 35,705 | BWC |
| 100 | 75 | 7410 | | | 6602 | | | 1,729 | 1,729 | Indirect Cost |
| 100 | 25 | 3420 | | | 6612 | | | 800 | 800 | Just Svcs Sp Op Svc Reimb |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | 38,234 | 38,234 | TOTAL REVENUE |



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Meganne Steele
Department of Community Justice *MS*

DATE: April 6, 1999

RE: REQUEST FOR FY99 DCJ #59 BUDGET MODIFICATION APPROVAL

- I. **RECOMMENDATION/ACTION REQUESTED:** Approve budget modification DCJ #59 for the Multnomah County Department of Community Justice to add \$35,705 Beginning Working Capital From FY98 Unexpended Fee Revenue To The FY99 Budget.
- II. **BACKGROUND/ANALYSIS:** The fees collected for Family Court services are dedicated to that Division. This modification updates the current year budget with fees unexpended in FY98 due to staff vacancies. The expense covers the completion of client data entry into the computer system; replacement of office equipment; and additional instruction and security coverage for parent education classes.
- III. **FINANCIAL IMPACT:** This Beginning Working Capital will support the current year budget and is needed to offset a trend of reduced court filings in Family Law. The fees from such filings are the sole support of the Family Court Division.
- IV. **LEGAL ISSUES:** N/A
- V. **CONTROVERSIAL ISSUES:** N/A
- VI. **LINK TO CURRENT COUNTY POLICIES:** N/A
- VII. **CITIZEN PARTICIPATION:** N/A
- VIII. **OTHER GOVERNMENT PARTICIPATION:** N/A



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
SHARRON KELLEY

BUDGET & QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503) 248-3883

TO: Board of County Commissioners

FROM: Julie Neburka, Budget Analyst *JN*

DATE: April 30, 1999

SUBJECT: Supplemental Budget for the Department of Community Justice's Family Court Program

The Department of Community Justice (DCJ) is requesting approval of Budget Modification #59, adding \$35,705 in unexpended prior-year fee revenue to the Family Court Services program. This additional revenue will pay for replacement of office equipment, completion of client data entry into the computer system, and additional instruction and security coverage for parent education classes.

Family Court Services provides conciliation counseling, parent education, mediation of child custody and parenting time disputes, and child custody and parenting time evaluations. The program was established to help the Circuit Court better serve families who want to explore alternatives to dissolution and divorce, to help parents raise their children following dissolution and divorce, and to help unmarried parents establish a parenting relationship.

Family Court Services is budgeted in a dedicated fund, the Justice Services Special Operations Fund, as it is fully funded with dedicated revenues from filing fees in the Family Law Court. Technically speaking, this budget modification constitutes a supplemental budget, as it adds new revenue—beginning working capital—to the adopted budget. This supplemental budget will be noticed in the Oregonian on May 1st, 1999. As the proposed change does not increase the Justice Services Special Operations Fund by more than 10%, this one-time advertisement meets the legal notice requirements.

The Budget Office recommends approval of this budget modification.

MEETING DATE: MAY 13 1999
AGENDA NO: R-4
ESTIMATED START TIME: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: NOI - Request for Proposals from the Bureau of Primary Health Care

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: May 13, 1999
AMOUNT OF TIME NEEDED: 5 to 10 minutes

DEPARTMENT: Health DIVISION: Primary Care
CONTACT: Kim Tierney TELEPHONE #: 248-3674, x22850
BLDG/ROOM #: 160/5

PERSON(S) MAKING PRESENTATION: Kim Tierney

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

This is a Notice of Intent to apply for funds, from the Bureau of Primary Health Care Health Care for the Homeless, for Satellite Clinics for Homeless Youth.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

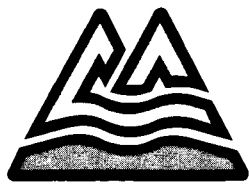
DEPARTMENT
MANAGER:



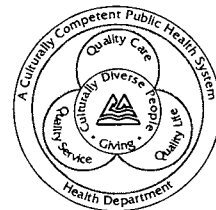
CLERK OF
COUNTY COMMISSIONERS
99 MAY - 6 AM 11:54
MULTI-COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
426 S.W. STARK STREET, 8TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3674
FAX (503) 248-3676
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Beverly Stein, Chair

FROM: Sharon Armstrong, Director
Primary Care Division *Sam Armstrong*

THROUGH: *GO* Gary Oxman, Acting Director

SUBJECT: Notice of Intent to respond to a Request for Proposals from the Bureau of Primary Health Care

DATE: May 4, 1999

REQUESTED PLACEMENT DATE: May 13, 1999

I. Recommendation/Action Requested

The Multnomah County Health Department is requesting approval to respond to a Request for Proposals from the Bureau of Primary Health Care Health Care for the Homeless to fund Satellite Clinics for Homeless Youth.

II. Background/Analysis

The Health Resources and Services Administration, Bureau of Primary Health Care has earmarked part of its FY 1999 appropriation to support new access points for the delivery of primary health care services to additional homeless individuals. As a current Health Care for the Homeless grantee, Multnomah County Health Department is eligible to apply for these funds.

The Health Department currently provides health care to homeless youth through the Westside Health Clinic. The Health Department began providing services to this population when Outside In closed its medical clinic November 1996. Westside began providing outreach nursing services to homeless youth in the shelters the following year. Agencies and Community Health outreach workers report that homeless youth will often fail to show up for appointments, even when the appointments are available immediately. With the restructuring of the Youth Providers, and relocation of gathering places, we believe that clinics within the places where youth gather will encourage youth to get needed health care in a more timely manner. The intent of this program

is to help these youth become established into ongoing care either at Westside Health Center or Outside In.

The Health Department will propose to establish satellite primary care and prenatal clinics at Homeless Youth Agencies. This is designed to be a collaborative effort and has the support of New Avenues for Youth, Greenhouse, and Outside In. At Greenhouse, the clinic will share space with Wallace Medical Concern. Wallace can make referrals for follow-up care at the Greenhouse clinic. New Avenues for Youth has a room, which is designed for clinic space in the basement of their new transitional center. The intent of this proposal is to provide an earlier access into health care for homeless youth, especially those needing prenatal or well child services.

The Health Department will equip three exam rooms and assist with the rental costs associated with the clinics. These exam rooms will provide space for mini satellite clinics at New Avenues for Youth, Greenhouse, and Outside In Day Shelter at the YWCA. Westside Health Center will staff each of these clinics one half day a week with a Family Nurse Practitioner and a LPN. The FNP will provide prenatal care and newborn care as well as primary care.

In addition to the services provided by Westside, the proposal would contract with Outside In to increase Community Health Nurse services within the Youth Provider Network. Outside In, Westside, the Community Health Nurses, Alcohol and Drug providers, Social Workers and other providers could use this clinic space with the consent of the host agency. The intent of the proposal is to provide services to homeless youth where they are and then facilitate their entry into ongoing health care. The outcome should be earlier entry into care for preventive health and prenatal care.

III. Financial Impact

Multnomah County Health Department anticipates requesting approximately \$44,000 for a one-year period. Grantees that receive funding under this initiative will be awarded a supplemental increase to their FY 1999 grant award. Subject to available funds, this increase will be added to the grantee's base award for subsequent years.

IV. Legal Issues

None known.

V. Controversial Issues

This project has been designed as a collaborative project between the Westside Health Center and the four primary youth service providers. There has been contact with Greenhouse, Outside In, New Avenues for Youth, and Wallace Medical Concern to assure that concerns have been heard and addressed. It is our intent to strengthen the entire network of Homeless Youth Providers with this proposal. Westside will continue to work with Homeless Youth providers Wallace Medical Concern and other stakeholders to develop this proposal.

VI. Link to Current County Policies

This project is consistent with the Strategic Directions of the Health Department of improving community health indicators and assuring access to needed care. This project is also consistent with the county benchmarks of Reducing Children Living in Poverty, Reduce Teen Pregnancy and primary strategies to Increase Health Care Access, Increase Mental Health Access, and Increase Alcohol and Drug Treatment Access.

VII. Citizen Participation

This proposal will be a collaborative effort with Homeless Youth Providers, Outside In Clinic and Wallace Medical Concern. Other stakeholders would include the Youth Services Coalition and the Coalition for Community Clinics. We will make client satisfaction surveys available to youth and providers to get feedback. Quarterly meetings with Youth Providers will also facilitate feedback regarding this proposal

VIII. Other Government Participation

There have been preliminary discussions about use of clinic space for other staff from the Health Department or Outside In. There may be a mutual goal to increase outreach services for behavioral health services including social workers and Alcohol and Drug counselors, (ADES). The ADES are currently housed in the Multnomah County Health Dept. but are funded through Multnomah County Alcohol and Drug. Referrals will be made to other County departments such as Mental Health and Alcohol and Drug services on an as needed basis.

BUDGET MODIFICATION NO.

ADS #2

(For Clerk's Use) Meeting Date MAY 13 1999Agenda No. R-5

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT

Aging and Disability Services

DIVISION

CONTACT

Don CarlsonTELEPHONE 248-3764

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

SUGGESTEDAGENDA TITLE

(to assist in preparing a description for the printed agenda)

Budget Modification to recognize additional one-time-only Federal and State revenue; to authorize various information technology related expenditures; and reduction of the ADS General Fund resources used for matching Federal Medicaid funds and a corresponding reduction of County Supplement expenditures.

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes.)

This Bud Mod requests additional funding authority in the amount of \$1,162,395 to pay various information technology related costs including: the biennial Flat Fee for 433 PC's; technical assistance and necessary licenses to connect the ADS branches to the County's WAN; antivirus software and the conversion of ADS PC's to the Microsoft NT operating system; consulting services for the development of a client management/information system and Y2K data base conversions; and acquisition of new servers. Also included is the Indirect Cost support for central support services.

The Bud Mod reduces expenditures in the amount of \$405,000 of County General Fund resources to match Title XIX Medicaid. The Bud Mod also includes a transfer in the amount of \$111,410 from the State and Federal Fund to the General Fund to pay direct costs for two programs budgeted in the General Fund.

3. REVENUE IMPACT (Explain revenues being changed and reason for the change)

ADS has received an additional one-time-only allocation of Title XIX Medicaid funds from the State in the amount of \$1,162,395. The Bud Mod reduces the General Fund allocation to ADS by \$405,000 to reflect the reduced use of locally matched Title XIX Medicaid funds during the current fiscal year.

4. CONTINGENCY STATUS (to be completed by Budget & Quality)

GENERALFund Contingency before this modification 5/5/99

Date

\$1,973,184

After this modification

\$2,387,090

Originated By

Date

Michael D. Gagne5/4/99

Department Director

Date

Mary Shortall5-4-99

Plan/Budget Analyst

Date

Michael D. Gagne5/5/99

Employee Services

Date

Board Approval

Date

CHERORAH C. GUSTO5/13/99

| BUDGET MODIFICATION NO. ADS #2 | | | | | | | | | | |
|--------------------------------|--------|---|----------|----------------|--------------------------|----------------|----------------|----------------------------|----------|--------------------------------|
| Expenditure | | | | | | | | | | |
| Transaction E (X) | | TRANSACTION DATE: _____ | | | ACCOUNTING PERIOD: _____ | | | BUDGET FY: FY 1998-99 | | |
| Fund | Agency | Organ-ization | Activity | Report.Cat eg. | Object | Current Amount | Revised Amount | Change Increase (Decrease) | Subtotal | Description |
| | | Materials and Services -- PC Flat Fee Program | | | | | | | | |
| 156 | 11 | 1711 | | | 7250 | 7,400 | 23,400 | 16,000 | | Flat Fee for 10 PC's |
| 156 | 11 | 1715 | | | 7250 | 15,540 | 49,140 | 33,600 | | Flat Fee for 21 PC's |
| 156 | 11 | 1731 | | | 7250 | 1,480 | 6,280 | 4,800 | | Flat Fee for 3 PC's |
| 156 | 11 | 1751 | | | 7250 | 6,660 | 25,860 | 19,200 | | Flat Fee for 12 PC's |
| 156 | 11 | 1910 | | | 7250 | 25,160 | 81,160 | 56,000 | | Flat Fee for 35 PC's |
| 156 | 11 | 1915 | | | 7250 | 19,980 | 59,980 | 40,000 | | Flat Fee for 25 PC's |
| 156 | 11 | 1920 | | | 7250 | 13,320 | 54,920 | 41,600 | | Flat Fee for 26 PC's |
| 156 | 11 | 1925 | | | 7250 | 17,760 | 60,960 | 43,200 | | Flat Fee for 27 PC's |
| 156 | 11 | 1930 | | | 7250 | 25,900 | 89,900 | 64,000 | | Flat Fee for 40 PC's |
| 156 | 11 | 1940 | | | 7250 | 23,680 | 76,480 | 52,800 | | Flat Fee for 33 PC's |
| 156 | 11 | 1992 | | | 7250 | 0 | 6,400 | 6,400 | | Flat Fee for 4 PC's |
| 156 | 11 | 1993 | | | 7250 | 1,480 | 4,680 | 3,200 | | Flat Fee for 2 PC's |
| 156 | 11 | 1995 | | | 7250 | 0 | 84,800 | 84,800 | | Flat Fee for 53 PC's |
| 156 | 11 | 1996 | | | 7250 | 0 | 56,000 | 56,000 | | Flat Fee for 35 PC's |
| 156 | 11 | 1997 | | | 7250 | 0 | 64,000 | 64,000 | | Flat Fee for 40 PC's |
| 156 | 11 | 1998 | | | 7250 | 0 | 64,000 | 64,000 | | Flat Fee for 40 PC's |
| 100 | 11 | 1950 | | | 7250 | 8,140 | 24,140 | 16,000 | | Flat Fee for 10 PC's |
| 100 | 11 | 1980 | | | 7250 | 13,320 | 40,520 | 27,200 | | Flat Fee for 17 PC's |
| | | | | | | | | | 692,800 | |
| | | Materials and Services -- Technology Improvements | | | | | | | | |
| 156 | 11 | 1715 | | | 6530 | 0 | 32,074 | 32,074 | | PC Roll Out Tech. Assistance |
| 156 | 11 | 1715 | | | 6530 | 0 | 5,866 | 5,866 | 37,940 | Lic.for Co. Wan Connection |
| 156 | 11 | 1731 | | | 6530 | 0 | 2,344 | 2,344 | 2,344 | PC Roll Out Tech. Assistance |
| 156 | 11 | 1992 | | | 6530 | 0 | 72,906 | 72,906 | | Lic.for Co. Wan Connection |
| 156 | 11 | 1992 | | | 6530 | 0 | 2,344 | 2,344 | 75,250 | PC Roll Out Tech. Assistance |
| | | | | | | | | | 115,534 | |
| 156 | 11 | 1715 | | | 6230 | 55,076 | 130,814 | 75,738 | | Convert to NT/Anti-Virus Prot. |
| 156 | 11 | 1731 | | | 6230 | 69,215 | 73,667 | 4,452 | | Anti-Virus Protection |
| 156 | 11 | 1992 | | | 6230 | 33,310 | 71,062 | 37,752 | | Convert to NT/Anti-Virus Prot. |
| 100 | 11 | 1950 | | | 6230 | 3,967 | 18,967 | 15,000 | | Convert to NT |

[illegible]

| Revenue | | | | | | | | | | |
|--------------------|--------|-------------------|----------|--------------------|--------------------|----------------|----------------|----------------------------|----------|-------------------------------|
| Transaction R (X) | | TRANSACTION DATE: | | | ACCOUNTING PERIOD: | | | BUDGET FY: FY 1998-99 | | |
| Fund | Agency | Organ-ization | Activity | Reporting Category | Revenue Source | Current Amount | Revised Amount | Change Increase (Decrease) | Subtotal | Description |
| 156 | 11 | 1706 | | | 2609 | 1,277,606 | 1,392,135 | 114,529 | | Aging Title XIX Medicaid |
| 156 | 11 | 1710 | | | 2609 | 894,767 | 1,152,001 | 257,234 | | Aging Title XIX Medicaid |
| 156 | 11 | 1711 | | | 2609 | 142,555 | 158,555 | 16,000 | | Aging Title XIX Medicaid |
| 156 | 11 | 1731 | | | 2609 | 298,303 | 340,089 | 41,786 | | Aging Title XIX Medicaid |
| 156 | 11 | 1750 | | | 2609 | 482,741 | 501,941 | 19,200 | | Aging Title XIX Medicaid |
| 156 | 11 | 1910 | | | 2609 | 1,504,082 | 1,559,662 | 55,580 | | Aging Title XIX Medicaid |
| 156 | 11 | 1915 | | | 2609 | 1,364,431 | 1,404,011 | 39,580 | | Aging Title XIX Medicaid |
| 156 | 11 | 1920 | | | 2609 | 1,035,548 | 1,076,728 | 41,180 | | Aging Title XIX Medicaid |
| 156 | 11 | 1925 | | | 2609 | 1,124,639 | 1,167,419 | 42,780 | | Aging Title XIX Medicaid |
| 156 | 11 | 1930 | | | 2609 | 1,708,658 | 1,772,238 | 63,580 | | Aging Title XIX Medicaid |
| 156 | 11 | 1940 | | | 2609 | 1,504,810 | 1,557,190 | 52,380 | | Aging Title XIX Medicaid |
| | | | | | | | | | 743,829 | |
| 156 | 11 | 1992 | | | 2636 | 480,678 | 627,244 | 146,566 | | Disability Title XIX Medicaid |
| 156 | 11 | 1993 | | | 2636 | 144,444 | 147,644 | 3,200 | | Disability Title XIX Medicaid |
| 156 | 11 | 1995 | | | 2636 | 2,314,505 | 2,399,305 | 84,800 | | Disability Title XIX Medicaid |
| 156 | 11 | 1996 | | | 2636 | 1,553,312 | 1,609,312 | 56,000 | | Disability Title XIX Medicaid |
| 156 | 11 | 1997 | | | 2636 | 1,807,093 | 1,871,093 | 64,000 | | Disability Title XIX Medicaid |
| 156 | 11 | 1998 | | | 2636 | 1,729,483 | 1,793,483 | 64,000 | | Disability Title XIX Medicaid |
| | | | | | | | | | 418,566 | |
| 156 | 11 | 1910 | | | 7601 | 88,741 | 21,241 | -67,500 | | County General Fund |
| 156 | 11 | 1915 | | | 7601 | 88,741 | 21,241 | -67,500 | | County General Fund |
| 156 | 11 | 1920 | | | 7601 | 88,741 | 21,241 | -67,500 | | County General Fund |
| 156 | 11 | 1925 | | | 7601 | 88,741 | 21,241 | -67,500 | | County General Fund |
| 156 | 11 | 1930 | | | 7601 | 88,741 | 21,241 | -67,500 | | County General Fund |
| 156 | 11 | 1940 | | | 7601 | 88,740 | 21,240 | -67,500 | | County General Fund |
| | | | | | | | | | -405,000 | |
| 100 | 11 | 1950 | | | 6602 | 460,809 | 526,809 | 66,000 | | Title XIX Service Reimburse. |
| 100 | 11 | 1980 | | | 6602 | 781,998 | 827,408 | 45,410 | | Title XIX Service Reimburse. |
| | | | | | | | | | 111,410 | |


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MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
SHARRON KELLEY

BUDGET & QUALITY OFFICE
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners
FROM: Mike Jaspin 
DATE: May 5, 1999
SUBJECT: Aging and Disability Services (ADS) Department Budget Modification #2

Supplemental Staff Report

I. Recommendation/Action Requested:

The attached staff memo and budget modification request from the Aging and Disability Services Department requests authority to receive an additional \$1,162,395 in one-time-only Title XIX Medicaid revenue. This supplemental staff report covers the financial impacts on other funds and departments outside off ADS's purview, as well as the accounting details for this portion.

II. Background/Analysis:

See attached ADS memo of April 30, 1999

III. Financial Impact:

ADS budget modification #2 will result in an additional \$8,909 of revenue to the General Fund from Indirect cost reimbursements, which are placed in the General Fund Contingency. The decreased General Fund cash transfer to support for ADS programs results in the General Fund Contingency being increased by \$405,000. This amount is intended to be carried over for the FY '00 Budget and will be used to match Title XIX Medicaid funds, resulting in a total amount of \$900,000. ADS will be submitting a program amendment to the Approved FY '00 Budget to complete this transaction. ADS has indicated that the expenditures in FY '00 are information technology related and will be one-time-only in nature, reflecting the source of the funding. Finally, the budget modification will result in the Capital Acquisition fund receiving an additional \$692,8000 in PC Flat Fee revenues. These are place in contingency within that fund reflecting the 'pre-payment' of the Fee.

IV. Legal Issues:

See attached ADS memo of April 30, 1999

V. Controversial Issues:

See attached ADS memo of April 30, 1999

VI. Link to Current County Policies:

See attached ADS memo of April 30, 1999

VII. Citizen Participation:

See attached ADS memo of April 30, 1999

VIII. Other Government Participation:

See attached ADS memo of April 30, 1999

BUDGET MODIFICATION NO. ADS #2

EXPENDITURES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agency | Org | Activity | Report Category | Object | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|---------|--------|------|--------|------|----------|-----------------|--------|----------------|----------------|-----------------------------|-----------|--|
| 1 | | | 100 | 075 | 9120 | | | 7700 | | | 8,909 | | Increased Conting. from indirect |
| 2 | | | 100 | 075 | 9120 | | | 7700 | | | 405,000 | | Increased Conting. for carry-over to FY '00 via PA |
| 3 | | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | 413,909 | Org 9120 Subtotal |
| 5 | | | | | | | | | | | | | |
| 6 | | | 100 | 011 | 9130 | | | 7608 | | | (405,000) | (405,000) | Decrease Transfer to Fed/State Fund |
| 7 | | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | | |
| 9 | | | 245 | 070 | 7942 | | | 7700 | | | 43,200 | | PC Flat Fee from Fund 100 Orgs |
| 10 | | | 245 | 070 | 7942 | | | 7700 | | | 649,600 | | PC Flat Fee from Fund 156 Orgs |
| 11 | | | | | | | | | | | | 692,800 | Org 7942 Subtotal |
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| | | | | | | | | | | | | 701,709 | GRAND TOTAL |

BUDGET MODIFICATION NO. ADS #2

REVENUES

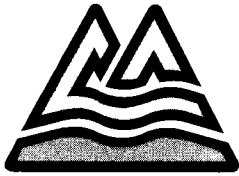
TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agency | Org | Activity | Report Category | Rev Source | Current Amount | Revised Amount | Change Increase (Decrease) | Subtotal | Description |
|----------|---------|--------|------|--------|------|----------|-----------------|------------|----------------|----------------|----------------------------|----------|--------------------------------|
| 1 | | | 100 | 075 | 7410 | | | 6602 | | | 8,909 | 8,909 | Indirect |
| 2 | | | | | | | | | | | | | |
| 3 | | | 245 | 070 | 7942 | | | 6600 | | | 43,200 | | PC Flat Fee from Fund 100 Orgs |
| 4 | | | 245 | 070 | 7942 | | | 6602 | | | 649,600 | | PC Flat Fee from Fund 156 Orgs |
| 5 | | | | | | | | | | | | 692,800 | Org 7942 Subtotal |
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| | | | | | | | | | | | | 701,709 | GRAND TOTAL |



MULTNOMAH COUNTY OREGON

AGING AND DISABILITY SERVICES
AREA AGENCY ON AGING
421 S.W. 5TH, 3RD FLOOR
PORTLAND, OREGON 97204
HELPLINE: (503) 248-3646 ADMINISTRATION: 248-3620
TTY: 248-3683 FAX: 248-3656

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

Date: April 30, 1999

To: Board of County Commissioners

From: Jim McConnell *JM/MS*
Mary Shortall *MS*
Sharon Miller *SM/ML*
Rey Espana *RE*

Re: Aging and Disability Services Department Budget Modification No. 2

I. Recommendation / Action Requested:

The Department requests approval of Budget Modification, ADS #2, as explained in this Staff Report.

II. Background / Analysis

This requested Budget Modification recognizes the receipt of an additional allocation of one-time-only Title XIX Medicaid funds from the State of Oregon. The amount of funds recognized is \$1,162,395. ADS receives most of its funding (approximately 88%) from sources other than Multnomah County. Most of ADS revenue comes from three sources through the State of Oregon. The major source is Federal Title XIX Medicaid funds and the two other sources are Federal Older Americans Act funds and the State Oregon Project Independence money. The State budgets these funds on a biennium basis. Unspent funds can be utilized from one fiscal year to the next during the biennium. Since this is the last year of the current biennium, these additional funds must be spent during the current fiscal year. This Bud Mod recognizes the receipt of the above-described revenue and programs the expenditure of the funds for the purposes described below.

REVENUE CONSIDERATIONS

The Bud Mod recognizes additional Title XIX Medicaid revenue in the total amount of \$1,162,395. Of this amount, \$743,829 is budgeted as Aging Title XIX revenue (Revenue Code 2609) and \$418,566 as Disability Title XIX revenue (Revenue Code 2636). The Bud Mod includes an increased service reimbursement from the State and Federal Fund to the General Fund in the amount of \$111,410 (Revenue Code 6602). This is Title XIX money covers direct ADS program costs budgeted in the General Fund.

The Bud Mod also includes a reduction of County General Funds to ADS in the amount of \$405,000. The allocation of additional Title XIX Medicaid funds has made it possible to reduce the amount of locally matched Medicaid resources by \$900,000 and replace those funds with substitute unmatched Medicaid resources. The effect of this reduction should be an increase in the Ending Fund Balance in the General Fund of \$405,000. The Department will request an increase in the amount of its General Fund allocation through a programmatic amendment to the FY 99-00, for the purpose of matching Title XIX Medicaid funds in the amount of \$900,000. An expenditure plan will be included in that programmatic amendment.

EXPENDITURE CONSIDERATIONS

Materials and Services – PC Flat Fee Program

County policy requires the payment of a flat fee for each qualified computer each year to the central ISD account. The flat fee is to be used to replace department computers on a regular basis (4-year cycle). ADS proposes to pay its PC flat fee for the next biennium through this bud mod. The current fee is \$800 per PC per year. The Bud Mod requests an expenditure of \$692,800 for the biennial payment of the flat fee for 433 PC's.

Materials and Services – Technology Improvements

The Department is currently engaged in a program to upgrade its information technology system. ADS is a County Department that does much of its work with the State Senior and Disabled Services Division. Consequently, ADS employees have a need to be attached to both the State and County WAN's. Currently, all employees are connected to the State's WAN but not the County WAN. This Bud Mod includes \$260,686 in External Data Processing (Object Code 6530) and Supplies (Code 6230) for the primary purpose to improve connections to both WAN's. Part of this is a State requirement to convert all PC's to the NT operating system to facilitate the State's Y2K fix.

The Department is currently engaged in an effort to prepare an Information Services Infrastructure Plan. The next step for the Department is to develop an improved Client Management/Information System to increase the ability of case managers to serve clients more efficiently and effectively and to use technology to capture, store and manipulate data for management reporting purposes. This Bud Mod includes \$75,000 in Professional Services (Object Code 6110) for technical assistance in this endeavor. The Bud Mod also includes \$35,000 in the same object code for technical assistance in converting databases for Y2K compliance.

Capital Outlay – Technology Improvements

The ADS Information System Infrastructure Plan has tentatively identified the existence of old inadequate servers as a primary limitation to the Departments information system. The Bud Mod includes in Equipment (Object Code 8400) a total of \$90,000 for servers. ADS has 9 branch locations and a central office where servers are located.

Materials and Services – Indirect Costs

The Bud Mod requests and additional \$8,909 in funding authority for the indirect costs associated with the expenditures included in the Bud Mod. This expenditure will go to the General Fund to pay for the additional central support service costs associated with the increased program expenditures.

Materials and Services – County Supplements

The Bud Mod reduces the amount of County General Funds sent to the State to match Title XIX Medicaid money. The reduction in County Supplements (Object Code 7601) totals \$405,000.

III. Financial Impact:

This request adds \$1,162,395 in expenditure authority in the State and Federal Fund. The request also is to increase the budgeted amount of revenue in the Aging and Disability Title XIX categories to total the same amount. This request also increases the revenue and expenditure authority for ADS programs in the General Fund by \$111,410 through Title XIX funds being transferred from the State and Federal Fund to the General Fund. It also, increases the revenue and expenditure authority in the General Fund by \$9,227 to account for the Indirect charges to the ADS expenditures in the State and Federal Fund.

IV. Legal Issues:

None.

V. Controversial Issues:

None.

VI. Link to Current County Policies:

The County has approved the Strategic Plan for Information Technology (SPIT). The acquisition of information technology hardware and software is in conformance with and an effort to carry out the policies in the SPIT.

VII. Citizen Participation:

The Executive Committees of both the Elders in Action and the Disability Services Advisory Committee have reviewed and approved the Bud Mod.

VIII. Other Governmental Participation:

The State of Oregon Senior and Disabled Services Division has allocated the funds to the Department, which facilitates this request.

MEETING DATE: MAY 13 1999
AGENDA NO: R-6
ESTIMATED START TIME: 9:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Animal Control Fee Resolution

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: May 13, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Animal Control

CONTACT: Hank Miggins TELEPHONE #: x83790 x234
BLDG/ROOM #: 324

PERSON(S) MAKING PRESENTATION: Hank Miggins

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Resolution of Fees and Charges for Chapter 13 of the Multnomah County Code relating to Animal Control and repealing 98-85.

5/13/99 copies to Hank Miggins &
Carol Kinoshita

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Lance Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Hank Miggins, Director of Animal Control

DATE: April 28, 1999

RE: Chapter 13, Animal Control, Fee Change

1. **Recommendation/Action Requested:**

This Animal Control Division requests that the Board of County Commissioners approve the attached Resolution which repeals Resolution No. 98-85 and which amends certain fees and charges imposed pursuant to Multnomah County Code (MCC) Section 13.512 as follows:

- The proposed Resolution eliminates subsection 13.512(A)(2)(c), the discount for additional sexually non-reproductive cats owned by the same individual in a household.
- At subsection 13.512(B)(4), the proposed Resolution adds a \$20 fee for exotic, wild, or dangerous animal permit

2. **Background/Analysis:**

The Division's current database system is unable to track the additional cats owned by the same individual and properly assign a designation for the additional discount. The database attaches the fee structure to the owner and not to the animal. And, it was not cost effective to produce a Y2K Animal Control database which would be as beneficial to the Division as the current PetWhere system. The PetWhere system was developed and donated to Multnomah County Animal Control by the Krueger Foundation.

The added fee for exotic, wild, or dangerous animals will enable the Division to track these types of animals housed within Multnomah County.

3. Financial Impact:

The financial impact is negligible.

4. Legal Issues:

None

5. Controversial Issues:

None foreseen.

6. Link to Current County Policies:

Recommendations will eliminate manual operations and increase efficiency within the renewal system.

7. Citizen Participation:

The Animal Control Advisory Committee has been appraised of this recommendation and agrees with the proposal.

8. Other Government Participation:

None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-79

Establishing Fees and Charges for Chapter 13 of the Multnomah County Code
Relating to Animal Control and Repealing Resolution No. 98-85

The Multnomah County Board of Commissioners Finds:

- a. Chapter 13, Animal Control, of the Multnomah County Code provides that the Board shall establish certain fees and charges by resolution.

The Multnomah County Board of Commissioners Resolves:

1. The fees and charges for Chapter 13, Animal Control, of the Multnomah County Code are set as follows:

Section 13.004: SPAYING AND NEUTERING ENCOURAGED.

The amount set aside by the Board from revenue generated from pet licensing to cover the cost of the county's public educational, spaying and neutering programs is \$25,000.

Section 13.404: REGULATION OF POTENTIALLY DANGEROUS DOGS.

(G) Fees for licensing dangerous dogs are:

| | |
|-----------------|----------|
| Level 1: | \$ 50.00 |
| Levels 2 and 3: | \$100.00 |
| Level 4: | \$150.00 |

The review fee for a request for reclassifying a dangerous dog is: \$ 40.00

Section 13.501: NOTICE OF INFRACTION.

Appeal fee: \$ 25.00

Section 13.506: RELEASE FOR ADOPTION.

The spay/neuter deposit Maximum of : \$ 45.00

Section 13.508: APPEALS.

The fee for appealing a notice or decision under this chapter is: \$ 25.00

Section 13.511: IMPOUNDMENT PENDING APPEAL.

Impoundment appeal deposit: \$100.00

Section 13.512:FEES.

Fees imposed under this section are:

| | | <u>One Year</u> | <u>Two Year</u> | <u>Three Year</u> |
|------|--|---------------------|---------------------|-----------------------|
| (A) | Pet Licenses: | | | |
| (1) | Dogs: | | | |
| (a) | Fertile | \$35.00 | \$70.00 | \$105.00 |
| (b) | Sexually unreproductive | \$12.00 | \$19.00 | \$ 26.00 |
| (2) | Cats: | | | |
| (a) | Fertile | \$30.00 | \$60.00 | \$ 90.00 |
| (b) | Sexually unreproductive | \$ 8.00 | \$14.00 | \$ 19.00 |
| (3) | License replacement | \$ 5.00 | | |
| (B) | Facilities License: | | | |
| (1) | Dogs | | \$ 85.00 | |
| (2) | Cats | | \$ 85.00 | |
| (3) | Exotic, Wild, or Dangerous Animal Facility | | \$150.00 | |
| (4) | Exotic, Wild, or Dangerous Animal Permit | | \$ 20.00 | |
| (5) | Facility Fees: | | | |
| (a) | 1-10 animals | | \$ 70.00 | |
| (b) | >10 animals | | \$110.00 | |
| (C) | County Shelter Rates: | | | |
| (1) | Impoundment Fee, Dogs | | \$ 50.00 | |
| (2) | Impoundment Fee, Cats | | \$ 30.00 | |
| (3) | Animals Other Than Livestock | | \$ 8.00 | |
| (4) | Daily care for any portion of a 24-hour period from time of impoundment: | | | |
| (a) | Dogs | | \$ 15.00 | |
| (b) | Cats | | \$ 8.00 | |
| (c) | Livestock | | \$ 15.00 | |
| (d) | Other animals | | \$ 8.00 | |
| (e) | Special care (per veterinary orders) | | \$ 3.00 | |
| (5) | Veterinary Fees | | \$ 25.00 | |
| (6) | Disposal Fees: | | | |
| (a) | Euthanasia and disposal | | \$ 25.00 | |
| (b) | Dead animal disposal | | \$ 15.00 | |
| (c) | Release of unwanted animals by owner or keeper | | \$ 15.00 | |
| (d) | Release of two or more animals by owner or keeper | | \$ 25.00 | |
| (7) | Adoption Fees: | | | |
| (a) | Dogs: | | | |
| (i) | Fertile | | \$ 80.00 | |
| (ii) | Sterile | | \$ 40.00 | |

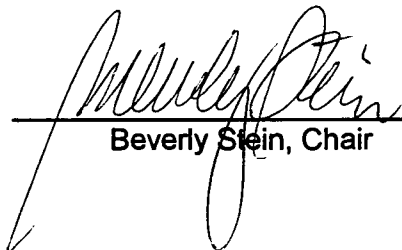
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|-----|--|----------|
| (b) | Cats: | |
| | (i) Fertile | \$ 60.00 |
| | (ii) Sterile | \$ 35.00 |
| (D) | Live Trap Rental: | |
| | (1) Cat trap deposit fee (per trap) | \$ 35.00 |
| | (2) Cat trap weekly rental fee | \$ 5.00 |
| | (3) Dog trap deposit fee | \$200.00 |
| | (4) Dog trap weekly rental fee | \$ 10.00 |
| (E) | Appeal Hearing: | |
| | (1) Fee | \$ 25.00 |
| | (2) Boarding deposit | \$100.00 |
| (F) | Stray Livestock Fees: | |
| | (1) Hourly fee (per person) | \$ 45.00 |
| | (2) Mileage fee (per mile, per vehicle) | \$ 0.315 |
| (G) | Potentially Dangerous Dog Classification Fees: | |
| | (1) Level 1 (per year) | \$ 50.00 |
| | (2) Level 2 and Level 3 (per year) | \$100.00 |
| | (3) Level 4 (per year) | \$150.00 |
| (H) | Declassification: | |
| | (1) Fee | \$ 40.00 |

2. This resolution takes effect thirty (30) days from the date of adoption.

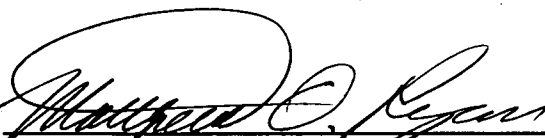
ADOPTED this 13th day of May, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Counsel

#1

SPEAKER SIGN UP CARDS

DATE 5/13/99

NAME MARN Greenfield

ADDRESS 111 SW Columbia #1080
Portland OR 97201

PHONE 227-2979

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-7

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE May 13

NAME

Scott Hamilton

ADDRESS

7270 NW Helvetia RD
Hillsboro, OR

PHONE

647-0946

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R7

GIVE TO BOARD CLERK

#3/R-7

#5/R-8

SPEAKER SIGN UP CARDS

DATE May 13, 1999

NAME

Mary Kyle McCurdy

ADDRESS

534 SW 3rd Ave, Suite 300

Portland 97204

PHONE

497-1000

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-7 and R-8

GIVE TO BOARD CLERK

APR 29 1999

MEETING DATE: APR 22 1999

AGENDA NO: R-7 R-10

ESTIMATED START TIME: 10:45

10:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

MAY 13 1999

R-7

10:00 AM

SUBJECT: Boundary Change Proposal No. MU-0199, Annexation To Metro

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: April 22, 1999

AMOUNT OF TIME NEEDED: 15 Min.

DEPARTMENT: DES

DIVISION: Admin

CONTACT: Larry Nicholas

TELEPHONE #: 83355

BLDG/ROOM #: 455/219

PERSON(S) MAKING PRESENTATION: Ken Martin, Metro Local Government Boundary Change Manager

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Boundary Change Proposal: Annexes property within Washington County to Metro

5/19/99 copies to Larry Nicholas & Ken Martin

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT MANAGER:

Larry E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

99 APR 14 AM 10:45
MULTI-COUNTY
OREGON
COUNTY COMMISSIONERS

TO: Board of County Commissioners

FROM: Dept. of Environmental Services - Local Government Boundary Office

Date: March 23, 1999

RE: Boundary Change Proposal No. MU-0199, Annexation to Metro
Scheduled For Hearing Date Of April 22, 1999

1. Recommendation/Action Requested: Approval With Modification
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: None (This annexation lies in Washington County. Its relationship to the Washington County Comprehensive Plan is covered in the attached staff report.)
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice in the County Courthouse 45 days prior to the hearing; 2) Publishing notice twice in the Hillsboro Argus; 3) Mailed notice sent to affected local governments, all property owners within 500 feet of the area to be annexed and to the affected neighborhood group (Wash. Co. CPO # 8).
8. Other Government Participation: None, except as noted above, possible participation in hearing .

NOTES ON STAFF REPORT AND PROPOSED ORDER

Because the boundary review process is new, the following notes will be included with the first few proposals presented to the Board.

Legal Framework

The legal framework for review of boundary change proposals by the Board is composed of three parts. Oregon Revised Statutes Chapter 198 (ORS 198) lays out the general process including the minimum requirements for initiating a proposal, components of the initiating petition, notice requirements and timelines for processing and filing approved boundary changes. Some criteria for decision-making, particularly with regard to possible modifications, are specified in ORS 198.

Metro Code Chapter 3.09 provides additional, and generally speaking, more detailed rules and criteria for boundary change review. These rules and criteria are in addition to the ORS 198 requirements. Also these rules and criteria only apply to boundary changes (such as the current proposal) which are inside the Metro boundary or identified urban reserve areas. The Metro code calls for wider notice of hearings and decisions and longer periods of time between the notice and the event. The Code requires a staff report which addresses specific factors such as compliance with regional and local plans. Also mandated are approval orders with findings of fact and conclusions based on those facts. Finally the Metro Code sets up an appeal panel which may hear appeals of county decisions if those appeals are made by a necessary party. A necessary party is a unit of government which directly or indirectly delivers one of the following services to the area in the proposed boundary change: sewer, water, fire, parks\recreation\open space, roads and mass transit.

The third part of the legal framework for your review of boundary changes is Oregon Revised Statute Chapter 197, specifically ORS 197.763. While there could be exceptions, it is generally believed that most annexation decisions should be considered to be land use decisions. Thus to be on the safe side legally, the requirements for noticing and conducting local quasi-judicial land use hearings should be followed when deciding boundary changes. These notice requirements are more detailed and the notice itself is more widely distributed than is required by ORS 198 or the Metro Code.

Staff Report

The staff report will provide information on the proposed boundary change. It will cover the *reasons* the change is being proposed, *geographical information*, *land use planning* relative to the site and *services* availability & cost.

There may be instances where modification of a proposed boundary change should be considered. If these are known about in advance they will be covered in the staff report.

Modifications may take the form of petitions from adjacent property owners for inclusion in a proposed boundary change or perhaps suggestions by staff for inclusion of public rights-of-way.

Attached to the staff report you will find a proposed set of findings of fact and conclusions from those findings. These may be used *as is* to adopt an ordinance or modified as a result of information gathered at the hearing.

April 22, 1999 Hearing

PROPOSAL NO. MU-0199 - METRO - Annexation

Petitioners: Property Owner - James D. Standring; Registered Voters - Delfina & Clifford Fawcett, Gary & Cheryl Schindele, Lane Hatcher, Mathew Parrott

Proposal No. MU-0199 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal and there are no objections from necessary parties, the boundary change could become effective immediately if the Board chooses to put an emergency clause on it. Without an emergency clause the change would become effective 30 days following approval. If a necessary party has objected to the boundary change it will become effective 30 days after the date of approval [and most likely the objecting party would then appeal to the Metro Appeals Commission.]

The territory to be annexed is located on the northwest edge of the District, north of the Sunset Highway, on the north edge of Groveland Drive, and the west edge of Helvetia Road. The territory contains 29 acres, 4 single family residences, a population of 6 and is evaluated at \$765,100.

REASON FOR ANNEXATION

The applicant desires annexation in order to pursue inclusion in the regional Urban Growth Boundary and ultimately development of the property. This property was included in an urban reserve area and has been provisionally included in the UGB. However, Metro cannot take official action on the UGB amendment until the property is within the Metro jurisdictional boundary.

MODIFICATION

The owner of one of the tax lots on the south side of NW Groveland Drive contacted the staff about the possibility of inclusion of her property in the proposal. Staff explained that annexation into Metro would only be a first step if she ultimately wanted to develop the property. It was explained that annexation to Metro would make available Metro's regional

services (planning, open space acquisition, the zoo, etc.) and that a UGB amendment would have to be sought by the applicant if additional development or acquisition of urban services was her goal. This was understood by the applicant.

As submitted the proposed annexation is not contiguous to the Metro boundary because Helvetia Road is not within the boundary. Contiguity is not required by the statutes or Metro Code. However, assuming this property is later annexed to Hillsboro to acquire services to facilitate development, a situation will be created where road r-o-w will be within the City but not within Metro. This will require the County Assessor's office to maintain a separate tax code area just for the right-of-way.

CRITERIA FOR DECISION-MAKING

The criteria for making decisions on boundary changes are summarized in Exhibit A of this report. These criteria generally fall into two broad categories - land use planning compatibility and services adequacy. The next two sections of this report provide information on these two subjects.

LAND USE PLANNING

SITE CHARACTERISTICS

The land slopes gently toward Waibel Gulch which crosses the property from northeast to southwest. There are trees (mostly oak & other deciduous types) on the western and eastern portions of the property with open agricultural land between on both sides of the swale. Agricultural land lies to the north and west with agricultural\industrial land to the east and Highway 26 on the south. The four residences lie on the west side of TL 900.

REGIONAL PLANNING

General Information

This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).

Metro was required by state law to designate areas outside its boundary which would be suitable for supplying a 10-30 year supply of developable land beyond the 20 year supply within the boundary. The area was included within an "urban reserve study area" in 1995 (by Metro Resolution 95-2244). Further study and action by the Metro Council in March of 1997 resulted in designation of this territory as an "urban reserve area" (URA).

Additionally Metro was required to inventory buildable lands within the existing UGB and analyze the adequacy of the supply by January 1, 1998. If the supply was found wanting

Metro was required to accommodate one half of the mandated 20 year supply inside the UGB within one year of completion of the analysis - in other words, by January 1, 1998. They were given two years to accommodate the entire 20 year buildable lands supply within the UGB (that is, by January 1, 1999).

Metro completed the required analysis, determined that they needed to expand the UGB and did so by bringing into the UGB (by ordinance or provisionally by resolution) certain lands in the identified Urban Reserve Areas. This action was taken in December, 1998 and the territory to be annexed to Metro in the current proposal was included. The URA's had been identified by numbers, in this case Numbers 62 & 63 (see attached Figure 3).

Thus the status of the territory currently under consideration is that it is provisionally approved for inclusion in the regional Urban Growth Boundary pending approval of its inclusion in Metro's jurisdictional boundary.

Regional Framework Plan

The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept. Each of these elements of the Regional Framework Plan is discussed below.

Regional Growth Goals and Objectives. Metro first established in 1991, and has subsequently amended and adopted, Regional Urban Growth Goals and Objectives known as the RUGGOS. The RUGGOS were published in a separate stand-alone document as amended and adopted on December 14, 1995. In that document these goals and objectives were accumulated under some general headings. As an example under the general heading of "Natural Environment" there were five objectives relating to watershed management, water supply, air quality, natural areas and protection of agricultural & forest lands.

In the Regional Framework Plan these objectives have been disbursed out to various chapters of the Plan which deal with specific topics. Thus the water supply objective mentioned in the previous paragraph will be found in the chapter on "Water" while the natural areas objective is found in the chapter on "Parks, Natural Areas, Open Spaces and Recreational Facilities."

The 2040 Growth Concept and Map. As required by its charter, Metro also went through an extensive planning process to develop a 50 year future vision of the region. This ultimately grew into what was called the 2040 Growth Concept which included a concept map. This exercise was required to be completed in a time frame which was shorter than that for completion of the Framework Plan. Thus the 2040 Plan was originally also

published as a stand-alone document dated December 8, 1994. When the RUGGOS were published in December of the following year the 2040 Growth Concept and Map were incorporated into the Regional Urban Growth Goals and Objectives document. Ultimately as noted above, the 2040 Growth Concept and Map are now a part of the Regional Framework Plan.

Urban Growth Management Functional Plan. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern. Distinguishing characteristics of functional plans include: 1) provisions in functional plans require changes in city and county comprehensive plans; 2) the plans or actions implementing provisions therein will be adopted by Metro as final land use actions which must comply with the statewide Goals; 3) functional plans are the way Metro can require local plan changes so many elements of the Framework Plan may ultimately become functional plans. Thus Metro may initiate functional plans concerning any of the major divisions of the Regional Framework Plan or some other activity or area. But a division of the Regional Framework Plan or a study of another activity or area is not automatically considered to be a functional plan. It is not a functional plan unless it mandates local plan changes.

Prior to adoption of the Regional Framework Plan, Metro decided it was necessary to begin implementation of some facets of the 2040 Growth Concept and the RUGGOS. In order to accomplish this, Metro adopted one functional plan - the Urban Growth Management Functional Plan - on November 21, 1996. This functional plan has been codified in Metro Code Chapter 3.07. and is included as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to be accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. This last requirement of the Urban Growth Management Functional Plan is embodied in Title 11.

Title 11 of the Urban Growth Management Functional Plan speaks to the issue of addition of territory to the regional Urban Growth Boundary. Territory to be added to the UGB must have a conceptual plan adopted by the city or county which will be responsible for the territory's urban land use planning. The plan must be approved by Metro. The "urban reserve plan" must provide for current or ultimate annexation of the territory to a city and any necessary service districts. It must also meet certain density, transportation and other thresholds. The applicant in this current proposal met the requirements as part of the provisional approval for an Urban Growth Boundary change. None of the requirements in Title 11 relate directly to the issue of annexation to Metro.

The Regional Framework Plan And Boundary Changes. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

Also in the "Introduction" section is an explanation of the structure of the Plan. This explanation may be helpful in locating any directly applicable standards and criteria for boundary changes:

Each chapter is structured with a format that includes statements of goals and objectives that are intended to apply to Metro's planning efforts. In addition, some of the chapters include references to the specific requirements that are made directly applicable to cities and counties in Chapter 8. Furthermore, the chapters contain background information and policy analysis that describes the subject matter that is addressed.

Any requirements that apply directly to cities or counties are separately referenced in a substantive chapter addressing a specific subject area and summarized in Chapter 8. All requirements of this Regional Framework Plan that are requirements applicable to cities and counties are adopted by functional plans included in the Appendices. (p. 11, RFP)

The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives) including one titled "Urban/Rural Transition" (p. 32, RFP). This policy states there should be a clear transition between urban and rural land. The policy then goes on to list some factors to be considered when determining where the break should be between urban and rural lands. It also gives guidance for determining which areas should be included in "urban reserves."

The property under consideration in the current boundary change proposal is clearly in a transition mode. However, this policy speaks to the larger issues of deciding what areas should be included in urban reserves and ultimately the UGB. The policy does not give direction on the more specific notion of annexation into the Metro jurisdictional boundary which includes both rural and urban lands.

Chapter 1 also contains a policy on the Urban Growth Boundary (pp. 33-34). This policy, like the previous one, addresses issues of changing the UGB but does not speak to the

changing of the District's jurisdictional boundary. This policy does lay out the details of a requirement that conceptual land use plans must be done for urban reserve areas prior to their being considered for inclusion in the Urban Growth Boundary. These requirements are also formalized in the Metro Code (Chapter 3.01). While these requirements of an urban reserve plan are not directly related to the current proposal they are attached hereto as Exhibit B for Board's general information. The applicant met these requirements through submission to the Metro Council as a part of the process of having this territory provisionally approved for inclusion in the UGB.

Policy 1.12 of Chapter 1 calls for protection of agricultural and resource lands outside the UGB. The goal goes on to say that:

Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter was reviewed and found not to contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter was reviewed and found not to contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are to be found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter has been reviewed and found not to contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes.

COUNTY PLANNING

Washington County Comprehensive Plan

The Washington County Comprehensive Plan is composed of the following pieces:

- The Comprehensive Framework Plan For The Urban Area
- County Resource Document
- Rural Natural Resource Element
- Community Plans and Background Documents
- Community Development Code
- Transportation Plan
- Unified Capital Improvements Program

As stated at 3.1.6 & 7 of the Plan, Volume II:

The [Washington County] Comprehensive Plan is composed of the Comprehensive Framework Plan and site-specific Community Plans that are implemented by the Community Development Code and functional plans including Transportation and Capital Improvements. . . . The Comprehensive Framework Plan contains the broad policy directions that are the basis for the other Comprehensive Plan elements. . . . The Community Plans indicate the specific land uses and circulation systems which have been determined as necessary to meet community needs. . . . Implementation of the Comprehensive Framework Plan and Community Plans occurs when their provisions are incorporated into the preparation and review of land development proposals through application of the Community Development Code.

Each of these 7 elements has been searched for materials relative to annexations. Sections of these elements which speak directly to the issue of annexation or which appear to have some relevance to that issue have been reviewed to determine whether the current proposal is consistent with them or not.

The territory to be annexed is currently outside the regional Urban Growth Boundary and therefore subject to Washington County's Rural and Natural Resources Plan. However, since Metro has provisionally decided it should be placed within the UGB where it would fall under the County's Comprehensive Framework Plan For The Urban Area, both plans are examined here.

The **Comprehensive Framework Plan For the Urban Area** is broken down into *Elements*. Each element is comprised of a number of *Policies*. The policies also contain *Implementing Strategies* and *Summary Findings and Conclusions*.

In the GENERAL element of the Plan the Intergovernmental Coordination Policy calls for the County to "effectively coordinate its planning and development efforts with . . . other local governments and special districts." 3.1.11, Intergovernmental Coordination Policy No. 3. The summary of that section notes that " . . . the specific responsibilities of cities and special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan." To the extent that boundary changes to cities and districts can be considered to be "plans and programs" it could be asserted that such boundary changes need to be consistent with the plan.

One of the implementing strategies of this element calls for establishment and maintenance of Urban Planning Area Agreements (UPAA's) between the cities and the County. These documents are to aid in the coordination between the County and cities on land use planning and development matters. These documents may contain guidelines relative to boundary changes and if so, by virtue of this element, they would need to be considered when reviewing compliance of a boundary change with the Comprehensive Framework Plan.

The second element of the Comprehensive Framework Plan is the NATURAL AND CULTURAL SETTING element which contains Water Resources Policy No. 6. (3.2.1). Under the Water Resources Policy the County's policy of protecting the quality of water resources is to be implemented through several drainage improvement strategies. These include minimizing the establishment of new subsurface disposal systems, maintenance of streamside vegetation, etc. Some of these strategies may relate directly to a boundary change. For instance annexation to a sewer-providing government may be found to be in obvious compliance with the strategy of reducing dependence on subsurface systems.

In the URBANIZATION element of the Plan under the subheading "reasons for Growth" (3.3.1), Policy 13 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH A GROWTH MANAGEMENT SYSTEM FOR THE UNINCORPORATED AREAS WITHIN THE UGB WHICH PROMOTES:

- (1) EFFICIENT, ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES;
- (2) INFILL DEVELOPMENT IN ESTABLISHED AREAS WHILE PRESERVING EXISTING NEIGHBORHOOD CHARACTER;
- (3) DEVELOPMENT NEAR OR CONTIGUOUS TO EXISTING URBAN DEVELOPMENT WHERE SERVICES ARE AVAILABLE;
- (4) PARCELIZATION OF LAND SUCH THAT FUTURE DEVELOPMENT AT URBAN DENSITIES CAN TAKE PLACE;
- (5) DEVELOPMENT WHICH IS COMPATIBLE WITH EXISTING LAND USES;
- (6) AGRICULTURAL USE OF AGRICULTURAL LAND UNTIL SERVICES ARE AVAILABLE TO ALLOW DEVELOPMENT;
- (7) DEVELOPMENT IN CONCERT WITH ADOPTED COMMUNITY PLANS; AND
- (8) UTILIZATION OF THE EXISTING CAPITAL INFRASTRUCTURE.

Implementing Strategies

The County will:

- a. Permit growth to occur only in areas with adequate public services and facilities, as permitted under growth management strategies contained in the Comprehensive Plan. If development is permitted in areas with limited services, a minimum acreage of ten (10) acres should be imposed. Allow subsurface sewage disposal systems within the UGB where approved by the County on legally created lots of record, where USA does not now serve. Prior to the issuance of a development permit, in such cases, the property owner will be required to sign a waiver of remonstrance against future formation of a Local Improvement District for sanitary sewers;
- b. Encourage infill development where such development will not adversely affect existing uses and where the capacity of existing public facilities and services will not be exceeded;
- c. Allow the continuation of existing farm and forestry uses within the urban unincorporated area;
- d. Assure that proposed land divisions are consistent with all current master facilities plans for roads, sanitary sewers, drainage, and water distribution facilities, as well as community and city plans. This will help assure that full development of the property can take place at planned urban densities; and

. . .

Policy 14, under the subheading of Managing Growth, says:

IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH ON UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.

Implementing Strategies

The County will:

. . .

- b. Categorize urban facilities and services into three categories: Critical, Essential and Desirable.
 - 1) Critical facilities and services are defined as: Public Water, public sanitary sewers, fire, drainage, and access (Local and Minor Collector roads). An inability to provide an adequate level of Critical services in conjunction with

the proposed development will result in the denial of a development application.

- 2) Essential facilities and services are defined as: Schools, Arterial (including State highways) and Major Collector roads including Transit streets, on-site transit improvements (such as bus shelters and turnouts, etc.), police protection, and pedestrian walkways. Failure to ensure the availability of an adequate level of all Essential services within five (5) years from occupancy may result in the denial of a development application.
. . .
 - 3) Desirable facility(ies) and service(s) are defined as: Public transportation service, pedestrian and bicycle paths, and parks. These are facilities and services which can be expected in a reasonable time frame (five year period) from the occupancy of a development. A development application may be conditioned to facilitate these services based upon specific findings;
- c. Rely upon the standards established by the appropriate special service district and adopted County Standards as the measurement of acceptability for the service provided by the service provider. The information obtained from the service provider shall be treated as a rebuttable presumption as to the ability to provide an adequate level of the facility or service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider. Specific standards for implementation will be identified in the Community Development Code as well as acceptable methods for assuring availability of required public services and facilities;
 - d. Require that the cost of providing the required County urban services for a particular land use proposal shall be borne by the applicant or benefitted properties unless otherwise authorized by the Board of County Commissioners.
 - e. Apply the growth management standards to all new development actions except construction of a detached dwelling on a lot of record;
 - f. Establish clear and objective criteria for the issuance of all development permits. These criteria will consider:
 - 1) Consistency with the Comprehensive Plan and appropriate Community Plans,
 - 2) Adequacy of public facilities and services as required in the growth management strategy, and
 - 3) Consistency with development standards contained in the Community Development Code; and
 - g. Use and encourage other public service providers to use the following priority list to guide the investment of public monies in public facilities and services:

- 1) Solve existing health, safety and welfare problems.
- 2) Facilitate infill development or new development which is contiguous to existing.
- 3) Promote commercial and industrial economic development opportunities.
- 4) Extend services to outlying, undeveloped areas designated for residential development in the Comprehensive Plan.

Summary Findings and Conclusions

A healthy, livable urban environment is achieved in part through the provision of public facilities and services prior to or concurrent with development in a level adequate to serve the expected demand.

Of the major urban facilities and services provided in Washington County -- including sewers, water lines, roads, fire and police protection, and schools, -- it is the County road system and police protection services which are most heavily impacted by the demands of the County's growth. Providers of other services have, in general, been able to keep pace with the rapid growth of recent years and still provide more than adequate service to existing customers.

Policy 15 of the URBANIZATION element, under the subheading "Roles and Responsibilities for Servicing Growth," states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH SERVICE PROVIDERS, INCLUDING CITIES AND SPECIAL DISTRICTS, AND THE PORTLAND METROPOLITAN AREA BOUNDARY COMMISSION, TO INSURE THAT FACILITIES AND SERVICES REQUIRED FOR GROWTH WILL BE PROVIDED WHEN NEEDED BY THE AGENCY OR AGENCIES BEST ABLE TO DO SO IN A COST EFFECTIVE AND EFFICIENT MANNER.

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning;
- b. Continue to provide the following facilities and services as resources permit:

Public Health
Sheriff Patrol
Assessment and Taxation

County-wide
County-wide (limited)
County-wide

| | |
|--|---------------------------|
| Land Development Regulations | Unincorporated Areas Only |
| Solid Waste Collection System Management (franchising) | Unincorporated Areas Only |
| Solid Waste Disposal Outside UGB | Unincorporated Areas |
| Cooperative Library System | County-wide |
| Records and Elections | County-wide |

- c. Establish a coordination system with all cities, special districts and private companies that now or will provide services in the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:

- 1) Sanitary sewage collection and treatment,
- 2) Drainage management,
- 3) Fire protection,
- 4) Water distribution and storage,
- 5) Schools,
- 6) Libraries,
- 7) Utilities (electricity, telephone and cable communications, natural gas, etc.),
- 8) Solid waste disposal,
- 9) Roads and transportation facilities,
- 10) Parks and recreation facilities,
- 11) Police, and
- 12) Transit;

- d. If appropriate in the future, enter into agreements with service providers which address one or more of the following:

- 1) Process for review of development proposals,
- 2) Process for review of proposed service extension or facility expansion,
- 3) Service district or city annexation,
- 4) Planning of service extensions, new facilities, or facility expansions,
- 5) Procedures for amending the agreement,
- 6) Methods to be used to finance service and or facility improvements, operation and maintenance,
- 7) Standards to be used by the County and the service provider in assessing "adequate" service levels,
- 8) Area or clientele to be served now and in the future,
- 9) Consistency with Plan policies and strategies,
- 10) Coordination of capital improvements programs, and
- 11) Cost effectiveness of service provision;

- e. Not oppose proposed annexations which are in accord with an Urban Planning Area Agreement (UPAA);
- f. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during renegotiation of Urban Planning Area Agreements;
- g. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city; and
- h. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.

Summary Findings and Conclusions

Public facilities and services necessary for growth in Washington County historically have been provided by a variety of unrelated special districts, local governments, and other agencies. Cooperation and coordination between service providers in developing plans and programming capital facilities has been limited.

The County has the responsibility under state law to coordinate the timely provision of public facilities and services within the County. Due to the fact that the County itself does not provide a full range of urban services, the best means of fulfilling this responsibility -- which will result in a better living environment for county residents - is the formal establishments [sic] of a strong coordination system between the County and all service providers.

The County has the additional responsibility to its citizens of ensuring that the services needed to allow growth will be provided by the agency or agencies best able to do so in a coordinated, efficient and cost effective manner. Therefore, County review of and recommendations on annexation or incorporation proposals involving cities and special service districts is imperative.

The PUBLIC FACILITIES AND SERVICES element of the Washington County Comprehensive Framework Plan contains several policies which potentially relate to boundary changes.

Under the subheading "Sanitary Sewage Collection and Treatment" Policy 25 calls for all areas within the UGB to be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan, wherever feasible. Relevant implementing strategies for this policy include:

- b. Encourage adjustments in the U.S.A. boundary to enable the agency to eventually serve all unincorporated areas within the Urban Growth Boundary;
- c. Allow subsurface sewage disposal systems within the UGB where approved by the County on legally created lots of record, where USA does not now serve an or does not plan to serve in the future. Prior to issuance of a development permit, in such cases, the property owners will be required to sign a waiver of remonstrance against formation of a Local Improvement District for sanitary sewers; and
- d. Require properties with on-site disposal facilities to connect to the sewer network once sewer service becomes available.

Policy 26 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT ALL RESIDENCES AND BUSINESS BE SERVED WITH AN ADEQUATE SUPPLY OF POTABLE WATER FOR CONSUMPTION AND FIRE SUPPRESSION PURPOSES.

Implementation strategies

The County will:

- a. Work with all water providers, fire districts, and with the Watermaster and State Engineer's office, as appropriate, to ensure that:
 - (1) water service is available to new development at sufficient pressures for domestic consumption and fire suppression purposes;
 - (2) in areas identified by the State Engineer's office as "critical groundwater areas," the water demands of new development do not jeopardize supplies of groundwater to existing users;
 - (3) extension of water distribution facilities are coordinated with the provision of other public facilities such as sanitary sewers and drainage facilities;

Policy 27 covers drainage by saying that drainage should be managed through a system of coordinated activities of the county and other local government agencies. This approach

has been refined through creation a surface water element of the Unified Sewerage Agency.

Policy 31 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK CLOSELY WITH APPROPRIATE SERVICE PROVIDERS TO ASSURE THAT ALL AREAS OF THE COUNTY CONTINUE TO BE SERVED WITH AN ADEQUATE LEVEL OF POLICE AND FIRE PROTECTION.

Implementing Strategies

The County will:

- a. Require in the Community Development Code that:
 - (1)
 - (2) water service is available to new developments at sufficient pressures for both domestic consumption and fire protection purposes; and
 - (3) the appropriate fire district and the County Department of Public Safety have the opportunity to review and comment on all development proposals subject to the growth management standards.

The RECREATION element of the Comprehensive Framework Plan contains several subheadings and various policies. Under the subheading "Quantity and Quality of Recreation Facilities and Services," Policy 33 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT RESIDENTS OF ITS UNINCORPORATED AREAS ARE PROVIDED WITH ADEQUATE OPEN SPACE AND PARK FACILITIES AND SERVICES.

Policy 34 which appears under the subheading of "Open Space and Recreation Facilities Location," declares that the County will identify potential future park and recreation areas in the Community Plans. The County strategies for pursuing this policy will include attempting to get the developers of projects to dedicate park sites to the County or Tualatin Hills Park & Recreation District. The County in doing this say they will:

- c. Give priority to the preservation of lands with:
 - 1) significant natural features, urban forests, scenic views, natural hazards, or significant fish and wildlife habitats;

- 2) the potential for linkage into open space corridors, especially for trail systems (hiking, jogging, bicycling, horseback riding);
 - 3) access to streams and rivers, particularly the Tualatin River;
 - 4) easy access by pedestrians, bicyclists, transit riders, and those with limited mobility and finances;
 - 5) close proximity to existing or planned higher density population areas; and
 - 6) value in defining the edges or boundaries of communities; and
- d. Consider future acquisition and development programs which take into account:
- 1) areas of substantial need;
 - 2) how well a site meets the relative recreation needs of the service area;
 - 3) the suitability of environmental conditions;
 - 4) fiscal feasibility;
 - 5) threat of loss of a valuable resource; and
 - 6) opportunity for cooperative projects.

Policy 35 with a subheading of "Agency Roles and Responsibilities In Meeting Recreation Needs" says:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH THPRD AND THE CITIES AND SCHOOL DISTRICTS IN COMPREHENSIVE PLANNING FOR OPEN SPACE AND RECREATION FACILITIES AND SERVICES FOR THE COUNTY.

Implementing Strategies

The County will:

- a. Encourage THPRD to expand its boundaries to be responsible for providing neighborhood and community scale recreations [sic] facilities and services is [sic] all urban unincorporated areas of the county, with the possible exception of the Metzger Local Improvement District and areas subject to annexation by cities with parks programs. Should the THPRD Board decide not to expand district boundaries to the limits just described, the County

should attempt to form a special service district to provide recreation facilities and services in appropriate areas outside the THPRD;

The **County Resource Document** is the second component of the Washington County Comprehensive Plan. The Resource Document contains information on the County's natural and cultural resources. This is the basic inventory of information on which all comprehensive plans depend. Nothing in this document relates specifically to annexation.

The third component of the Plan is the **Rural\Natural Resource Element**. "The Rural\Natural Resources element of the Washington County Comprehensive Plan provides the framework for guiding future land use decisions in Washington County in areas outside the established urban growth boundaries." (Side 1, Rural Natural\ Resources Element)

The Rural\Natural Resources Plan is broken down into "policies" which contain "implementing strategies." Policy 1 describes the planning process including amendment procedures. Of interest in the implementing strategies section of this policy is the statement that the County will "Comply with procedures established by the Metropolitan Service District [Metro] for requesting amendments to the regional Urban Growth Boundary." (Section j. of Policy 1)

Policy 2 states the County's commitment to citizen involvement in all facets of the planning process. While this annexation may be considered to be at best tangentially related to the County planning process, it should be noted that extensive notice inviting citizen involvement has been given. This includes affected local governments, surrounding property owners and CPO # 8.

Plan Policy 3, Intergovernmental Coordination, calls on the County to:

- a. "Coordinate planning activities with appropriate federal, state, regional and local government units, and with affected special districts by:
 - (1) Providing affected agencies with information on proposed land use actions for review and comment.
 - (3) Notifying affected agencies of time limits for responses to proposed land use actions, and consider that no response within the given time means concurrence with the proposal.
- b. Establish and maintain "Planning Area Agreements" with cities.

County Plan Policies 6 (Water Resources), 10 (Fish and Wildlife Habitat) and 11 (Significant Natural Resources) are identified with overlays on the Rural\Natural Resources Plan. The drainageway which runs through and forms part of the boundary of the territory to be annexed is identified as "Water Areas And Wetlands & Fish And Wildlife Habitat." The County strives to protect these areas with regulations limiting development and alteration of the natural vegetation.

Policy 14 establishes nine plan designations for the rural\natural resource area. This territory is designated Exclusive Farm Use (EFU). Policies and implementing strategies relating to EFU are contained Policy 15. Policy 15 does note that exceptions to the policy of maintaining these lands in agricultural use can be allowed pursuant to LCDC Goals, Rules and the County Plan amendment process.

Policy 22, the Public Facilities and Services policy, says public facilities in rural\natural resource areas should be limited to what is necessary for maintaining rural type development.

The last policy in the Rural\natural Resource Plan is Policy 27, Urbanization. This policy says Washington County intends to provide for urban uses within urban growth boundaries. It says:

The County will:

...

- b. Cooperate with the Metropolitan Service District [Metro] in the establishment and maintenance of the Regional Urban Growth Boundary

The fourth element of Washington County Comprehensive Plan is the **Community Plans & Background Document**. The area being proposed for annexation to Metro is not covered by a Washington County community plan.

The last three elements of the County Comprehensive Plan are the **Community Development Code** [zoning ordinance], the **Transportation Plan** and the **Unified Capitol Improvement Program**. These have been reviewed and found not to contain any specific directly applicable standards or criteria for boundary changes.

County 2000

In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and county-wide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

Urban Growth Management Agreement

Since this territory has been outside the regional Urban Growth Boundary it is not within a dual interest area covered by a City/County urban growth management agreement.

CITY PLANNING

This territory is not covered by the Hillsboro Comprehensive Plan.

As a part of the Urban Growth Boundary adjustment process the City of Hillsboro and Washington County were required to enter into an intergovernmental agreement relative to the preparation of urban reserve plans. This document lays out the roles of the City and the County in preparing the urban reserve area plans which must precede any actual changes in the Urban Growth Boundary.

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

Urban Services. No urban services are currently available to this site. The territory is not yet within the regional urban growth boundary. Annexation to Metro will not alter this situation. Only after the territory is within the Metro jurisdictional boundary can it be included within the UGB. Annexation to Metro would not make urban services available because the services which Metro offers are not what would generally be described as *urban services*. After annexation to Metro and after successful inclusion of the property within the UGB, the availability of urban services will be addressed through annexation to a city and/or special districts capable of providing those services.

Other Services. This territory lies within Washington County Rural Fire Protection District No. 2. This District contracts with the City of Hillsboro for fire protection service within the urban portions of the District. The City is developing a station at 229th and Evergreen Parkway within two miles of this site.

Hillsboro Unified School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

All other services are provided generally at a rural level by Washington County. This includes police protection, transportation, tax collection, etc.

Metro Services. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of identifying urban reserve areas and determining which parcels are currently appropriate for inclusion in the UGB. Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer

stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt. For the 1998-99 fiscal year the Zoo operating levy was \$.0966 per \$1,000 assessed value (A.V.) and the bonded debt levies were a combined \$.2676 for a total tax levy of \$.3642 per \$1,000 A.V.

RECOMMENDATION.

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit C, the staff recommends Proposal No. MU-0199 be modified to include the adjacent right-of-way of Groveland Drive and Helvetia Road and then *approved*.

Proposal No. MU0199

26

GROVELAND

UNION

HELVETIA

NW

PUEBLOS

R

NW

SCHAAF

RD

NW

GROVELAND

BIRCH

OAK

DR

WITE

RD

DR

AV

AV

63

62



SUNSET

DISCLAIMER: Unlike some areas added to the Metro Urban Growth Boundary (UGB), adopted by the Metro Council by Ordinance, this area, or part of this area, is currently outside the Metro jurisdictional boundary. The Metro Council acted to adopt a Resolution of intent to move the UGB to include this area. Formal adoption of an expansion of the UGB can occur only after the land is annexed into the Metro jurisdictional boundary.

REGIONAL LAND INFORMATION SYSTEM

Resolution #98-2729
Urban Reserve #62-63
(Partial)

Non-First Tier
Outside Metro Boundary

-  Area Considered by Council
-  First Tier Urban Reserve

 Urban Growth Boundary

PROPOSAL NO. MU-0199
ANNEXATION
FIGURE 3

The information on this map was derived from digital databases on which Metro has no control. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the accuracy of measurements or fitness for a particular purpose, accompanying this product. Metro's notification of any errors will be appreciated.



Scale: 1" = 1000'

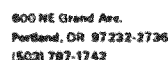
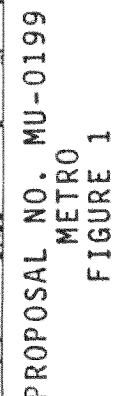
0 500 1000 1500



METRO

600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email dra@metrodot.or.us

AREA TO BE
ANNEXED



Metro Boundary

Proposal No. MU0199

SECTION 15 T1N R2W WM

WASHINGTON COUNTY OREGON

SEE MAP
IN 2 16

901
39.37Ac.

C.S.No.(2,482)

AREA TO BE
ANNEXED

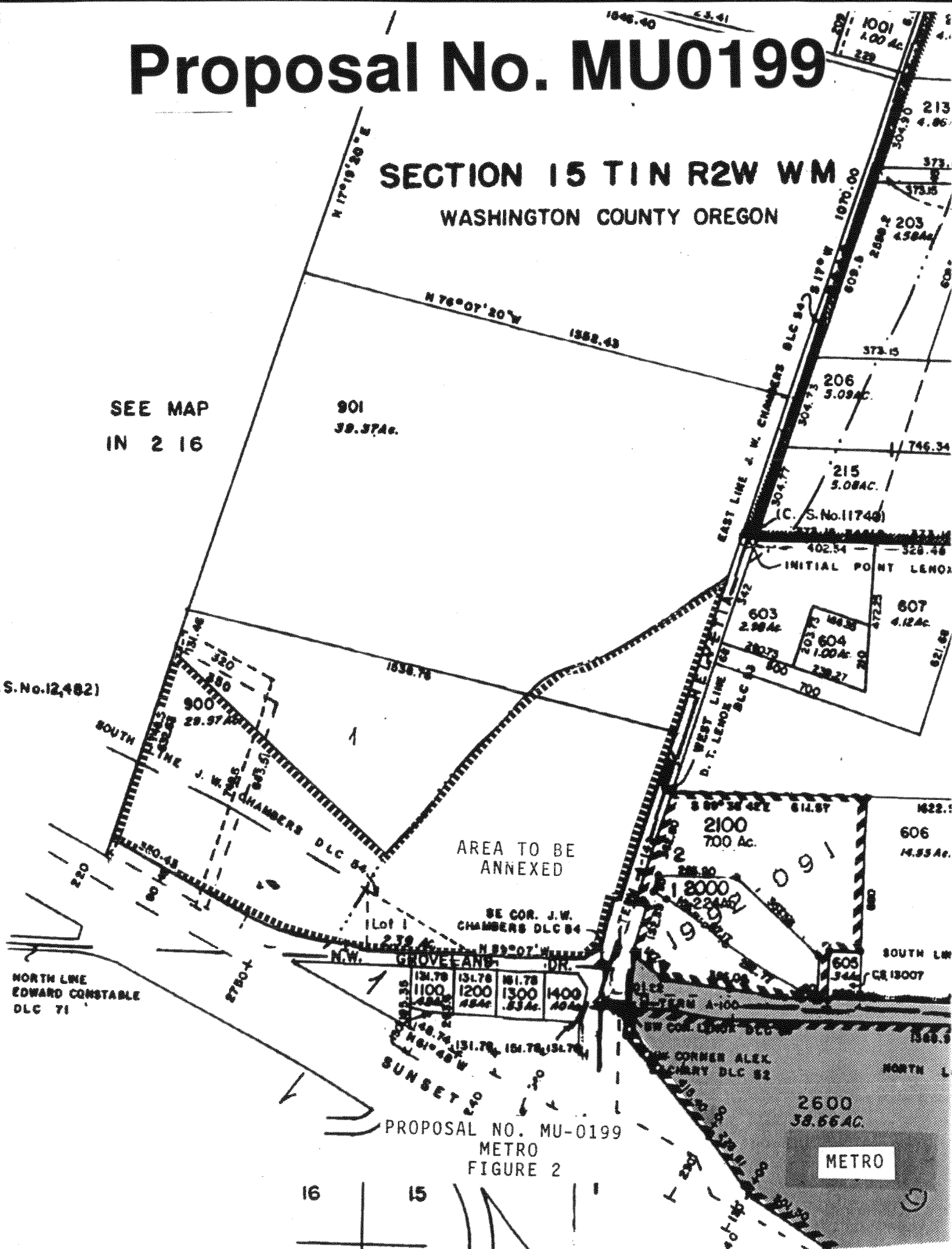
NORTH LINE
EDWARD CONSTABLE
DLC 71

PROPOSAL NO. MU-0199
METRO
FIGURE 2

METRO

16

15



CRITERIA FOR DECISION-MAKING

There are two more-or-less separate sets of criteria for making decisions on boundary changes. One set is found in the statutes and relates strongly to what the boundary of the proposed change should be. The second set of criteria is found in the Metro Code.

Oregon Revised Statute 198 directs the Board to utilize the criteria found in a particular section of the boundary commission statute (ORS 199.462) to decide whether property has been improperly left out of or included within, the proposed change. These criteria can be summarized as:

1. Consideration of local comprehensive planning for the area
2. Consideration of economic, demographic and sociological trends and projections pertinent to the area
3. Consideration of past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change
4. Consideration of the LCDC Goals

A second set of criteria can be extracted from the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address four minimum criteria:

1. Compliance with applicable ORS 195 agreements [These are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place.]
2. Consistency with directly applicable standards for boundary changes contained in:
 - a. Comprehensive land use plans
 - b. Public facility plans
 - c. Regional framework and functional plans
 - d. Urban planning agreements and similar agreements of the affected entity and necessary parties
3. Assurance that the affected entity can provide urban service[s] now or soon directly or by contract
4. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria

The Metro Code also contains a second set of 11 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party.

The first set of criteria gives the Board authority to consider a broad range of factors in deciding whether the proposed boundary change should be enlarged or contracted. On the other hand the nothing in ORS 198 nor the criteria in ORS 199.462 mandates changing the boundary under certain conditions. "Consideration" can consist of a detailed study or a cursory glance.

The second set of criteria consists of two major elements - land use planning consistency and service availability and adequacy.

1.9.3 Urban Growth Boundary Amendment Process – Criteria for amending the UGB shall be adopted based on statewide planning goals 2 and 14, other applicable state planning goals and relevant portions of the RUGGOs and this Plan:

- **Major Amendments.** Proposals for major amendment of the UGB may be made through a quasi-judicial or a legislative process using Metro's regional forecasts for population and employment growth. The legislative amendment process will be initiated by a Metro finding of need, and involve local governments, special districts, citizens and other interests.
- **Locational Adjustments.** Locational adjustments of the UGB shall be brought to Metro by cities, counties and/or property owners based on public facility plans in adopted and acknowledged comprehensive plans.

1.9.4 Urban Reserve Plans – A conceptual land use plan and concept map coordinated among affected jurisdictions shall be required for all quasi-judicial and legislative amendments of the Urban Growth Boundary which add more than twenty net acres to the UGB. The Metro Council shall establish criteria for urban reserve plans coordinated among affected local governments and districts which shall address the following issues:

- Annexation to a city prior to development whenever feasible.
- Establishment of a minimum average residential density to ensure efficient use of land.
- Requirements to ensure a diversity of housing stock and meet needs for affordable housing.
- Ensure sufficient commercial and industrial land to meet the needs of the area to be developed and the needs of adjacent land inside the Urban Growth Boundary consistent with 2040 Growth Concept design types.
- A conceptual transportation plan to identify large scale problems and establish performance standards for city and county comprehensive plans.
- Identification of natural resource areas for protection from development.
- A conceptual public facilities and services plan including rough cost estimates and a financing strategy for the provision of sewer, water, storm drainage, parks, transportation, fire and police protection.
- A conceptual plan estimating the amount of land and improvements needed for school facilities.
- A concept map showing the general locations of major roadways, unbuildable lands, commercial and industrial lands, single and multi-family housing, open space and established or alternative locations for any needed school, park and fire hall sites.

The actual specific criteria will be adopted as part of the Metro Code.

FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 29 acres, 4 single family residences, a population of 6 and is evaluated at \$765,100.
2. The applicant desires annexation in order to pursue inclusion in the regional Urban Growth Boundary and ultimately development of the property. This property was included in an urban reserve area and has been provisionally included in the UGB. However, Metro cannot take official action on the UGB amendment until the property is within the Metro jurisdictional boundary.
3. As submitted the proposed annexation is not contiguous to the Metro boundary because Helvetia Road is not within the boundary. Contiguity is not required by the statutes or Metro Code. However, assuming this property is later annexed to Hillsboro to acquire services to facilitate development, a situation will be created where road r-o-w will be within the City but not within Metro. This will require the County Assessor's office to maintain a separate tax code area just for the right-of-way.
4. The land slopes gently toward Waibel Gulch which crosses the property from northeast to southwest. There are trees (mostly oak & other deciduous types) on the western and eastern portions of the property with open agricultural land between on both sides of the swale. Agricultural land lies to the north and west with agricultural/industrial land to the east and Highway 26 on the south. The four residences lie on the west side of TL 900.
5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).

Metro was required by state law to designate areas outside its boundary which would be suitable for supplying a 10-30 year supply of developable land beyond the 20 year supply within the boundary. The area was included within an "urban reserve study area" in 1995 (by Metro Resolution 95-2244). Further study and action by the Metro Council in March of 1997 resulted in designation of this territory as an "urban reserve area" (URA).

Additionally Metro was required to inventory buildable lands within the existing UGB and analyze the adequacy of the supply by January 1, 1998. If the supply was found wanting Metro was required to accommodate one half of the mandated 20 year supply inside the UGB within one year of completion of the analysis - in other words, by January 1, 1998. They were given two years to accommodate the entire 20 year buildable lands supply within the UGB (that is, by January 1, 1999).

Metro completed the required analysis, determined that they needed to expand the UGB and did so by bringing into the UGB (by ordinance or provisionally by resolution) certain lands in the identified Urban Reserve Areas. This action was taken in December, 1998 and the territory to be annexed to Metro in the current proposal was included. The URA's had been identified by numbers, in this case Numbers 62 & 63.

Thus the status of the territory to be annexed is that it is provisionally approved for inclusion in the regional Urban Growth Boundary pending approval of its inclusion in Metro's jurisdictional boundary.

6. The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept. Each of these elements of the Regional Framework Plan is discussed below.
7. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

8. The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan does not contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives) including one titled "Urban/Rural Transition" (p. 32, RFP). This policy states there should be a clear transition between urban and rural land. The policy then goes on to list some factors to be considered when determining where the break should be between urban and rural lands. It also gives guidance for determining which areas should be included in "urban reserves."

The property under consideration in the current boundary change proposal is clearly in a transition mode. However, this policy speaks to the larger issues of deciding what areas should be included in urban reserves and ultimately the UGB. The policy does not give direction on the more specific notion of annexation into the Metro jurisdictional boundary which includes both rural and urban lands.

Chapter 1 also contains a policy on the Urban Growth Boundary (pp. 33-34). This policy, like the previous one, addresses issues of changing the UGB but does not speak to the changing of the District's jurisdictional boundary. This policy does lay out the details of a requirement that conceptual land use plans must be done for urban reserve areas prior to their being considered for inclusion in the Urban Growth Boundary. These requirements are also formalized in the Metro Code (Chapter 3.01). These requirements of an urban reserve plan are not directly related to the current proposal. However it can be noted that the applicant met these requirements through submission to the Metro Council as a part of the process of having this territory provisionally approved for inclusion in the UGB.

Policy 1.12 of Chapter 1 calls for protection of agricultural and resource lands outside the UGB. The goal goes on to say that:

Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter does not contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter does not contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter does not contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes.

9. The territory to be annexed is currently outside the regional Urban Growth Boundary and therefore subject to Washington County's Rural and Natural Resources Plan. However, since Metro has provisionally decided it should be placed within the UGB where it would fall under the County's Comprehensive Framework Plan For The Urban Area, both plans were examined.

In the GENERAL element of the Plan the Intergovernmental Coordination Policy calls for the County to "effectively coordinate its planning and development efforts with . . . other local governments and special districts." 3.1.11; Intergovernmental Coordination Policy No. 3. The summary of that section notes that " . . . the specific responsibilities of cities and special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan." To the extent that boundary changes to cities and districts can be considered to be "plans and programs" it could be asserted that such boundary changes need to be consistent with the plan.

One of the implementing strategies of this element calls for establishment and maintenance of Urban Planning Area Agreements (UPAA's) between the cities and the County. These documents are to aid in the coordination between the County and cities on land use planning and development matters. These documents may contain guidelines relative to boundary changes and if so, by virtue of this element, they would need to be considered when reviewing compliance of a boundary change with the Comprehensive Framework Plan.

In the URBANIZATION element of the Plan under the subheading "Reasons for Growth" (3.3.1), Policy 13 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH A GROWTH MANAGEMENT SYSTEM FOR THE UNINCORPORATED AREAS WITHIN THE UGB WHICH PROMOTES:

- (1) EFFICIENT, ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES;
- (2) INFILL DEVELOPMENT IN ESTABLISHED AREAS WHILE PRESERVING EXISTING NEIGHBORHOOD CHARACTER;
- (3) DEVELOPMENT NEAR OR CONTIGUOUS TO EXISTING URBAN DEVELOPMENT WHERE SERVICES AREA AVAILABLE;
- (4) PARCELIZATION OF LAND SUCH THAT FUTURE DEVELOPMENT AT URBAN DENSITIES CAN TAKE PLACE;

- (5) DEVELOPMENT WHICH IS COMPATIBLE WITH EXISTING LAND USES;
- (6) AGRICULTURAL USE OF AGRICULTURAL LAND UNTIL SERVICES ARE AVAILABLE TO ALLOW DEVELOPMENT;
- (7) DEVELOPMENT IN CONCERT WITH ADOPTED COMMUNITY PLANS; AND
- (8) UTILIZATION OF THE EXISTING CAPITAL INFRASTRUCTURE.

Policy 14, under the subheading of Managing Growth, says:

IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH ON UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.

Policy 15 of the URBANIZATION element, under the subheading "Roles and Responsibilities for Servicing Growth," states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH SERVICE PROVIDERS, INCLUDING CITIES AND SPECIAL DISTRICTS, AND THE PORTLAND METROPOLITAN AREA BOUNDARY COMMISSION, TO INSURE THAT FACILITIES AND SERVICES REQUIRED FOR GROWTH WILL BE PROVIDED WHEN NEEDED BY THE AGENCY OR AGENCIES BEST ABLE TO DO SO IN A COST EFFECTIVE AND EFFICIENT MANNER.

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning;
- b. Continue to provide the following facilities and services as resources permit:

Public Health
Sheriff Patrol
Assessment and Taxation
Land Development Regulations
Solid Waste Collection System
Management (franchising)

County-wide
County-wide (limited)
County-wide
Unincorporated Areas Only
Unincorporated Areas Only

Solid Waste Disposal
Outside UGB
Cooperative Library System
Records and Elections

Unincorporated Areas
County-wide
County-wide

- c. Establish a coordination system with all cities, special districts and private companies that now or will provide services in the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:

- 1) Sanitary sewage collection and treatment,
- 2) Drainage management,
- 3) Fire protection,
- 4) Water distribution and storage,
- 5) Schools,
- 6) Libraries,
- 7) Utilities (electricity, telephone and cable communications, natural gas, etc.),
- 8) Solid waste disposal,
- 9) Roads and transportation facilities,
- 10) Parks and recreation facilities,
- 11) Police, and
- 12) Transit;

- d. If appropriate in the future, enter into agreements with service providers which address one or more of the following:

- 1) Process for review of development proposals,
- 2) Process for review of proposed service extension or facility expansion,
- 3) Service district or city annexation,
- 4) Planning of service extensions, new facilities, or facility expansions,
- 5) Procedures for amending the agreement,
- 6) Methods to be used to finance service and or facility improvements, operation and maintenance,
- 7) Standards to be used by the County and the service provider in assessing "adequate" service levels,
- 8) Area or clientele to be served now and in the future,
- 9) Consistency with Plan policies and strategies,
- 10) Coordination of capital improvements programs, and
- 11) Cost effectiveness of service provision;

- e. Not oppose proposed annexations which are in accord with an Urban Planning Area Agreement (UPAA);
- f. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during renegotiation of Urban Planning Area Agreements;
- g. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city; and
- h. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.

The PUBLIC FACILITIES AND SERVICES element of the Washington County Comprehensive Framework Plan contains several policies which potentially relate to boundary changes.

Under the subheading "Sanitary Sewage Collection and Treatment" Policy 25 calls for all areas within the UGB to be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan, wherever feasible.

Policy 26 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT ALL RESIDENCES AND BUSINESS BE SERVED WITH AN ADEQUATE SUPPLY OF POTABLE WATER FOR CONSUMPTION AND FIRE SUPPRESSION PURPOSES.

Policy 27 covers drainage by saying that drainage should be managed through a system of coordinated activities of the county and other local government agencies. This approach has been refined through creation a surface water element of the Unified Sewerage Agency.

Policy 31 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK CLOSELY WITH APPROPRIATE SERVICE PROVIDERS TO ASSURE THAT ALL AREAS OF THE COUNTY CONTINUE TO BE SERVED WITH AN ADEQUATE LEVEL OF POLICE AND FIRE PROTECTION.

The RECREATION element of the Comprehensive Framework Plan contains several subheadings and various policies. Under the subheading "Quantity and Quality of Recreation Facilities and Services," Policy 33 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT RESIDENTS OF ITS UNINCORPORATED AREAS ARE PROVIDED WITH ADEQUATE OPEN SPACE AND PARK FACILITIES AND SERVICES.

The **County Resource Document** is the second component of the Washington County Comprehensive Plan. The Resource Document contains information on the County's natural and cultural resources. This is the basic inventory of information on which all comprehensive plans depend. Nothing in this document relates specifically to annexation.

The third component of the Plan is the **Rural\Natural Resource Element**. "The Rural\Natural Resources element of the Washington County Comprehensive Plan provides the framework for guiding future land use decisions in Washington County in areas outside the established urban growth boundaries." (Side 1, Rural Natural Resources Element)

The Rural\Natural Resources Plan is broken down into "policies" which contain "implementing strategies." Policy 1 describes the planning process including amendment procedures. Of interest in the implementing strategies section of this policy is the statement that the County will "Comply with procedures established by the Metropolitan Service District [Metro] for requesting amendments to the regional Urban Growth Boundary." (Section j. of Policy 1)

Policy 2 states the County's commitment to citizen involvement in all facets of the planning process. While this annexation may be considered to be at best tangentially related to the County planning process, it is noted that extensive notice inviting citizen involvement was given. This included affected local governments, surrounding property owners and CPO # 8.

Plan Policy 3, Intergovernmental Coordination, calls on the County to:

- a. "Coordinate planning activities with appropriate federal, state, regional and local government units, and with affected special districts by:

- (1) Providing affected agencies with information on proposed land use actions for review and comment.
- (3) Notifying affected agencies of time limits for responses to proposed land use actions, and consider that no response within the given time means concurrence with the proposal.

b. Establish and maintain "Planning Area Agreements" with cities.

County Plan Policies 6 (Water Resources), 10 (Fish and Wildlife Habitat) and 11 (Significant Natural Resources) are identified with overlays on the Rural\Natural Resources Plan. The drainageway which runs through and forms part of the boundary of the territory to be annexed is identified as "Water Areas And Wetlands & Fish And Wildlife Habitat." The County strives to protect these areas with regulations limiting development and alteration of the natural vegetation.

Policy 14 establishes nine plan designations for the rural\natural resource area. This territory is designated Exclusive Farm Use (EFU). Policies and implementing strategies relating to EFU are contained Policy 15. Policy 15 does note that exceptions to the policy of maintaining these lands in agricultural use can be allowed pursuant to LCDC Goals, Rules and the County Plan amendment process.

Policy 22, the Public Facilities and Services policy, says public facilities in rural\natural resource areas should be limited to what is necessary for maintaining rural type development.

The last policy in the Rural\Natural Resource Plan is Policy 27, Urbanization. This policy says Washington County intends to provide for urban uses within urban growth boundaries. It says:

The County will:

- ...
- b. Cooperate with the Metropolitan Service District [Metro] in the establishment and maintenance of the Regional Urban Growth Boundary

The fourth element of Washington County Comprehensive Plan is the **Community Plans & Background Document**. The area being proposed for annexation to Metro is not covered by a Washington County community plan.

The last three elements of the County Comprehensive Plan are the **Community Development Code** [zoning ordinance], the **Transportation Plan** and the **Unified Capitol Improvement Program**. These elements do not contain any specific directly applicable standards or criteria for boundary changes.

10. In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and county-wide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.
11. Since this territory has been outside the regional Urban Growth Boundary it is not within a dual interest area covered by a City/County urban growth management agreement.
12. This territory is not covered by the Hillsboro Comprehensive Plan.

As a part of the Urban Growth Boundary adjustment process the City of Hillsboro and Washington County were required to enter into an intergovernmental agreement relative to the preparation of urban reserve plans. This document lays out the roles of the City and the County in preparing the urban reserve area plans which must precede any actual changes in the Urban Growth Boundary.

13. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.
14. No urban services are currently available to this site. The territory is not yet within the regional urban growth boundary. Annexation to Metro will not alter this situation. Only after the territory is within the Metro jurisdictional boundary can it be included within the UGB. Annexation to Metro would not make urban services available because the services which Metro offers are not what would generally be described as *urban services*. After annexation to Metro and after successful inclusion of the property within the UGB, the availability of urban services will be addressed through annexation to a city and/or special districts capable of providing those services.
15. This territory lies within Washington County Rural Fire Protection District No. 2. This District contracts with the City of Hillsboro for fire protection service within the urban portions of the District. The City is developing a station at 229th and Evergreen Parkway within two miles of this site.

Hillsboro Unified School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

All other services are provided generally at a rural level by Washington County. This includes police protection, transportation, tax collection, etc.

16. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of identifying urban reserve areas and determining which parcels are currently appropriate for inclusion in the UGB. Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt. For the 1998-99 fiscal year the Zoo operating levy was \$.0966 per \$1,000 assessed value (A.V.) and the bonded debt levies were a combined \$.2676 for a total tax levy of \$.3642 per \$1,000 A.V.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission determined:

1. The proposed annexation should be modified to include the rights of way of Helvetia Road and Groveland Drive which lie adjacent to the territory to be annexed. The Board notes that ORS 198.805 obligates them to consider whether the boundary of the proposal should be modified. While contiguity is not required for annexations to Metro, it may be required or necessary for subsequent annexation to a city. The Board recognizes that annexation to a city will occur in the future in order to access urban services to facilitate development. When the entire property and the adjacent right-of-way are in the City, if the right-of-way were not in Metro, the Assessor's office would have to show a separate tax code area for the street. In order to avoid this small complication the Board chooses to include the entire adjacent rights-of-way at this time.
2. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . . " To the very limited extent that any directly applicable standards and criteria can be identified, the Board finds its decision to approve this annexation is consistent with them. There are no directly applicable criteria in Metro's only adopted functional plan, the Urban Growth Management Functional Plan. This Plan requires that cities

and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to annexation to a District which does not provide any services that directly facilitate development. The Functional Plan also lays out requirements for additions to the regional Urban Growth Boundary but these requirements do not affect annexations to the district. Metro includes both urban and non-urban lands and changes to its boundary may or may not result in subsequent changes in the urban growth boundary.

The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Board notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days prior to the hearing; 2) mailed notice to necessary parties 45 days prior; 3) two published notices in the Hillsboro Argus newspaper; 4) notice by first class mail to every property owner within 500 feet and notice to the affected community planning organization (CPO # 8). The Board concludes this hearing and notice is consistent with this section of the Regional Framework Plan.

3. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Policy 1 of the Rural\Natural Resources Element of the County Comprehensive Plan notes that the County will comply with the procedures established by Metro for changing the UGB. To the extent that the County did participate in the process of [provisionally] changing the UGB in this area the Board finds its decision consistent with this portion of the Plan.

Policy 2 of the Rural\Natural Resources Element states the County's commitment to citizen involvement. Given the public hearing and notice process described in No. 2 above, the Board finds consistency between its decision and this portion of the Plan.

Policy 22 of this element of the Plan says that the County will cooperate with Metro in establishment and maintenance of the UGB. To the extent that Washington County was involved in the recent [provisional] UGB change in this area, this section of the Plan and the Board's decision are consistent.

This area is not covered by any city-county urban planning area agreements. Therefore no consistency between this decision and those agreements is required.

4. The Metro Code also requires that these conclusions address consistency between this decision and any urban service agreements under ORS 195. As noted in Finding No. 13 there are no ORS 195 agreements in place in this area. Therefore this criteria is inapplicable.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is that "The affected entity [Metro] can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others." The Board finds that mostly this criteria, also is inapplicable since Metro is not a provider of urban services. However, the Board does believe that the principal behind this criteria, adequacy of services, should be addressed. For the services which the affected district, Metro, does deliver, the Board finds they are adequate to serve this area. Those services and the financing thereof are covered in more detail in Finding No. 16.

#1

SPEAKER SIGN UP CARDSDATE 4/22/99NAME MARK GreenfieldADDRESS 111 SW Columbia #1080Portland OR 97201PHONE 527-2979 ^{Applicant} Att. forSPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-7

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDSDATE 4-22-99NAME Scott HamiltonADDRESS 7270 NW Helvetia RdHillsboro ORPHONE 647-12946SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-7

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDSDATE 4/22/99NAME Alan SchaafADDRESS 23220 NW Pabols Rd.Hillsboro OR 97124PHONE 503 647 5755SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-7

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 4-27-99
 NAME Michael Harrison
 ADDRESS 8330 SW Canyon Dr.
Portland 97225
 PHONE 292-4743
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC B-7
 GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 4/22/99
 NAME Robert Bailey
 ADDRESS 7455 NW Helvetia Rd
Hillsboro, OR 97124
 PHONE 647-0067
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC MU-0199
 GIVE TO BOARD CLERK

#6 STATEMENT READ

SPEAKER SIGN UP CARDS

DATE 4/22/99
 NAME Terry Kimzey
 ADDRESS 23440 NW Rebels Rd
Hillsboro OR
 PHONE 647 5738
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC MU 0199
 GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

#7

DATE 4-22-99
 NAME Tom McConnell
 ADDRESS 9600 NW Oak St. Suite 230
Portland OR 97223
 PHONE 452-8003
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC B-7
 GIVE TO BOARD CLERK

April 22, 1999

Testimony in Opposition to Proposal No: MU-0199

Ideally, this land needs continued management as the flood plain and re-charge zone for the tributary of Rock Creek flowing through it. This land and the surrounding forest provide riparian habitat and a shelter break for the lands to the north, from weather moving in from the south. The tributary flows to the Tualatin, which flows to the Willamette. With concern about wetland protection and fish restoration, development here would fly in the face of those concerns. In my estimation, the current use of the land is intimately connected with the surrounding agricultural use of the surrounding lands: this land cannot be disconnected from surrounding zoning because there is no "crop" on the land.

When the land was under initial consideration by Metro, I offered photographs of this land. The pictures were declined as Metro assured they had taken extensive aerial photography of the entire region during flood conditions. But look at these "from the ground" pictures of this land during the exaggerated flood of 96. Development of this land will lessen its potential to re-charge the Rock Creek tributary, and provide "back-up" to the water heading toward a narrow culvert heading south under Highway 26. Any flow restriction here or diminution of this area as a re-charge zone would quickly create a road wash-out (Helvetia and Schaff Roads) and a "full house" (Hamilton's) upstream.

There are other grounds for denying annexation to Metro for "urban reserve" development. The adjacent area is the main entrance to the Helvetia rural community. Development at this junction is out of character with the lands and community to the north and west: outside the urban growth boundary.

Development at this junction would sow the pox of developmental sprawl to yet another area: this at a time when pleas for a return to livability and limits to growth are increasingly heard.

Development at this junction would create "attractive nuisance" liability for Metro and any developer. The land is adjacent to working farm land that often is tinder dry in late August, September. The currently proposed 500 unit development will almost certainly result in an uncontrolled field fire that will put the agriculture and surrounding residences at risk.

Helvetia Road will be an "attractive nuisance" tempting children from a 500 unit development onto this road with their bicycles. This will certainly result in tragedy, because the road is not an urban or suburban road. It is a shoulderless, single lane country road that operating under Oregon's "basic rule" of speed. The sign identifying this area as an Agricultural Zone is immediately across Helvetia Road from this land. Farm machinery is a big surprise for many of the newcomers to the road. As commuters increasingly bypass Cornelius Pass or the Sunset Highway, speeds of 65 m.p.h. have become the dangerous norm.

West Union Elementary School capacities have already been max'd out by the splurging development in the Orenco and Tanasbourne areas.

The Helvetia-Shute Road overpass currently has poor visibility. Many of the new commuters have little tradition for "basic rule" driving. This junction is increasingly dangerous to the level of traffic already there.

One day, protecting livability and limiting growth will be commonly anticipated from our planners and politicians. In the meantime, please spare us this unnecessary and intrusive developmental sprawl.

Robert and Patti Bailey
7455 N.W. Helvetia Road
Hillsboro, Oregon 97124

attachments: 4 pictures - SHOWN TO BOARD
& RETURNED TO ME.
BAILEY 4/22/99

I am concerned about The
potential impact on Traffic and
water retention at The proposed
site of TL 900 & 901 Sec. 15
T1N R2W, W. M. Wash. Co. OR
I do not feel it is in the
neighborhoods best interest.

Jerry Kinzey
23440 NW Pukols Road
Hillsboro OR 97124-9349

MARK J. GREENFIELD

BOARD OF
COUNTY COMMISSIONERS

Attorney at Law

99 APR 23 AM 9:49

MULTNOMAH COUNTY
OREGON

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April 22, 1999

Multnomah Board of County Commissioners
1120 SW 5th, Room 1500
Portland, Oregon 97204

Subject: MU-0199 (Boundary Change Proposal -- Washington County)

Dear Chair Stein and Commissioners:

I am writing this letter to you to follow up on questions raised during this morning's hearing on the application to annex land to Metro located near the intersection of Highway 26 and Helvetia Road in Washington County (MU-0199). This matter was continued to next Thursday, April 29, 1999, and I do not recall any closure of the record on the matter.

During Commission discussion, several questions were raised reflecting uncertainty and confusion about how current boundary change laws apply. The boundary change laws are indeed "murky", so I can appreciate your need for guidance. I also appreciate (and share) your concerns as to why the legislature designated Multnomah County to decide matters involving land in Washington County. By this letter, I will attempt to provide answers to some of the questions you considered.

1. Why is this Matter before Multnomah County?

As Ken Martin indicated, the 1997 legislature abolished the Portland Metropolitan Area Local Government Boundary Commission. As a result, procedures for boundary changes reverted to the process that exists for areas not subject to a Boundary Commission.

The relevant statutory provisions are ORS 198.725 and 198.705(16). ORS 198.725 provides that if there are two or more affected counties in a proceeding to change boundaries of a district, then "notices, proceedings, orders or any other act authorized or required to be given, taken or made by the county board * * * shall be given, taken or made by the persons holding such offices in the principal county." (Emphasis added.) ORS 198.705(16) defines "principal county" as "the county in which the district, or the greater portion of the assessed value of all taxable property in the district, as shown by the most recent assessment roll of the counties, is located * * *."

Because Metro's jurisdictional boundaries include land in three counties (Multnomah, Washington and Clackamas), a decision to amend Metro's boundary "affects" two or more counties and therefore is subject to ORS 198.725, which requires orders to be made by the "principal county." Because the greatest portion of assessed value of all taxable property in the Metro district lies in Multnomah County, Multnomah County must make the decision. For that reason, the petitioners of annexation are before this Board instead of the Washington County Board of Commissioners.

2. Can the County Act in the Absence of ORS 195.065 agreements?

Ken Martin stated that one of the review standards involves compliance with ORS 195.065 agreements. Specifically, under Metro Code Section 3.09.050(e)(1), a boundary change must comply with the following criterion: "The decision complies with urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties." (Emphasis added.)

ORS 195.065 directs local governments and special districts providing urban services to enter into urban service agreements that identify which entity will provide specific services and their future service areas. These agreements also assign responsibilities for "planning and coordinating provision of the urban service with other urban service facilities", as well as planning, constructing and maintaining service facilities and managing their provision to urban users. ORS 195.065(4) states that for purposes of this law, "urban services" means:

- Sanitary sewers
- Water
- Fire protection
- Parks
- Open space
- Recreation
- Streets, roads and mass transit

There are three reasons why ORS 195.065 does not prevent annexation of the subject property to Metro. First, there are no such agreements in place, so it is impossible not to comply with an agreement because there are no standards that cannot be met. Second, the "affected entity" is Metro, which to my best knowledge has not proposed such agreements between itself and the cities and counties within which it is located.¹ Instead, Metro identifies its roles in accordance with its statutory authority in ORS Chapter 268 and the Metro Charter.

Third, and perhaps most importantly, application of this provision is irrelevant and premature because annexation to Metro does not result in or authorize the provision of urban services to the annexed territory. That territory is and remains rural following

¹ Metro Code Section 3.09.020(a) defines "affected entity" as "a city, city-county, or special district for which a boundary change is proposed or is ordered."

annexation to Metro. It cannot become urban until (1) it is added to Metro's urban growth boundary, and (2) it is annexed to a City or special service district pursuant to Metro Code Section 3.01.012(e)(1), at which time ORS 195.065 would have relevance.

Accordingly, before urban services can be extended to the subject territory, it must first be included in the UGB and also be annexed by (1) the City of Hillsboro; (2) the Unified Sewerage Agency; and (3) Tualatin Valley Water District. Until this is done, the land remains rural. The requirement for annexation to cities and service districts prior to extension of urban services to the territory is established in Metro Code 3.01.012(e).

3. Concerns about Impacts to Agricultural Land, Drainage.

Ken Martin stated, and we agree, that testimony from members of the public on these issues is irrelevant to the criteria applicable to Metro boundary changes. By this statement, we in no way seek to lessen the importance of these issues or invalidate the concerns of the people who raised them. However, under state law, they are directed to Metro for consideration as part of the analysis under Statewide Planning Goals 14 and 2 (exceptions) at the time of review of an urban growth boundary amendment.² They are not relevant to the criteria for Metro boundary changes.

Any decision by the Board based on these considerations would exceed the authority of the Board and be illegal. They simply are not relevant to any review criterion.

4. Provision of Metro services.

As Ken Martin explained, the key issue here is whether Metro can provide its services to this property. Under Metro Code 3.09.050(e)(4):

"If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval." (Emphasis added.)

In short, Metro's Code clearly recognizes the difference between an annexation to Metro and an annexation to a city or urban service provider. To annex to Metro, the principal consideration is whether the Metro Council supports the annexation. **Metro Resolution 98-2729C informs this Board that Metro supports this annexation. That fact, plus the applicant's compliance with the procedural standards for annexation, is virtually all this**

² Petitioner Standing Investment Company is very aware of these issues. We have Metro's maps showing the location of the 1996 floods and the 100 year floodplain. Also, to comply with Metro Code provisions, we must address and implement Title 3 governing drainage and Goal 14 factor 7 addressing compatibility with nearby agricultural activities. These matters were addressed in the decision leading to Metro's approval of urban reserves, and they were addressed again in Metro's decision recommending adding the subject territory to the UGB. However, the issue is relevant only to Metro's determinations on urban reserves and the urban growth boundary, not to a decision to annex land to Metro.

April 22, 1999

Page 4

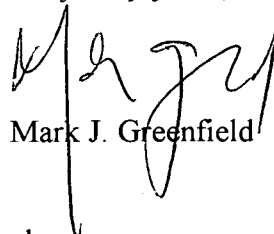
Board needs to approve this application. Tempting though it may be, wandering into the quagmire of whether this territory should be urbanized in the future, or whether growth should extend onto farmland outside the current UGB, goes beyond the Commission's jurisdiction. As confusing as the statutes may be, the grounds for approval are relatively simple and measurable, at least for annexations to Metro, and they are met in the current proceeding.

5. Conclusion.

Petitioner Standring appreciates the fact that the Board must now apply a law that is confusing and forces the Board to make decisions it reasonably deems more appropriate for other governmental bodies to make. However, this is what the legislature, in its wisdom, has decided for us all. What we want to stress is that this decision matters, and that postponing it and future agenda items like it will only create greater problems for all interests, including the County.

Ken Martin has been administering boundary change applications for a great many years. He is this region's best expert on this matter. Ken knows the law better than anyone, and his recommendation here is for approval. While we understand the Board's reluctance to rely on professional staff when it is the Board's decision, and when it does not fully grasp the law, decisions like this cannot simply be postponed. Moreover, applications like this should not be denied simply because the Board is not certain of its actions. That isn't fair to any of the parties. Accordingly, we urge each Board member to trust Ken Martin's knowledge, limit her consideration to the applicable criteria and, based on our compliance with that criteria, Metro's support of this annexation, and Ken Martin's favorable staff report, to approve the annexation petition.

Very truly yours,



Mark J. Greenfield

cc: Thomas Sponsler, County Counsel
Daniel Cooper, Metro General Counsel
Ken Martin
Jim Standring

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Approving the annexation of territory to Metro.

The Multnomah County Board of Commissioners Finds:

- (a) A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.
- (b) A staff report which addressed factors mandated in the Metro Code was presented to the Board 30 days prior to the hearing as required by the Metro Code.
- (c) A public hearing was held before the Board of County Commissioners on April 22 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

- 1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. MU-0199 is approved as modified.
- 2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Metro.
- 3. The staff is directed to file this document with the required parties.

ADOPTED this day of 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

Reviewed:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

by

Jeffrey B. Litwak

Jeffrey B. Litwak
Assistant County Counsel

TO: Board of County Commissioners

FROM: Dept. of Environmental Services - Local Government Boundary Office

Date: April 26, 1999

RE: Boundary Change Proposal No. MU-0199, Annexation to Metro
Heard On April 22, 1999 and *Continued* to April 29, 1999 Hearing

1. Recommendation/Action Requested: Approval With Modification
2. Background/Analysis: See Attached *Additional* Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: None (This annexation lies in Washington County. Its relationship to the Washington County Comprehensive Plan was covered in the original staff report.)
7. Citizen Participation: Extensive notice was provided as noted in the original staff report; four citizens testified at the April 22nd Hearing
8. Other Government Participation: None

99 APR 30 AM 10:16
MULTICOUNTY
OREGON
COUNTY COMMISSIONERS

April 29, 1999 Hearing

PROPOSAL NO. MU-0199 - METRO - Annexation - *Additional Information*

Petitioners: Property Owner - James D. Standring; Registered Voters - Delfina & Clifford Fawcett, Gary & Cheryl Schindele, Lane Hatcher, Mathew Parrott

This proposal was heard by the Board on April 22, 1999. The attorney for the applicant spoke emphasizing that this was but the first step in the process leading to ultimate development of the property. Four persons testified in opposition to the annexation. Reasons for opposition included: 1) concerns about drainage - "600 acres of surrounding farm land depends on the ditch traversing the property" - "the culvert under Sunset Highway is not large enough"; 2) potential conflicts between surrounding agricultural practices and residential development; 3) traffic safety - "roads are narrow and don't have bike lanes for kids to ride on" - "dangers of moving farm equipment on roads particularly if children from residences are present."

The Board expressed concerns about the process and about substantive issues raised at the hearing. These concerns included: 1) criteria too general and not clear; 2) lack of clear connection between the criteria and the proposed decision; 3) discomfort with apparent inability to address the issues raised by citizens testifying at hearing; 4) confusion about the distinction between the County's role and Metro's role on this boundary change and the ultimate disposition of this property.

BOARD MISSION

The Board's job here is decide whether this annexation should be expanded or contracted and then whether the proposal should be approved. This role is dictated by Oregon Revised Statute 198 which places county commissions in the position of deciding on the boundary changes of all special districts within their county. The Metro Code further refines the procedures for deciding boundary changes and adds some criteria for consideration. The Board is required to adopt an order which includes findings of fact and conclusions from those findings which address the criteria. There is no requirement that all or a certain number of the criteria be met or even found to be applicable. The standard is that the criteria must be addressed with findings and conclusions.

CRITERIA

Two sets of criteria are applicable to the Board's deliberations. The first set is in ORS 198 and relates primarily to a decision to include or exclude property in the proposed annexation. The staff did recommend inclusion of the adjacent road rights-of-way and the applicant testified there was no objection to this. No other issues were raised about this and it will not be further discussed here.

The second set of criteria which applies to the Board's decision is in the Metro Code. This consists of four factors. In adopting these criteria the Metro drafters discussed and debated in detail whether this list should be more specific or lengthy. They finally decided that it would be unfair and very difficult for Metro to come up with more detailed criteria which could fit all local situations equitably. The drafters therefore decided it would be more appropriate to leave to the local decision-makers (the city councils and county boards) the option of adopting more specific annexation guidelines. Multnomah County has not adopted any more specific criteria. Therefore, for the present the four criteria in the Metro Code are the only applicable criteria.

First Criteria

The first Metro criteria to be addressed is:

The decision complies with urban service agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties.

To address this you need to know the answer to several questions. **First**, what is an urban service agreement adopted pursuant to ORS 195? As noted in greater detail in the original staff report, these are agreements between the providers of specific types of urban services about which provider will serve a given area. **Second**, which entity is the affected entity? By definition in the Metro Code the affected entity is the unit of government to which the annexation is proposed. In this case the affected entity is Metro. **Third**, who are the necessary parties? Necessary parties are units of government whose legal boundary or urban service area includes the area to be annexed or units of government which actually provide an urban service to the territory to be annexed. For this annexation necessary parties are: Metro, Washington County, Port of Portland, Tri-Met and Washington County R.F.P.D. # 2.

Relative to this first criteria (compliance with ORS 195 agreements) these are the facts:

1. There are no ORS 195 agreements between any parties in this area.
2. While the 1993 statute which establishes the requirement for these agreements does provide for compliance deadlines, no penalties are imposed for not meeting the deadlines.
3. Urban service agreements are only required of local governments that provide an urban service "*within an urban growth boundary.*" ORS 195.065 (1)

4. The territory to be annexed is not within an urban growth boundary.

Conclusion: There can be no ORS 195 agreements between Metro and the necessary parties because such agreements cannot apply to territory which is not within an urban growth boundary. Therefore this criteria is inapplicable to this case. Even if the territory were within an urban growth boundary, no agreements exist so there are no agreements with which the proposal could either conflict or be consistent.

Second Criteria

The second criteria to be addressed by the Board is whether your decision will be "consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, regional framework and functional plans, urban planning agreements and similar agreements of the affected entity and of all necessary parties." [Emphasis added]

Comprehensive Land Use Plans. Using the definitions established in the discussion of the first criteria, the documents to be examined are those of the affected entity, Metro, and the four necessary parties. Among this group only Washington County has a comprehensive plan. As noted in the original staff report, the staff examined this plan in detail and found no directly applicable standards or criteria for boundary changes. Because the Board was not familiar with Washington County's Plan, the staff did spend some time going over what is in the plan. That level of observation is also necessary for making a finding that such standards do not exist.

Regional Framework and Functional Plans. Only Metro among the five possible governments covered by this criteria, has a regional framework plan and functional plan. Again the staff spent considerable time examining and explaining these plans so that either any directly applicable criteria could be ferreted out or a finding could be made that they did not exist. Again the conclusion was that there is virtually nothing in the Metro Plans that could be described as a directly applicable standard or criteria for boundary changes.

Urban Planning Agreements. The only possibly applicable "urban planning area agreement" was between Washington County and the City of Hillsboro. The City is not technically a necessary party but even if they were, the agreement was examined and found not to contain applicable criteria.

Similar Agreements. The staff noted in the original report that there is an intergovernmental agreement between the City of Hillsboro and Washington County R.F.P.D. # 2 (which is a necessary party). This agreement might be viewed as a "similar agreement" under Criteria 2 of the Metro Code. However, it basically only covers fire protection for the urban area and provides no guidance for annexations to Metro.

Conclusion: There are practically no directly applicable standards or criteria for boundary changes to be found in the documents which the Metro Code requires the Board to review.

The staff did note a few very general references. These are reflected in the conclusions section of the proposed order.

Third Criteria

The third criteria asks the Board to address whether the affected entity - Metro - can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others. This criteria was written with an assumption that the affected entity would be a provider of urban services or at least an entity with the legal authority to cause others to make urban services available. Consideration of this criteria, were the affected entity a city or a water district, makes perfect sense. When the affected entity does not provide nor can mandate provision of urban services, application of the criteria is not possible. Such would be the case with a road assessment district or a geothermal heating district.

Generally speaking Metro does not provide what are usually thought of as urban services. However the Metro Boundary Change Code defines urban services and two of these, parks and open space, might be viewed as "provision of urban services." Assuming for the sake of argument that Metro is involved in some level of those services, the original staff report notes that Metro can provide the same level of those services to the territory to be annexed as it provides to all other territory within the District. Beyond this Metro does not deliver urban services. Furthermore it would be illogical to assert that Metro should assure the ability to deliver urban services to an area its own urban growth boundary does not now include. That assurance is one that must be made to Metro at the time it makes a decision on inclusion of this territory within the UGB. And that decision cannot legally occur until the area is within Metro's jurisdictional boundary.

Conclusion: Metro can assure that the level of parks and open space which it provides District-wide can be provided at the same level to the area to be annexed. Metro does not provide any of the other urban services which this criteria requires to be addressed. Metro cannot and would not seek to assure the availability of urban services to an area which has not yet been designated as urban.

Fourth Criteria

The fourth criteria which the County Board needs to address states that if the proposed boundary change is for annexation to Metro, a determination by the Metro Council that the territory should be included in the regional Urban Growth Boundary shall be the primary criteria for approval.

1. Metro made a determination that this land should be within an urban reserve area - an area outside the UGB which should be expanded into when the need for more urban land occurs over the next 20 years.

2. Metro made a determination that this land should be included in the urban growth boundary (subject, of course to its annexation first into Metro's jurisdictional boundary).
3. A legal challenge was made to the 1st decision - the decision that the property be placed in an urban reserve area. That legal challenge was to LUBA and the plaintiffs prevailed. That decision is now being appealed by Metro to the Court of Appeals. As a part of its decision LUBA overturned Metro's code provision that limited UGB expansions to lands within urban reserve areas. That portion of LUBA's decision is not being appealed.
4. A challenge was filed to the resolution by which Metro: 1) expressed its intent to place this territory inside the UGB once it is legally within Metro's jurisdictional boundary, and 2) endorsed the annexation of this property to Metro. But the Metro resolution was upheld by LUBA and this LUBA decision was not appealed.
5. Metro is not legally bound to place this territory within the UGB following its annexation into the Metro jurisdictional boundary.

Conclusion: The current litigation involving Metro's designation of Urban Reserve Areas is irrelevant here but has caused some confusion. Absent that confusion the County should easily conclude this criteria is met and consider that the other three criteria are of far less significance. Even if the existence of the litigation actually did make this criteria less obviously met, that only means this fourth criteria cannot take precedence over the others. Nothing in this criteria says or implies that if it is not met, a proposed annexation should not be approved. Neither the Metro Code nor the state statutes require Metro to make any determination about the suitability of property for urban designation prior to its annexation to the District. There is much non-urban land inside of Metro's jurisdictional boundary.

THE HEARING

At the hearing the Board heard testimony summarized above. None of that testimony contravened the conclusions above on the four criteria. None of the testimony addressed the four criteria. Rather the opposition testimony addressed factors which either have been considered or will be considered by other levels of government in different decision making processes. The issue of conflict between agricultural practices and residential development is a legitimate concern in the debate over inclusion of this area within the regional Urban Growth Boundary. It likely was and may be again an issue relative to designation of this property as an urban reserve area. It may even be a factor in deciding on specific development plans for this area if it annexes to a city. But this potential conflict is neither listed or implied in ORS 198 or the Metro Code as a criteria for deciding Metro jurisdictional boundary changes.

Traffic safety issues would certainly be dealt with at the Metro level and more specifically at the development decision level. But they are not a part of the boundary change criteria when the affected district is not an urban service provider. Drainage issues are certainly very important. When development is being considered cities and counties have specific codes which will require the developer to adequately deal with storm drainage on site and,

depending on the impact, perhaps off-site as well. But here development is not yet proposed and that issue is not a criteria.

OVERALL CONCLUSION

The Board has done what ORS 198 and the Metro Code requires of them to make a decision on this boundary change. It has addressed each of the four criteria in the Metro Code. Through the staff report and the public hearing the Board has collected information which has then been examined for relevance to this decision. An order has been drafted which makes findings and draws conclusions as required by the Metro Code. The conclusions above about each of the four criteria are repeated formally in the order (see attached proposed conclusions).

RECOMMENDATION

Based on the study and the hearing and the Proposed Findings and Reasons for Decision, the staff recommends Proposal No. MU-0199 be modified to include the adjacent right-of-way of Groveland Drive and Helvetia Road and then *approved*.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission determined:

1. The proposed annexation should be modified to include the rights of way of Helvetia Road and Groveland Drive which lie adjacent to the territory to be annexed. The Board notes that ORS 198.805 obligates them to consider whether the boundary of the proposal should be modified. While contiguity is not required for annexations to Metro, it may be required or necessary for subsequent annexation to a city. The Board recognizes that annexation to a city will occur in the future in order to access urban services to facilitate development. When the entire property and the adjacent right-of-way are in the City, if the right-of-way were not in Metro, the Assessor's office would have to show a separate tax code area for the street. In order to avoid this small complication the Board chooses to include the entire adjacent rights-of-way at this time.
2. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans" To the very limited extent that any directly applicable standards and criteria can be identified, the Board finds its decision to approve this annexation is consistent with them. There are no directly applicable criteria in Metro's only adopted functional plan, the Urban Growth Management Functional Plan. This Plan requires that cities and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to annexation to a District which does not provide any services that directly facilitate development. The Functional Plan also lays out requirements for additions to the regional Urban Growth Boundary but these requirements do not affect annexations to the district. Metro includes both urban and non-urban lands and changes to its boundary may or may not result in subsequent changes in the urban growth boundary.

The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Board notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days prior to the hearing; 2) mailed notice to necessary parties 45 days prior; 3) two published notices in the Hillsboro Argus newspaper; 4) notice by first class mail to every property owner within 500 feet and notice to the affected community planning organization (CPO # 8). The Board concludes this hearing and notice is consistent with this section of the Regional Framework Plan.

3. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans" The Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive

Plan and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Policy 1 of the Rural\Natural Resources Element of the County Comprehensive Plan notes that the County will comply with the procedures established by Metro for changing the UGB. To the extent that the County did participate in the process of [provisionally] changing the UGB in this area the Board finds its decision consistent with this portion of the Plan.

Policy 2 of the Rural\Natural Resources Element states the County's commitment to citizen involvement. Given the public hearing and notice process described in No. 2 above, the Board finds consistency between its decision and this portion of the Plan.

Policy 22 of this element of the Plan says that the County will cooperate with Metro in establishment and maintenance of the UGB. To the extent that Washington County was involved in the recent [provisional] UGB change in this area, this section of the Plan and the Board's decision are consistent.

This area is not covered by any city-county urban planning area agreements. Therefore no consistency between this decision and those agreements is required.

4. The Metro Code also requires that these conclusions address consistency between this decision and any urban service agreements under ORS 195. As noted in Finding No. 13 there are no ORS 195 agreements in place in this area. More significantly there could be no urban service agreements addressing this area because urban service agreements are only applicable to lands within urban growth boundaries and this land is not yet within such a boundary. Therefore this criteria is inapplicable.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is that "The affected entity [Metro] can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others." The Board finds that mostly this criteria also is inapplicable since Metro is not a provider of urban services. However, the Board does believe that the principal behind this criteria, adequacy of services, should be addressed. For the services which the affected district, Metro, does deliver, the Board finds they are adequate to serve this area. Those services and the financing thereof are covered in more detail in Finding No. 16.

MARK J. GREENFIELD

Attorney at Law

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Telephone: (503) 227-2979
Facsimile: (503) 248-9164

April 27, 1999

Multnomah Board of County Commissioners
1120 SW 5th, Room 1530
Portland, Oregon 97204

Subject: MU-0199 (Metro Boundary Change Proposal--Washington County) --
Request for Continuance of Hearing

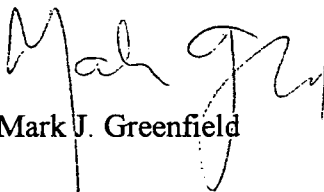
Dear Chair Stein and Commissioners:

On April 22, 1999, the Board continued the above-identified matter to April 29, 1999. On behalf of my client, Jim Standring, who owns all of the property in the territory proposed for annexation to Metro in this proceeding, **I am writing to request that this matter be further continued to May 13, 1999.**

This is the first annexation proceeding to come before the Board under the new statute that requires the Board to consider annexations to Metro. As I testified before you last Thursday, your decision in this matter is precedent-setting and very important. An extension of time will give Board members more time to become familiar with the applicable law. An extension will also allow the matter to be heard by the full Board. Given the importance and precedent-setting nature of this application, I believe the interests of my client and future applicants seeking annexation to Metro are best met by having all Board members present for the discussion and vote. Accordingly, I request the two week extension.

Thank you for your attention to this matter.

Very truly yours,


Mark J. Greenfield

cc: Deb Bogsted
Thomas Sponsler
Daniel Cooper
Ken Martin
Jim Standring

CLERK OF
COUNTY COMMISSIONERS
99 APR 27 PM 4:37
MULTNOMAH COUNTY
OREGON

APRIL 29, 1999

Submitted to Clerk,
Prior to Start of
4/29/99 Board Meeting

TESTIMONY IN OPPOSITION

MU-0199

**LAST WEEK, YOU HEARD FROM NEIGHBORS OF THE
SUBJECT LAND PROVIDE TESTIMONY ABOUT
ANTICIPATED NEGATIVE IMPACTS OF MU-0199 ANNEXATION
TO METRO AND THE SUBSEQUENT DEVELOPMENT PLANS:
LOSS OF A RE-CHARGE ZONE AND DIMINUTION OF A LONG
STANDING AND VALUABLE WATERSHED; ROAD SAFETY;
TRAFFIC DENSITY; RURAL CHARACTER ;FISH AND
WILDLIFE; CROP FIRE; SCHOOL CAPACITY.**

**WE MAINTAIN THESE CONCERNS, AND UNDERSTAND THAT
YOU ARE NOT THE ENTITY TO ADDRESS THOSE ISSUES AT
THIS TIME.**

**HOWEVER, WE CONSIDER THAT YOU SHOULD ADDRESS
SEVERAL ISSUES RELATED TO THIS PROPOSAL BEFORE YOU.**

ANNEXATION WITHOUT REPRESENTATION

The Helvetia Community is outside of your jurisdiction. We do not vote for you nor should you make decisions that bear on our lives. I understand that additional METRO annexation proposals will be coming to you from Clackamas and Washington Counties. It is inappropriate for Multnomah County to decide on these. Has there been an Attorney General's opinion rendered on this **"annexation without representation"**?

THE SELECTIVITY OF THE STATE LAW THAT PUTS THIS AND PENDING ANNEXATIONS MATTERS BEFORE YOU

We understand that , currently, and in the entire State of Oregon, METRO is the only multi-county regional governing body that the current law will bear on. Legislation is pending that might give this boundary review authority to METRO. We do vote for METRO representatives in Helvetia. METRO is required to manage its hearings under specific rules of notification and procedure , and perhaps offer the depth of assessment that this proposed boundary change requires. The selectivity of this law, and the window of time that it will be active, taken with the this community's lack of representation, constitutes an abridgment of the rights of area residents. Your concern for Multnomah County liability associated with inaction on the applicants proposal should be also coupled with concern for Multnomah County liability associated with the possible future impacts on the effected community, outside of your jurisdiction.

THE GERRYMANDERING BOUNDARY CHANGE OF HELVETIA ROAD RIGHT-OF-WAY, INAPPROPRIATELY FACILITATES THIS PROPOSAL

We are of the understanding that when METRO originally took testimony on urban reserve status for this land, the gerrymandering of the Helvetia Road right-of-way was not then a part of the proposal. This change is

subsequent to that, has not received appropriate notice and hearing and should not be lumped into MU-0199, to facilitate its annexation to METRO.

Are Multomah County Commissioners familiar with the Citizen Participation Organization system of communities that operate in Washington County? Are you familiar with the Neighborhood Meetings required of those proposing land use changes in Washington County? Alpha Engineering presented the MU-0199 development concept to CPO-8 on March 9th: what was the feedback Alpha Engineering received? Alpha Engineering presented to a Neighborhood Meeting subsequent to this. What was the feedback they received?

HELVETIA COMMUNITY ASSOCIATION

Robert Bailey
Helvetia Community Association

April 21, 1999

**CITY OF HILLSBORO
NOTICE OF PUBLIC HEARING
HCP 1-99: URA 62/63**

NOTICE IS HEREBY GIVEN that a public hearing will held before the Hillsboro Planning Commission, at or shortly after 7:00 p.m., on Wednesday, May 12, 1999, in the Shirley Huffman Auditorium of the Public Services Building, 155 North First Avenue, Hillsboro. At this meeting, the Planning Commission will consider a request for approval of a minor Comprehensive Plan Land Use Map change affecting approximately 28 acres of property located outside the Metro Urban Growth Boundary (UGB), but covered by a City-Washington County Memorandum of Understanding (MOU) delegating County planning authority over the site to the City of Hillsboro. The owner of the property is Jim Standing, Managing Partner of Standing Investment, LLC. The authorized agent making application for the Plan change is Thomas McConnell of Alpha Engineering.

The purpose of the proposed plan change is to assign Hillsboro Comprehensive Plan Map designations to the site that would allow future urbanization in a manner consistent with an Urban Reserve Concept Plan for the site presently under consideration by the Metro Council. The site was approved for future inclusion into the UGB by Metro Resolution No. 98-2729C and awaits actual inclusion into the UGB pending annexation to the Metro District. The site of the proposed Plan change is known as Urban Reserve Area (URA) 62 (North) and URA 63 (please refer to attached maps).

The proposed City Comprehensive Plan Map designations for the site are High Density Residential, Medium Density Residential, and Commercial. Current County Plan and County Zoning designations on the site are Exclusive Farm Use (EFU).

The site of the proposed Plan change is generally located at the northwest corner of the Highway 26/NW Helvetia Road interchange, and north of NW Groveland Drive. The property can be specifically identified as portions of Tax Lots 900 and 901 on Washington County Tax Assessor's Map 1N2-15 (please refer to the attached maps).

The criteria for approval of a minor Comprehensive Plan Map change are listed in the Planning and Citizen Involvement section of the Hillsboro Comprehensive Plan, Ordinance No. 2793, subsection (IV) as follows:

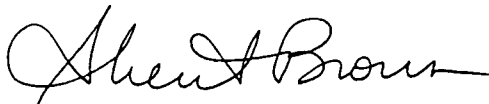
An applicant for a Plan amendment shall show: 1) that the property is better suited for uses proposed than for the uses for which the property is currently designated by the Plan; and, 2) that a need exists for the proposed Plan Map designation that is not already met by existing Plan Map designations in the general area.

The staff report on this matter will be available on Tuesday, May 4, 1999, at 4:00 p.m. The staff report, the application and all documents and evidence relied upon by the applicant, and the applicable criteria are available for public inspection at no cost or can be provided at reasonable cost. Materials can be reviewed from 8:00 a.m. to 5:00 p.m. weekdays, excluding holidays, in the Planning Department at the City Hall Offices, 123 West Main Street, Suite 250, Hillsboro, 97123. Information may also be obtained by calling Valerie Counts in the Planning Department at 681-6230.

All interested persons are invited to attend this meeting and will be given an opportunity to be heard concerning the proposal. Oral testimony will be taken in the following order: applicant; other proponents; opponents; and applicant's rebuttal. Oral testimony should avoid repetition of issues, and should be based on the application or on the approval criteria listed above. ORS 197.763 provides that under certain circumstances, the record may remain open or a continuance may be granted upon the request of a participant. If you are unable to attend the hearing, you may submit a written statement to the Planning Director on or before the hearing date. Telephone conversations cannot be accepted as testimony.

Pursuant to ORS 197.763, failure to raise an issue at the final evidentiary hearing, or by close of the record, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

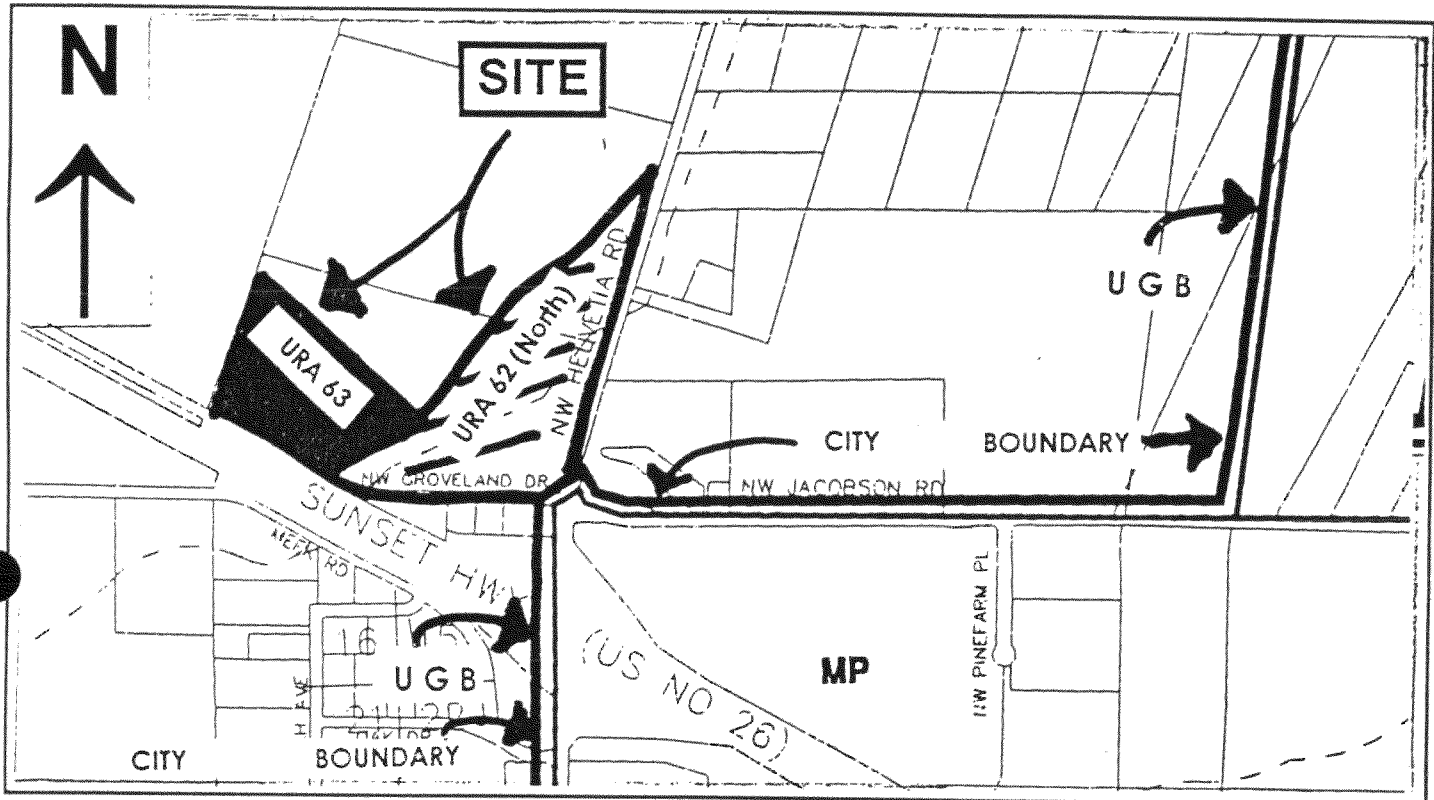
CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in cursive script, appearing to read "Sheril Brown".

Sheril Brown
Deputy City Recorder

HCP 1-99: URA 62/63

Request for a Minor Comprehensive Plan Map Change to assign City designations of Medium Density Residential, High Density Residential and Commercial to a 28- acre Urban Reserve site proposed to be included within the Urban Growth Boundary pending annexation to the Metro District

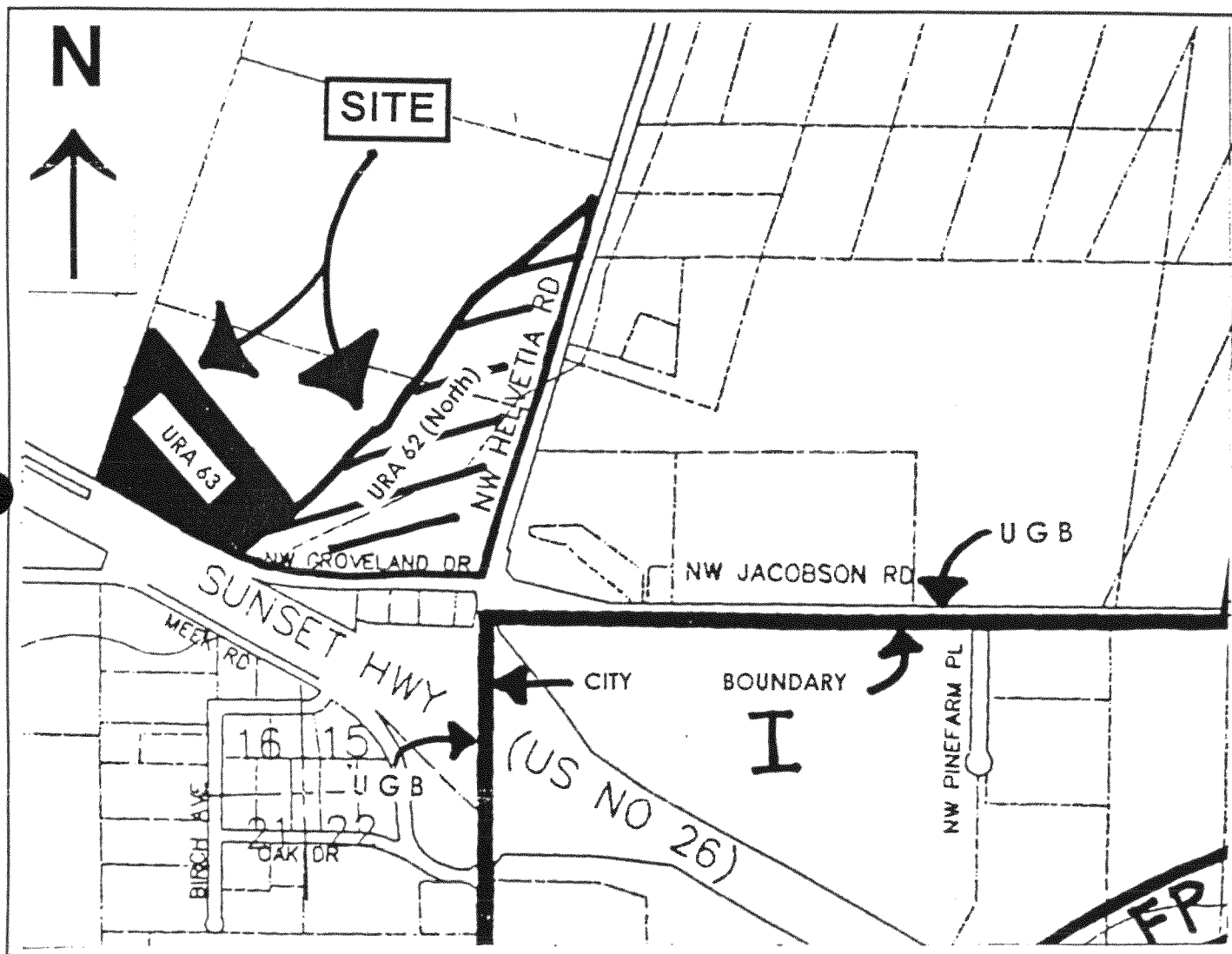


City of Hillsboro Zoning Designations

| | | |
|--|----------------------------------|---------------------------------|
| R-6 Single Family Residential | R-8.5 Single Family Residential | A-1 Duplex Residential |
| R-7 Single Family Residential | R - 10 Single Family Residential | A-2 Multi-Family Residential |
| SCC-SC Station Community Commercial - Station Commercial | | A-3 Multi-Family Residential |
| SCC-MM Station Community Commercial - Multi-Modal | | A-4 Multi-Family Residential |
| SCC-CBD Station Community Commercial - Central Business District | | C-1 General Commercial |
| SCC-HOD Station Community Commercial - Highway Oriented District | | C-2 Central Commercial |
| SCBP Station Community Business Park | | C-4 Neighborhood Commercial |
| SCR-P Station Community Research Park | | C-F Fairgrounds Commercial |
| SCI Station Community Industrial | | PUD Planned Unit Development |
| SCR-HD Station Community Residential - High Density | | M-2 Industrial |
| SCR-MD Station Community Residential - Medium Density | | M-P Industrial Park |
| SCR-LD Station Community Residential - Low Density | | SID Special Industrial District |
| SCR-V Station Community Residential - Village | | T Trailer Park |
| SCFI Station Community Fair Complex Institutional | | CO Unincorporated County |
| SCR-OTC Station Community Residential - Orenco Townsite Conservation Overlay | | |
| SCR-DCO Station Community Residential - Downtown Conservation Overlay | | |

HCP 1-99: URA 62/63

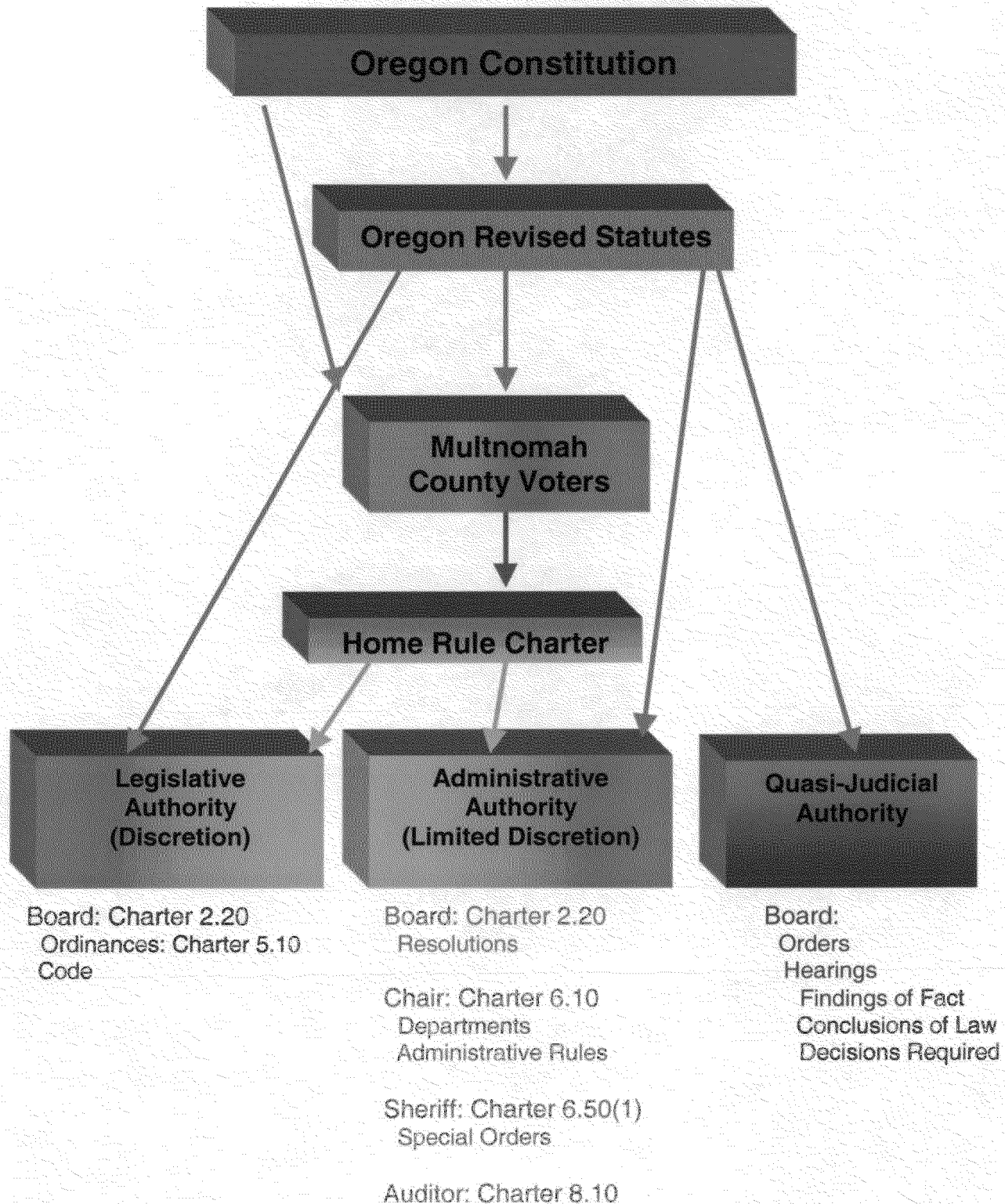
Request for a Minor Comprehensive Plan Map Change to assign City designations of Medium Density Residential, High Density Residential and Commercial to a 28- acre Urban Reserve site proposed to be included within the Urban Growth Boundary pending annexation to the Metro District



City of Hillsboro Comprehensive Plan Designations

| | |
|---|----------------------|
| RL – Low Density Residential (3-6 units per acre) | C – Commercial |
| RM – Medium Density Residential (7-12 units per acre) | I – Industrial |
| RH – High Density Residential (13-20 units per acre) | PF – Public Facility |
| RMR – Mid-Rise Residential (21-30 units per acre) | OS – Open Space |
| SCPA – Station Community Planning Area | FP – Floodplain |

MULTNOMAH COUNTY LEGAL AUTHORITY





BCC ✓
R-7
5/13/99

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 MAY 12 PM 5:23

May 12, 1999

Chairperson Beverly Stein
Multnomah County Board of Commissioners
County Courthouse
1120 SW Fifth Avenue, Suite 1515
Portland, OR 97204

Re: Proposed Annexation to Metro Boundary of Standing Property

Dear Chair Stein and Board Members:

Before the Board on May 13 will be a request to expand the jurisdictional boundary of Metro to include approximately 18 acres of land zoned for exclusive farm use, owned by Mr. Jim Standing and located at Highway 26 near Shute Road. This area was designated as an urban reserve by Metro, and is also referred to as Urban reserve Study Area no. 62/63, or "URSA 62/63."

1000 Friends of Oregon opposes this proposed annexation, and urges you to deny it. We, as well as others, appealed Metro's urban reserve decision to the Land Use Board of Appeals (LUBA), including URSA 62/63. LUBA found error in Metro's decision, and remanded it to Metro. LUBA's decision is on appeal to the Court of Appeals. Until the appellate process is complete, it is not known whether URSA 62/63 will retain its urban reserve designation. We believe it is premature for Metro's jurisdictional boundary to expand, based on the premise that this land is an urban reserve, when, in fact, this area may well not survive the appeal.

Thank you for consideration of our comments.

Sincerely,

Mary Kyle McCurdy

Mary Kyle McCurdy
Staff Attorney
Urban Growth Management Program

May 13, 1999

BOARD OF
COUNTY COMMISSIONERS

99 MAY 13 AM 8:15

MULTNOMAH COUNTY
OREGON

HELVETIA COMMUNITY ASSOCIATION

Multnomah County Board of County Commissioners

RE: MU-0199: Public Hearing and Consideration of an Order Approving the Annexation of Territory to Metro (Boundary Change Proposal No. MU-0199 Annexing Property within Washington County to Metro

The Helvetia Community Association and area neighbors remain strongly opposed to the annexation of this territory to Metro, the potential annexation of the territory to The City of Hillsboro, and potential subsequent development of this property into medium and high density housing.

We have made the range of our concerns known through earlier testimony to the Commission. We summarize again: 1) this territory contains Waibel Creek, an invaluable watershed and re-charge zone for the plains and highlands to the North, and Northeast, draining significant tracts of tiled farmlands; 2) development of this kind here would demolish the existing transition between urban and rural lands, creating a "hard edge" conflicts between existing agriculture and rural activities and urban activity; 3) development would create "attractive nuisances" to the country road and to the periodically tinder dry farm crops; 4) the development concept plan is out of character with the surrounding rural community; 5) the developers concept plan has not taken into account issues of water, the movement of farm machinery, and the multiple conflicts that would result from the lack of transition between agricultural use and urbanization.


Public notice to this hearing is suspect. While you are following your existing procedure, posting a small notice on a tree in a forest where people drive by on average at 50 m.p.h., does not constitute visibility of notice.

When dealing with the low density of farmlands and rural properties, mailed notice to only those within 500 feet of the territory is at stark odds with the many residents and farms that could stand to be adversely effected by any decision to annex this territory to Metro. We propose that when dealing with matters effecting rural and agricultural lands, a much broader public notice should become required.

We continue to voice our concern re: "annexation without representation". We understand the chronology of variables that has put this ball in your court. We think, however, that it remains inappropriate for Multnomah County to be considering this matter when you have no democratic relationship to those that stand to be adversely affected. We understand that Metro is readying a resolution that would set over this annexation considerations until legislation creates a proper auspices.

At The City of Hillsboro annexation hearing of May 12th, 1999, consideration of annexing this territory to The City of Hillsboro was nearly tabled altogether. The public hearing was continued til June 9th. Mr. Greenfield and Alpha Engineering were sent back to their drawing boards to better assess the impacts to agriculture, farm machinery, the watershed, and the demolition of the urban-rural transition. The city commissioners sent city staff back to their drawing boards with the questions: should we be investing our time and resources with a territory with such obvious development obstacles and impacts, and with a concept plan that has not taken into account so many basic issues.

We appeal to you again: do not take the action to annex this territory to Metro. The affected community has not been given adequate public notice, your annexation would constitute annexation without representation, and legislation is pending that would create a democratic auspices for the decision making process.

Robert Bailey 
Helvetia Community Association
7455 N.W. Helvetia Road
Hillsboro, Oregon 97124
647-0067

BOARD OF
COUNTY COMMISSIONERS

99 MAY 13 AM 8:15

May 12, 1999

To Whom It May Concern:

On behalf of the West Union Garden Club we would like to express grave concern over the proposed developments in our area. Firstly, the proposed high density, medium density and commercial development proposed at the corner of Helvetia Road and Groveland Road.

This is the entrance to our rural community. Those of us that settled here did so because we do value the farmland, the small rural school, the rural roads. We have seen the parcel of land under water when it's flooded and realize it is vital to the adjacent farmland as a watershed or recharge zone.

We do not welcome hundreds of new homes, increasing traffic on Helvetia Road and further congesting the Shute Road overpass. We believe planners need to be looking more closely at land within the Urban Growth Boundary already, and not be encroaching into this reserve.

Further, we understand the Heritage Baptist Church proposes to build a sanctuary and education center on Helvetia Road. Yet, as we understand it, not a single parishioner comes from this area. They have not even spoken with the existing Baptist Church---just a short distance---on West Union Road. The traffic after services in this new church that would pour out onto Helvetia Road from Pubols Road (only a privately maintained gravel road) could present a considerable hazard.

Thirdly, we have heard that Baker Affordable Homes would like to build a senior residential community called "Elderquest" on 52 acres near the junction of Helvetia Road and Jacobsen Road, wrapping behind the trailer park. This proposal includes a Lutheran Church. This land is not within the Urban Growth Boundary and should not be looked at for possible expansion.

Many of us have been settled in this area for a long time, having raised our children here, and plan to live here through our retirement. Please take into consideration the integrity of the surrounding West Union Community before agreeing to allow such building to occur.

Sincerely,

Jan Tomberg
West Union Garden Club President

Please see attached a list of our members who together oppose these proposed developments.

West Union Garden Club Members Supporting This Letter:

Marie Alberding
11268 NW Valley Vista Rd.
Hillsboro, Oregon 97124-8142

Inga Albin
27985 NW Dorland Rd.
Hillsboro, Oregon 97124-9100

Patti Bailey
7455 NW Helvetia Rd.
Hillsboro, Oregon 97124-8539

Linda deBoer
11995 NW Dick Rd.
Hillsboro, Oregon 97124-8114

Loise Fowler
581 SE 28th Place
Hillsboro, Oregon 97123-7301

Brenda Gardner
9880 NW Bidwell Rd.
Hillsboro, Oregon 97124-9347

Thelma Greene
1930 SE 75th Ct.
Hillsboro, Oregon 97123

Laurine Grossen
23678 NW Grossen Dr.
Hillsboro, Oregon 97124-8149

Ruth Gordon
16545 NW Germantown Rd.
Portland, Oregon 97231

Lillie Grossen
9353 NW Helvetia Rd.
Hillsboro, Oregon 97124-8542

Betsy King
7995 NW 185th Ave.
Portland, Oregon 97231-9204

Nancy Middleton
13467 NW Mason Hill Rd.
Hillsboro, Oregon 97124-8101

Ella Mae Pearlman
10200 NW Helvetia Rd.
Hillsboro, Oregon 97124-8115

Judy Peterson
16505 NW Mason Hill Rd.
Hillsboro, Oregon 97124-8153

Bonnie Rosatti
763 NE Sunrise Ln.
Hillsboro, Oregon 97124-2413

Burnadette Solano
10301 NW Helvetia Rd.
Hillsboro, Oregon 97124

Kathy Springer
3111 NE 13th Place
Hillsboro, Oregon 97124

Phyllis Thomas
13150 NW Mason Hill Rd.
Hillsboro, Oregon 97124-8101

Veronica Todd
13865 NW Jackson Quarry Rd.
Hillsboro Oregon 97124-8122

Jan Tomberg
Rt. 1 Box 624
Hillsboro, Oregon 97124-8148

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-81

Approving the annexation of territory to Metro.

The Multnomah County Board of Commissioners Finds:

- (a) A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.
- (b) A staff report which addressed factors mandated in the Metro Code was presented to the Board 30 days prior to the hearing as required by the Metro Code.
- (c) A public hearing was held before the Board of County Commissioners on April 22 and May 13 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

- 1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. MU-0199 is approved as modified.
- 2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Metro.
- 3. The staff is directed to file this document with the required parties.

ADOPTED this 13th day of May, 1999.



Reviewed:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

by Jeffrey B. Litwak
Jeffrey B. Litwak, Assistant County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 29 acres, 4 single family residences, a population of 6 and is evaluated at \$765,100.
2. The applicant desires annexation in order to pursue inclusion in the regional Urban Growth Boundary and ultimately development of the property. This property was included in an urban reserve area and has been provisionally included in the UGB. However, Metro cannot take official action on the UGB amendment until the property is within the Metro jurisdictional boundary.
3. As submitted the proposed annexation is not contiguous to the Metro boundary because Helvetia Road is not within the boundary. Contiguity is not required by the statutes or Metro Code. However, assuming this property is later annexed to Hillsboro to acquire services to facilitate development, a situation will be created where road r-o-w will be within the City but not within Metro. This will require the County Assessor's office to maintain a separate tax code area just for the right-of-way.
4. The land slopes gently toward Waibel Gulch which crosses the property from northeast to southwest. There are trees (mostly oak & other deciduous types) on the western and eastern portions of the property with open agricultural land between on both sides of the swale. Agricultural land lies to the north and west with agricultural/industrial land to the east and Highway 26 on the south. The four residences lie on the west side of TL 900.
5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).

Metro was required by state law to designate areas outside its boundary which would be suitable for supplying a 10-30 year supply of developable land beyond the 20 year supply within the boundary. The area was included within an "urban reserve study area" in 1995 (by Metro Resolution 95-2244). Further study and action by the Metro Council in March of 1997 resulted in designation of this territory as an "urban reserve area" (URA).

Additionally Metro was required to inventory buildable lands within the existing UGB and analyze the adequacy of the supply by January 1, 1998. If the supply was found wanting Metro was required to accommodate one half of the mandated 20 year supply inside the UGB within one year of completion of the analysis - in other words, by January 1, 1998. They were given two years to accommodate the entire 20 year buildable lands supply within the UGB (that is, by January 1, 1999).

Metro completed the required analysis, determined that they needed to expand the

UGB and did so by bringing into the UGB (by ordinance or provisionally by resolution) certain lands in the identified Urban Reserve Areas. This action was taken in December, 1998 and the territory to be annexed to Metro in the current proposal was included. The URA's had been identified by numbers, in this case Numbers 62 & 63.

Thus the status of the territory to be annexed is that it is provisionally approved for inclusion in the regional Urban Growth Boundary pending approval of its inclusion in Metro's jurisdictional boundary.

6. The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept. Each of these elements of the Regional Framework Plan is discussed below.
7. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

8. The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan does not contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives) including one titled "Urban/Rural Transition" (p. 32, RFP). This policy states there should be a clear transition between urban and rural land. The policy then goes on to list some factors to be considered when determining where the break should be between urban and rural lands. It also gives guidance for determining which areas should be included in "urban reserves."

The property under consideration in the current boundary change proposal is clearly in

a transition mode. However, this policy speaks to the larger issues of deciding what areas should be included in urban reserves and ultimately the UGB. The policy does not give direction on the more specific notion of annexation into the Metro jurisdictional boundary which includes both rural and urban lands.

Chapter 1 also contains a policy on the Urban Growth Boundary (pp. 33-34). This policy, like the previous one, addresses issues of changing the UGB but does not speak to the changing of the District's jurisdictional boundary. This policy does lay out the details of a requirement that conceptual land use plans must be done for urban reserve areas prior to their being considered for inclusion in the Urban Growth Boundary. These requirements are also formalized in the Metro Code (Chapter 3.01). These requirements of an urban reserve plan are not directly related to the current proposal. However it can be noted that the applicant met these requirements through submission to the Metro Council as a part of the process of having this territory provisionally approved for inclusion in the UGB.

Policy 1.12 of Chapter 1 calls for protection of agricultural and resource lands outside the UGB. The goal goes on to say that:

Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter does not contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter does not contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter does not contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not

include any specific applicable criteria relative to boundary changes.

9. The territory to be annexed is currently outside the regional Urban Growth Boundary and therefore subject to Washington County's Rural and Natural Resources Plan. However, since Metro has provisionally decided it should be placed within the UGB where it would fall under the County's Comprehensive Framework Plan For The Urban Area, both plans were examined.

In the GENERAL element of the Plan the Intergovernmental Coordination Policy calls for the County to "effectively coordinate its planning and development efforts with . . . other local governments and special districts." 3.1.11, Intergovernmental Coordination Policy No. 3. The summary of that section notes that " . . . the specific responsibilities of cities and special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan." To the extent that boundary changes to cities and districts can be considered to be "plans and programs" it could be asserted that such boundary changes need to be consistent with the plan.

One of the implementing strategies of this element calls for establishment and maintenance of Urban Planning Area Agreements (UPAA's) between the cities and the County. These documents are to aid in the coordination between the County and cities on land use planning and development matters. These documents may contain guidelines relative to boundary changes and if so, by virtue of this element, they would need to be considered when reviewing compliance of a boundary change with the Comprehensive Framework Plan.

In the URBANIZATION element of the Plan under the subheading "Reasons for Growth" (3.3.1), Policy 13 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH A GROWTH
MANAGEMENT SYSTEM FOR THE UNINCORPORATED AREAS WITHIN
THE UGB WHICH PROMOTES:

- (1) EFFICIENT, ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES;
- (2) INFILL DEVELOPMENT IN ESTABLISHED AREAS WHILE PRESERVING EXISTING NEIGHBORHOOD CHARACTER;
- (3) DEVELOPMENT NEAR OR CONTIGUOUS TO EXISTING URBAN DEVELOPMENT WHERE SERVICES AREA AVAILABLE;
- (4) PARCELIZATION OF LAND SUCH THAT FUTURE DEVELOPMENT AT URBAN DENSITIES CAN TAKE PLACE;

- (5) DEVELOPMENT WHICH IS COMPATIBLE WITH EXISTING LAND USES;
- (6) AGRICULTURAL USE OF AGRICULTURAL LAND UNTIL SERVICES ARE AVAILABLE TO ALLOW DEVELOPMENT;
- (7) DEVELOPMENT IN CONCERT WITH ADOPTED COMMUNITY PLANS; AND
- (8) UTILIZATION OF THE EXISTING CAPITAL INFRASTRUCTURE.

Policy 14, under the subheading of Managing Growth, says:

IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH ON UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.

Policy 15 of the URBANIZATION element, under the subheading "Roles and Responsibilities for Servicing Growth," states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH SERVICE PROVIDERS, INCLUDING CITIES AND SPECIAL DISTRICTS, AND THE PORTLAND METROPOLITAN AREA BOUNDARY COMMISSION, TO INSURE THAT FACILITIES AND SERVICES REQUIRED FOR GROWTH WILL BE PROVIDED WHEN NEEDED BY THE AGENCY OR AGENCIES BEST ABLE TO DO SO IN A COST EFFECTIVE AND EFFICIENT MANNER.

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning;
- b. Continue to provide the following facilities and services as resources permit:

| | |
|-------------------------------|---------------------------|
| Public Health | County-wide |
| Sheriff Patrol | County-wide (limited) |
| Assessment and Taxation | County-wide |
| Land Development Regulations | Unincorporated Areas Only |
| Solid Waste Collection System | Unincorporated Areas Only |
| Management (franchising) | |

Solid Waste Disposal
Outside UGB
Cooperative Library System
Records and Elections

Unincorporated Areas
County-wide
County-wide

- c. Establish a coordination system with all cities, special districts and private companies that now or will provide services in the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:
- 1) Sanitary sewage collection and treatment,
 - 2) Drainage management,
 - 3) Fire protection,
 - 4) Water distribution and storage,
 - 5) Schools,
 - 6) Libraries,
 - 7) Utilities (electricity, telephone and cable communications, natural gas, etc.),
 - 8) Solid waste disposal,
 - 9) Roads and transportation facilities,
 - 10) Parks and recreation facilities,
 - 11) Police, and
 - 12) Transit;
- d. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
- 1) Process for review of development proposals,
 - 2) Process for review of proposed service extension or facility expansion,
 - 3) Service district or city annexation,
 - 4) Planning of service extensions, new facilities, or facility expansions,
 - 5) Procedures for amending the agreement,
 - 6) Methods to be used to finance service and or facility improvements, operation and maintenance,
 - 7) Standards to be used by the County and the service provider in assessing "adequate" service levels,
 - 8) Area or clientele to be served now and in the future,
 - 9) Consistency with Plan policies and strategies,
 - 10) Coordination of capital improvements programs, and
 - 11) Cost effectiveness of service provision;

- e. Not oppose proposed annexations which are in accord with an Urban Planning Area Agreement (UPAA);
- f. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during renegotiation of Urban Planning Area Agreements;
- g. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city; and
- h. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.

The PUBLIC FACILITIES AND SERVICES element of the Washington County Comprehensive Framework Plan contains several policies which potentially relate to boundary changes.

Under the subheading "Sanitary Sewage Collection and Treatment" Policy 25 calls for all areas within the UGB to be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan, wherever feasible.

Policy 26 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT ALL RESIDENCES AND BUSINESS BE SERVED WITH AN ADEQUATE SUPPLY OF POTABLE WATER FOR CONSUMPTION AND FIRE SUPPRESSION PURPOSES.

Policy 27 covers drainage by saying that drainage should be managed through a system of coordinated activities of the county and other local government agencies. This approach has been refined through creation a surface water element of the Unified Sewerage Agency.

Policy 31 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK CLOSELY WITH APPROPRIATE SERVICE PROVIDERS TO ASSURE THAT ALL AREAS OF THE COUNTY CONTINUE TO BE SERVED WITH AN ADEQUATE LEVEL OF POLICE AND FIRE PROTECTION.

The RECREATION element of the Comprehensive Framework Plan contains several subheadings and various policies. Under the subheading "Quantity and Quality of Recreation Facilities and Services," Policy 33 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT RESIDENTS OF ITS UNINCORPORATED AREAS ARE PROVIDED WITH ADEQUATE OPEN SPACE AND PARK FACILITIES AND SERVICES.

The **County Resource Document** is the second component of the Washington County Comprehensive Plan. The Resource Document contains information on the County's natural and cultural resources. This is the basic inventory of information on which all comprehensive plans depend. Nothing in this document relates specifically to annexation.

The third component of the Plan is the **Rural\Natural Resource Element**. "The Rural\Natural Resources element of the Washington County Comprehensive Plan provides the framework for guiding future land use decisions in Washington County in areas outside the established urban growth boundaries." (Side 1, Rural Natural Resources Element)

The Rural\Natural Resources Plan is broken down into "policies" which contain "implementing strategies." Policy 1 describes the planning process including amendment procedures. Of interest in the implementing strategies section of this policy is the statement that the County will "Comply with procedures established by the Metropolitan Service District [Metro] for requesting amendments to the regional Urban Growth Boundary." (Section j. of Policy 1)

Policy 2 states the County's commitment to citizen involvement in all facets of the planning process. While this annexation may be considered to be at best tangentially related to the County planning process, it is noted that extensive notice inviting citizen involvement was given. This included affected local governments, surrounding property owners and CPO # 8.

Plan Policy 3, Intergovernmental Coordination, calls on the County to:

- a. "Coordinate planning activities with appropriate federal, state, regional and local government units, and with affected special districts by:

- (1) Providing affected agencies with information on proposed land use actions for review and comment.
- (3) Notifying affected agencies of time limits for responses to proposed land use actions; and consider that no response within the given time means concurrence with the proposal.

b. Establish and maintain "Planning Area Agreements" with cities.

County Plan Policies 6 (Water Resources), 10 (Fish and Wildlife Habitat) and 11 (Significant Natural Resources) are identified with overlays on the Rural\Natural Resources Plan. The drainageway which runs through and forms part of the boundary of the territory to be annexed is identified as "Water Areas And Wetlands & Fish And Wildlife Habitat." The County strives to protect these areas with regulations limiting development and alteration of the natural vegetation.

Policy 14 establishes nine plan designations for the rural\natural resource area. This territory is designated Exclusive Farm Use (EFU). Policies and implementing strategies relating to EFU are contained Policy 15. Policy 15 does note that exceptions to the policy of maintaining these lands in agricultural use can be allowed pursuant to LCDC Goals, Rules and the County Plan amendment process.

Policy 22, the Public Facilities and Services policy, says public facilities in rural\natural resource areas should be limited to what is necessary for maintaining rural type development.

The last policy in the Rural\Natural Resource Plan is Policy 27, Urbanization. This policy says Washington County intends to provide for urban uses within urban growth boundaries. It says:

The County will:

...

- b. Cooperate with the Metropolitan Service District [Metro] in the establishment and maintenance of the Regional Urban Growth Boundary

The fourth element of Washington County Comprehensive Plan is the **Community Plans & Background Document**. The area being proposed for annexation to Metro is not covered by a Washington County community plan.

The last three elements of the County Comprehensive Plan are the **Community Development Code** [zoning ordinance], the **Transportation Plan** and the **Unified Capitol Improvement Program**. These elements do not contain any specific directly applicable standards or criteria for boundary changes.

10. In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and county-wide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

11. Since this territory has been outside the regional Urban Growth Boundary it is not within a dual interest area covered by a City/County urban growth management agreement.

12. This territory is not covered by the Hillsboro Comprehensive Plan.

As a part of the Urban Growth Boundary adjustment process the City of Hillsboro and Washington County were required to enter into an intergovernmental agreement relative to the preparation of urban reserve plans. This document lays out the roles of the City and the County in preparing the urban reserve area plans which must precede any actual changes in the Urban Growth Boundary.

13. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

14. No urban services are currently available to this site. The territory is not yet within the regional urban growth boundary. Annexation to Metro will not alter this situation. Only after the territory is within the Metro jurisdictional boundary can it be included within the UGB. Annexation to Metro would not make urban services available because the services which Metro offers are not what would generally be described as *urban services*. After annexation to Metro and after successful inclusion of the property within the UGB, the availability of urban services will be addressed through annexation to a city and/or special districts capable of providing those services.

15. This territory lies within Washington County Rural Fire Protection District No. 2. This District contracts with the City of Hillsboro for fire protection service within the urban portions of the District. The City is developing a station at 229th and Evergreen Parkway within two miles of this site.

Hillsboro Unified School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

All other services are provided generally at a rural level by Washington County. This

includes police protection, transportation, tax collection, etc.

16. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of identifying urban reserve areas and determining which parcels are currently appropriate for inclusion in the UGB. Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt. For the 1998-99 fiscal year the Zoo operating levy was \$.0966 per \$1,000 assessed value (A.V.) and the bonded debt levies were a combined \$.2676 for a total tax levy of \$.3642 per \$1,000 A.V.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission determined:

1. The proposed annexation should be modified to include the rights of way of Helvetia Road and Groveland Drive which lie adjacent to the territory to be annexed. The Board notes that ORS 198.805 obligates them to consider whether the boundary of the proposal should be modified. While contiguity is not required for annexations to Metro, it may be required or necessary for subsequent annexation to a city. The Board recognizes that annexation to a city will occur in the future in order to access urban services to facilitate development. When the entire property and the adjacent right-of-way are in the City, if the right-of-way were not in Metro, the Assessor's office would have to show a separate tax code area for the street. In order to avoid this small complication the Board chooses to include the entire adjacent rights-of-way at this time.
2. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans" To the very limited extent that any directly applicable standards and criteria can be identified, the Board finds its decision to approve this annexation is consistent with them. There are no directly applicable criteria in Metro's only adopted functional plan, the Urban Growth Management Functional Plan. This Plan requires that cities and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to

annexation to a District which does not provide any services that directly facilitate development. The Functional Plan also lays out requirements for additions to the regional Urban Growth Boundary but these requirements do not affect annexations to the district. Metro includes both urban and non-urban lands and changes to its boundary may or may not result in subsequent changes in the urban growth boundary.

The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Board notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days prior to the hearing; 2) mailed notice to necessary parties 45 days prior; 3) two published notices in the Hillsboro Argus newspaper; 4) notice by first class mail to every property owner within 500 feet and notice to the affected community planning organization (CPO # 8). The Board concludes this hearing and notice is consistent with this section of the Regional Framework Plan.

3. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Policy 1 of the Rural\Natural Resources Element of the County Comprehensive Plan notes that the County will comply with the procedures established by Metro for changing the UGB. To the extent that the County did participate in the process of [provisionally] changing the UGB in this area the Board finds its decision consistent with this portion of the Plan.

Policy 2 of the Rural\Natural Resources Element states the County's commitment to citizen involvement. Given the public hearing and notice process described in No. 2 above, the Board finds consistency between its decision and this portion of the Plan.

Policy 22 of this element of the Plan says that the County will cooperate with Metro in establishment and maintenance of the UGB. To the extent that Washington County was involved in the recent [provisional] UGB change in this area, this section of the Plan and the Board's decision are consistent.

This area is not covered by any city-county urban planning area agreements. Therefore no consistency between this decision and those agreements is required.

4. The Metro Code also requires that these conclusions address consistency between this decision and any urban service agreements under ORS 195. As noted in Finding

No. 13 there are no ORS 195 agreements in place in this area. Therefore this criteria is inapplicable.

5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is that "The affected entity [Metro] can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others." The Board finds that mostly this criteria, also is inapplicable since Metro is not a provider of urban services. However, the Board does believe that the principal behind this criteria, adequacy of services, should be addressed. For the services which the affected district, Metro, does deliver, the Board finds they are adequate to serve this area. Those services and the financing thereof are covered in more detail in Finding No. 16.

**LEGAL DESCRIPTION
METRO**

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 15 AND THE EAST HALF OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE PROPERTY DESCRIBED IN DEED BOOK 333, PAGE 550 WITH THE NORTHERLY LINE OF SUNSET HIGHWAY (U.S. 26); THENCE ALONG SAID WEST LINE NORTH $17^{\circ}29'03''$ EAST, 670.00 FEET; THENCE LEAVING SAID LINE SOUTH $44^{\circ}16'00''$ EAST, 930 FEET MORE OR LESS TO THE CENTERLINE OF THE DRAINAGE WAY KNOWN AS WAIBLE GULCH; THENCE NORTHEASTERLY ALONG SAID CENTERLINE 1,380 FEET MORE OR LESS TO THE INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF HELVETIA ROAD (CO. ROAD NO. A-142); THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE NORTHERLY RIGHT-OF-WAY LINE OF N.W. GROVELAND ROAD; THENCE NORTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE AND THE NORTH LINE OF SUNSET HIGHWAY TO THE POINT OF BEGINNING.

AND INCLUDING THE RIGHT-OF-WAY OF N.W. GROVELAND DR. ADJACENT TO THE SOUTHERN BOUNDARY OF SAID PROPERTY AND THE RIGHT-OF-WAY OF N.W. HELVETIA ROAD ADJACENT TO THE EASTERN EDGE OF THE PROPERTY.

Proposal No. MU0199

SECTION 15 T1N R2W WM WASHINGTON COUNTY OREGON

SEE MAP
IN 2 16

901
39.37Ac.

C.S.No.12,482)

SOUTH
LINE

NORTH LINE
EDWARD CONSTABLE
DLC 71

AREA TO BE
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SE COR. J.W.
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PROPOSAL NO. MU-0199
METRO
FIGURE 2

16

15

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**LEGAL DESCRIPTION
METRO**

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 15 AND THE EAST HALF OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE PROPERTY DESCRIBED IN DEED BOOK 333, PAGE 550 WITH THE NORTHERLY LINE OF SUNSET HIGHWAY (U.S. 26); THENCE ALONG SAID WEST LINE NORTH $17^{\circ}29'03''$ EAST, 670.00 FEET; THENCE LEAVING SAID LINE SOUTH $44^{\circ}16'00''$ EAST, 930 FEET MORE OR LESS TO THE CENTERLINE OF THE DRAINAGE WAY KNOWN AS WAIBLE GULCH; THENCE NORTHEASTERLY ALONG SAID CENTERLINE 1,380 FEET MORE OR LESS TO THE INTERSECTION OF SAID CENTERLINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF HELVETIA ROAD (CO. ROAD NO. A-142); THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE NORTHERLY RIGHT-OF-WAY LINE OF N.W. GROVELAND ROAD; THENCE NORTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE AND THE NORTH LINE OF SUNSET HIGHWAY TO THE POINT OF BEGINNING.

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Proposal No. MU0199

SECTION 15 T1N R2W WM
WASHINGTON COUNTY OREGON

SEE MAP
IN 216

(C.S.No.12,482)

NORTH LINE
EDWARD CONSTABLE
DLC 71

AREA TO BE
ANNEXED

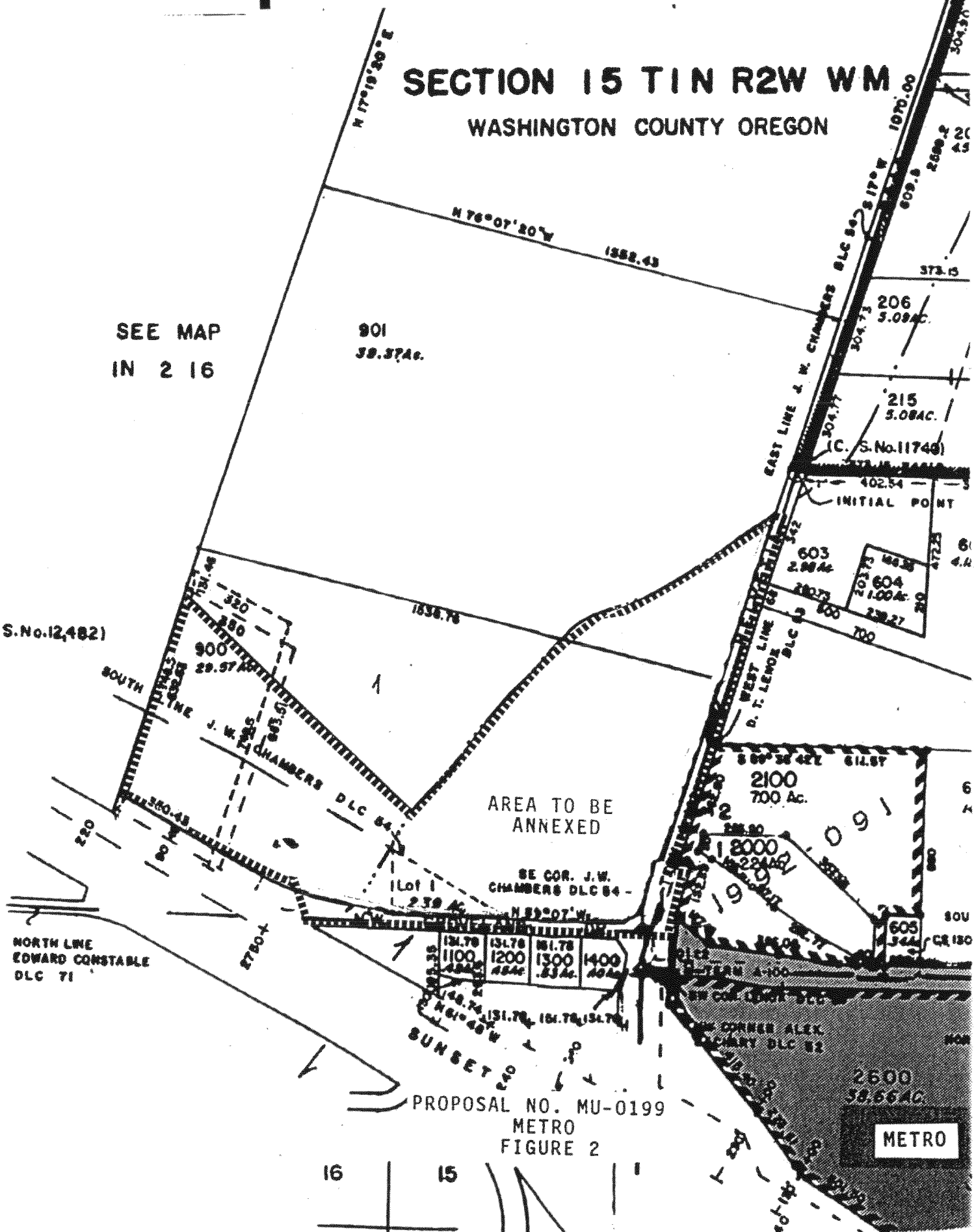
SE COR. J.W.
CHAMBERS DLC 84 -

PROPOSAL NO. MU-0199
METRO
FIGURE 2

METRO

16

15



#1

SPEAKER SIGN UP CARDS

DATE

5/13/99

NAME

Jeff Bachrach

ADDRESS

1727 NW Hoyt

Portland, Or. 97209

PHONE

222-4402

SPEAKING
TOPIC

ON AGENDA ITEM NUMBER OR
R-8 (MU-0299)

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 5/13/99

NAME Joe Grillo

ADDRESS PO Box 4755

Beaverton, OR

PHONE 526-2422

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC MU-0299 #R-8

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE May 13 1999

NAME

David Miller

ADDRESS

16415 NW Bruggers Rd

PHONE

614 8384

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC MU 0299 annexation

GIVE TO BOARD CLERK

R-B

#4

SPEAKER SIGN UP CARDS

DATE 5-13-99

NAME Gregory P. Malinowski

ADDRESS 13450 N.W. Springville Lane

Port OR 97229

PHONE 297-9398

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC UOB North of Springville

GIVE TO BOARD CLERK

R-B

#3/R-7

#5/R-8

SPEAKER SIGN UP CARDS

DATE May 13, 1999

NAME

Mary Kyle McCurdy

ADDRESS

534 SW 3rd Ave, Suite 300

Portland 97204

PHONE

497-1000

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-7 and R-8

GIVE TO BOARD CLERK

#6

SPEAKER SIGN UP CARDS

DATE

5/13/99

NAME

W.C. Cox

ADDRESS

0244 S. W. California St
Portland, OR 97219

PHONE

246-5499

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Boundary Proposal MU-0299

GIVE TO BOARD CLERK

- Notice of appearance

MEETING DATE: APR 29 1999
AGENDA NO: R-6
ESTIMATED START TIME: 10:15

(Above Space for Board Clerk's Use ONLY)

MAY 13 1999

AGENDA PLACEMENT FORM

R-8
10:15 am

SUBJECT: Boundary Change Proposal No. MU-0299, Annexation to Metro

BOARD BRIEFING: DATE REQUESTED:
REQUESTED BY:
AMOUNT OF TIME NEEDED:

REGULAR MEETING: DATE REQUESTED: April 29, 1999
AMOUNT OF TIME NEEDED: 15 Minutes

DEPARTMENT: DES **DIVISION:** Administration

CONTACT: Larry Nicholas **TELEPHONE #:** 83355
BLDG/ROOM #: 455/224

PERSON(S) MAKING PRESENTATION Ken Martin, Local Government Boundary Change Manager

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Boundary Change Proposal No. MU-0299, Annexation To Metro

5/13/99 COPIES TO KEN MARTIN & LARRY NICHOLAS

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: Larry E. Nicholas

BOARD OF
COUNTY COMMISSIONERS
99 APR 21 AM 9:29
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

TO: Board of County Commissioners

FROM: Dept. of Environmental Services - Local Government Boundary Office

Date: March 29, 1999

RE: Boundary Change Proposal No. MU-0299, Annexation to Metro

1. Recommendation/Action Requested: Approval With Modification
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: None (This annexation lies in Washington County. Its relationship to the Washington County Comprehensive Plan is covered in the attached staff report.)
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice in the County Courthouse 45 days prior to the hearing; 2) Publishing notice twice in the Valley Times; 3) Mailed notice sent to affected local governments, all property owners within 500 feet of the area to be annexed and to the affected neighborhood group (Wash. Co. CPO # 7).
8. Other Government Participation: None, except as noted above, possible participation in hearing

NOTES ON STAFF REPORT AND PROPOSED ORDER

Because the boundary review process is new, the following notes will be included with the first few proposals presented to the Board.

Legal Framework

The legal framework for review of boundary change proposals by the Board is composed of three parts. Oregon Revised Statutes Chapter 198 (ORS 198) lays out the general process including the minimum requirements for initiating a proposal, components of the initiating petition, notice requirements and timelines for processing and filing approved boundary changes. Some criteria for decision-making, particularly with regard to possible modifications, are specified in ORS 198.

Metro Code Chapter 3.09 provides additional, and generally speaking, more detailed rules and criteria for boundary change review. These rules and criteria are in addition to the ORS 198 requirements. Also these rules and criteria only apply to boundary changes (such as the current proposal) which are inside the Metro boundary or identified urban reserve areas. The Metro code calls for wider notice of hearings and decisions and longer periods of time between the notice and the event. The Code requires a staff report which addresses specific factors such as compliance with regional and local plans. Also mandated are approval orders with findings of fact and conclusions based on those facts. Finally the Metro Code sets up an appeal panel which may hear appeals of county decisions if those appeals are made by a necessary party. A necessary party is a unit of government which directly or indirectly delivers one of the following services to the area in the proposed boundary change: sewer, water, fire, parks\recreation\open space, roads and mass transit.

The third part of the legal framework for your review of boundary changes is Oregon Revised Statute Chapter 197, specifically ORS 197.763. While there could be exceptions, it is generally believed that most annexation decisions should be considered to be land use decisions. Thus to be on the safe side legally, the requirements for noticing and conducting local quasi-judicial land use hearings should be followed when deciding boundary changes. These notice requirements are more detailed and the notice itself is more widely distributed than is required by ORS 198 or the Metro Code.

Staff Report

The staff report will provide information on the proposed boundary change. It will cover the *reasons* the change is being proposed, *geographical information*, *land use planning* relative to the site and *services* availability & cost.

There may be instances where modification of a proposed boundary change should be considered. If these are known about in advance they will be covered in the staff report.

Modifications may take the form of petitions from adjacent property owners for inclusion in a proposed boundary change or perhaps suggestions by staff for inclusion of public rights-of-way.

Attached to the staff report you will find a proposed set of findings of fact and conclusions from those findings. These may be used *as is* to adopt an ordinance or modified as a result of information gathered at the hearing.

PROPOSAL NO. MU-0299 - METRO - Annexation

Petitioners: Property Owners - Warren & Grace Bradley, Clifford & Mildred Joss, Springville Joint Venture, Douglas Graf, Trustee; Registered Voters - Warren & Grace Bradley, Clifford & Mildred Joss

Proposal No. MU-0299 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal and there are no objections from necessary parties, the boundary change could become effective immediately if the Board chooses to put an emergency clause on it. Without an emergency clause the change would become effective 30 days following approval. If a necessary party has objected to the boundary change it will become effective 30 days after the date of approval [and most likely the objecting party would then appeal to the Metro Appeals Commission.]

The territory to be annexed is located on the northwest edge of the District, north of the Sunset Highway, on the north edge of Springville Rd. east of N.W. 185th Ave. and west of Kaiser Road. The territory contains 109 acres, 2 single family residences, a population of 4 and is evaluated at \$520,810.

REASON FOR ANNEXATION

The applicant desires annexation in order to pursue inclusion in the regional Urban Growth Boundary and ultimately development of the property. This property was included in an urban reserve area and has been provisionally included in the UGB. However, Metro cannot take official action on the UGB amendment until the property is within the Metro jurisdictional boundary.

MODIFICATION

Tax lot 900 lies adjacent to the area to be annexed at its southwest corner. If the territory is annexed this tax lot would be almost completely surrounded by the Metro boundary. Only a thin strip of the Springville Rd. right-of-way prevents total encirclement. The

owners of this lot were contacted by staff (see Exhibit A) about the possibility of joining this annexation. These owners are firmly opposed to their inclusion in the proposal.

The Metro boundary in Springville Rd. runs along the centerline of the road. In order to simply and clarify the boundary it would make sense to modify the proposed annexation to take in the north half of the Springville Road right-of-way.

CRITERIA FOR DECISION-MAKING

The criteria for making decisions on boundary changes are summarized in Exhibit B of this report. These criteria generally fall into two broad categories - land use planning compatibility and services adequacy. The next two sections of this report provide information on these two subjects.

LAND USE PLANNING

SITE CHARACTERISTICS

The land slopes gently toward the south and west and is mostly open farmland.

REGIONAL PLANNING

General Information

This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).

Metro was required by state law to designate areas outside its boundary which would be suitable for supplying a 10-30 year supply of developable land beyond the 20 year supply within the boundary. The area was included within an "urban reserve study area" in 1995 (by Metro Resolution 95-2244). Further study and action by the Metro Council in March of 1997 resulted in designation of this territory as an "urban reserve area" (URA).

Additionally Metro was required to inventory buildable lands within the existing UGB and analyze the adequacy of the supply by January 1, 1998. If the supply was found wanting Metro was required to accommodate one half of the mandated 20 year supply inside the UGB within one year of completion of the analysis - in other words, by January 1, 1998. They were given two years to accommodate the entire 20 year buildable lands supply within the UGB (that is, by January 1, 1999).

Metro completed the required analysis, determined that they needed to expand the UGB and did so by bringing into the UGB (by ordinance or provisionally by resolution) certain lands in the identified Urban Reserve Areas. This action was taken in December, 1998 and

the territory to be annexed to Metro in the current proposal was included. The URA's had been identified by numbers, in this case Number 65 (see attached Figure 3).

Thus the status of the territory currently under consideration is that it is provisionally approved for inclusion in the regional Urban Growth Boundary pending approval of its inclusion in Metro's jurisdictional boundary.

Regional Framework Plan

The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept. Each of these elements of the Regional Framework Plan is discussed below.

Regional Growth Goals and Objectives. Metro first established in 1991, and has subsequently amended and adopted, Regional Urban Growth Goals and Objectives known as the RUGGOS. The RUGGOS were published in a separate stand-alone document as amended and adopted on December 14, 1995. In that document these goals and objectives were accumulated under some general headings. As an example under the general heading of "Natural Environment" there were five objectives relating to watershed management, water supply, air quality, natural areas and protection of agricultural & forest lands.

In the Regional Framework Plan these objectives have been disbursed out to various chapters of the Plan which deal with specific topics. Thus the water supply objective mentioned in the previous paragraph will be found in the chapter on "Water" while the natural areas objective is found in the chapter on "Parks, Natural Areas, Open Spaces and Recreational Facilities."

The 2040 Growth Concept and Map. As required by its charter, Metro also went through an extensive planning process to develop a 50 year future vision of the region. This ultimately grew into what was called the 2040 Growth Concept which included a concept map. This exercise was required to be completed in a time frame which was shorter than that for completion of the Framework Plan. Thus the 2040 Plan was originally also published as a stand-alone document dated December 8, 1994. When the RUGGOS were published in December of the following year the 2040 Growth Concept and Map were incorporated into the Regional Urban Growth Goals and Objectives document. Ultimately as noted above, the 2040 Growth Concept and Map was made a part of the Regional Framework Plan.

Urban Growth Management Functional Plan. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern. Distinguishing characteristics of functional plans include: 1) provisions in functional plans require changes in city and county comprehensive plans; 2) the plans or actions implementing provisions therein will be adopted by Metro as final land use actions which must comply with the statewide Goals; 3) functional plans are the way Metro can require local plan changes, so many elements of the Framework Plan may ultimately become functional plans. Thus Metro may initiate functional plans concerning any of the major divisions of the Regional Framework Plan or some other activity or area. But a division of the Regional Framework Plan or a study of another activity or area is not automatically considered to be a functional plan. It is not a functional plan unless it mandates local plan changes.

Prior to adoption of the Regional Framework Plan, Metro decided it was necessary to begin implementation of some facets of the 2040 Growth Concept and the RUGGOS. In order to accomplish this, Metro adopted one functional plan - the Urban Growth Management Functional Plan - on November 21, 1996. This functional plan has been codified in Metro Code Chapter 3.07. and is included as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to be in accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. This last requirement of the Urban Growth Management Functional Plan is embodied in Title 11.

Title 11 of the Urban Growth Management Functional Plan speaks to the issue of addition of territory to the regional Urban Growth Boundary. Territory to be added to the UGB must have a conceptual plan adopted by the city or county which will be responsible for the territory's urban land use planning. The plan must be approved by Metro. The "urban reserve plan" must provide for current or ultimate annexation of the territory to a city and any necessary service districts. It must also meet certain density, transportation and other thresholds. The applicant in this current proposal met the requirements as part of the provisional approval for an Urban Growth Boundary change. None of the requirements in Title 11 relate directly to the issue of annexation to Metro.

The Regional Framework Plan And Boundary Changes. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected

citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

Also in the "Introduction" section is an explanation of the structure of the Plan. This explanation may be helpful in locating any directly applicable standards and criteria for boundary changes:

Each chapter is structured with a format that includes statements of goals and objectives that are intended to apply to Metro's planning efforts. In addition, some of the chapters include references to the specific requirements that are made directly applicable to cities and counties in Chapter 8. Furthermore, the chapters contain background information and policy analysis that describes the subject matter that is addressed.

Any requirements that apply directly to cities or counties are separately referenced in a substantive chapter addressing a specific subject area and summarized in Chapter 8. All requirements of this Regional Framework Plan that are requirements applicable to cities and counties are adopted by functional plans included in the Appendices. (p. 11, RFP)

The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives) including one titled "Urban/Rural Transition" (p. 32, RFP). This policy states there should be a clear transition between urban and rural land. The policy then goes on to list some factors to be considered when determining where the break should be between urban and rural lands. It also gives guidance for determining which areas should be included in "urban reserves."

The property under consideration in the current boundary change proposal is clearly in a transition mode. However, this policy speaks to the larger issues of deciding what areas should be included in urban reserves and ultimately the UGB. The policy does not give direction on the more specific notion of annexation into the Metro jurisdictional boundary which includes both rural and urban lands.

Chapter 1 also contains a policy on the Urban Growth Boundary (pp. 33-34). This policy, like the previous one, addresses issues of changing the UGB but does not speak to the changing of the District's jurisdictional boundary. This policy does lay out the details of a requirement that conceptual land use plans must be done for urban reserve areas prior to their being considered for inclusion in the Urban Growth Boundary. These requirements are also formalized in the Metro Code (Chapter 3.01). While these requirements of an urban reserve plan are not directly related to the current proposal they are attached hereto

as Exhibit C for Board's general information. The applicant met these requirements through submission to the Metro Council as a part of the process of having this territory provisionally approved for inclusion in the UGB.

Policy 1.12 of Chapter 1 calls for protection of agricultural and resource lands outside the UGB. The goal goes on to say that:

Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter was reviewed and found not to contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter was reviewed and found not to contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are to be found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter has been reviewed and found not to contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes.

COUNTY PLANNING

Washington County Comprehensive Plan

The Washington County Comprehensive Plan is composed of the following pieces:

- The Comprehensive Framework Plan For The Urban Area
- County Resource Document
- Rural Natural Resource Element
- Community Plans and Background Documents
- Community Development Code
- Transportation Plan
- Unified Capital Improvements Program

As stated at 3.1.6 & 7 of the Plan, Volume II:

The [Washington County] Comprehensive Plan is composed of the Comprehensive Framework Plan and site-specific Community Plans that are implemented by the Community Development Code and functional plans including Transportation and Capital Improvements. . . . The Comprehensive Framework Plan contains the broad policy directions that are the basis for the other Comprehensive Plan elements. . . . The Community Plans indicate the specific land uses and circulation systems which have been determined as necessary to meet community needs. . . . Implementation of the Comprehensive Framework Plan and Community Plans occurs when their provisions are incorporated into the preparation and review of land development proposals through application of the Community Development Code.

Each of these 7 elements has been searched for materials relative to annexations. Sections of these elements which speak directly to the issue of annexation or which appear to have some relevance to that issue have been reviewed to determine whether the current proposal is consistent with them or not.

The territory to be annexed is currently outside the regional Urban Growth Boundary and therefore subject to Washington County's Rural and Natural Resources Plan. However, since Metro has provisionally decided it should be placed within the UGB where it would fall under the County's Comprehensive Framework Plan For The Urban Area, both plans are examined here.

The **Comprehensive Framework Plan For the Urban Area** is broken down into *Elements*. Each element is comprised of a number of *Policies*. The policies also contain *Implementing Strategies* and *Summary Findings and Conclusions*.

In the GENERAL element of the Plan the Intergovernmental Coordination Policy calls for the County to "effectively coordinate its planning and development efforts with . . . other local governments and special districts." 3.1.11, Intergovernmental Coordination Policy No. 3. The summary of that section notes that " . . . the specific responsibilities of cities and

special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan." To the extent that boundary changes to cities and districts can be considered to be "plans and programs" it could be asserted that such boundary changes need to be consistent with the plan.

One of the implementing strategies of this element calls for establishment and maintenance of Urban Planning Area Agreements (UPAA's) between the cities and the County. These documents are to aid in the coordination between the County and cities on land use planning and development matters. These documents may contain guidelines relative to boundary changes and if so, by virtue of this element, they would need to be considered when reviewing compliance of a boundary change with the Comprehensive Framework Plan.

The second element of the Comprehensive Framework Plan is the NATURAL AND CULTURAL SETTING element which contains Water Resources Policy No. 6. (3.2.1). Under the Water Resources Policy the County's policy of protecting the quality of water resources is to be implemented through several drainage improvement strategies. These include minimizing the establishment of new subsurface disposal systems, maintenance of streamside vegetation, etc. Some of these strategies may relate directly to a boundary change. For instance annexation to a sewer-providing government may be found to be in obvious compliance with the strategy of reducing dependence on subsurface systems.

In the URBANIZATION element of the Plan under the subheading "reasons for Growth" (3.3.1), Policy 13 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH A GROWTH MANAGEMENT SYSTEM FOR THE UNINCORPORATED AREAS WITHIN THE UGB WHICH PROMOTES:

- (1) EFFICIENT, ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES;
- (2) INFILL DEVELOPMENT IN ESTABLISHED AREAS WHILE PRESERVING EXISTING NEIGHBORHOOD CHARACTER;
- (3) DEVELOPMENT NEAR OR CONTIGUOUS TO EXISTING URBAN DEVELOPMENT WHERE SERVICES ARE AVAILABLE;
- (4) PARCELIZATION OF LAND SUCH THAT FUTURE DEVELOPMENT AT URBAN DENSITIES CAN TAKE PLACE;
- (5) DEVELOPMENT WHICH IS COMPATIBLE WITH EXISTING LAND USES;
- (6) AGRICULTURAL USE OF AGRICULTURAL LAND UNTIL SERVICES ARE AVAILABLE TO ALLOW DEVELOPMENT;

- (7) DEVELOPMENT IN CONCERT WITH ADOPTED COMMUNITY PLANS; AND
- (8) UTILIZATION OF THE EXISTING CAPITAL INFRASTRUCTURE.

Implementing Strategies

The County will:

- a. Permit growth to occur only in areas with adequate public services and facilities, as permitted under growth management strategies contained in the Comprehensive Plan. If development is permitted in areas with limited services, a minimum acreage of ten (10) acres should be imposed. Allow subsurface sewage disposal systems within the UGB where approved by the County on legally created lots of record, where USA does not now serve. Prior to the issuance of a development permit, in such cases, the property owner will be required to sign a waiver of remonstrance against future formation of a Local Improvement District for sanitary sewers;
- b. Encourage infill development where such development will not adversely affect existing uses and where the capacity of existing public facilities and services will not be exceeded;
- c. Allow the continuation of existing farm and forestry uses within the urban unincorporated area;
- d. Assure that proposed land divisions are consistent with all current master facilities plans for roads, sanitary sewers, drainage, and water distribution facilities, as well as community and city plans. This will help assure that full development of the property can take place at planned urban densities; and

. . . .

Policy 14, under the subheading of Managing Growth, says:

IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH ON UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.

Implementing Strategies

The County will:

. . . .

- b. Categorize urban facilities and services into three categories: Critical, Essential and Desirable.

- 1) Critical facilities and services are defined as: Public Water, public sanitary sewers, fire, drainage, and access (Local and Minor Collector roads). An inability to provide an adequate level of Critical services in conjunction with the proposed development will result in the denial of a development application.
 - 2) Essential facilities and services are defined as: Schools, Arterial (including State highways) and Major Collector roads including Transit streets, on-site transit improvements (such as bus shelters and turnouts, etc.), police protection, and pedestrian walkways. Failure to ensure the availability of an adequate level of all Essential services within five (5) years from occupancy may result in the denial of a development application.
 - . . .
 - 3) Desirable facility(ies) and service(s) are defined as: Public transportation service, pedestrian and bicycle paths, and parks. These are facilities and services which can be expected in a reasonable time frame (five year period) from the occupancy of a development. A development application may be conditioned to facilitate these services based upon specific findings;
- c. Rely upon the standards established by the appropriate special service district and adopted County Standards as the measurement of acceptability for the service provided by the service provider. The information obtained from the service provider shall be treated as a rebuttable presumption as to the ability to provide an adequate level of the facility or service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider. Specific standards for implementation will be identified in the Community Development Code as well as acceptable methods for assuring availability of required public services and facilities;
 - d. Require that the cost of providing the required County urban services for a particular land use proposal shall be borne by the applicant or benefitted properties unless otherwise authorized by the Board of County Commissioners.
 - e. Apply the growth management standards to all new development actions except construction of a detached dwelling on a lot of record;
 - f. Establish clear and objective criteria for the issuance of all development permits. These criteria will consider:
 - 1) Consistency with the Comprehensive Plan and appropriate Community Plans,
 - 2) Adequacy of public facilities and services as required in the growth management strategy, and
 - 3) Consistency with development standards contained in the Community Development Code; and

- g. Use and encourage other public service providers to use the following priority list to guide the investment of public monies in public facilities and services:
- 1) Solve existing health, safety and welfare problems.
 - 2) Facilitate infill development or new development which is contiguous to existing.
 - 3) Promote commercial and industrial economic development opportunities.
 - 4) Extend services to outlying, undeveloped areas designated for residential development in the Comprehensive Plan.

Summary Findings and Conclusions

A healthy, livable urban environment is achieved in part through the provision of public facilities and services prior to or concurrent with development in a level adequate to serve the expected demand.

Of the major urban facilities and services provided in Washington County -- including sewers, water lines, roads, fire and police protection, and schools, -- it is the County road system and police protection services which are most heavily impacted by the demands of the County's growth. Providers of other services have, in general, been able to keep pace with the rapid growth of recent years and still provide more than adequate service to existing customers.

Policy 15 of the URBANIZATION element, under the subheading "Roles and Responsibilities for Servicing Growth," states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH SERVICE PROVIDERS, INCLUDING CITIES AND SPECIAL DISTRICTS, AND THE PORTLAND METROPOLITAN AREA BOUNDARY COMMISSION, TO INSURE THAT FACILITIES AND SERVICES REQUIRED FOR GROWTH WILL BE PROVIDED WHEN NEEDED BY THE AGENCY OR AGENCIES BEST ABLE TO DO SO IN A COST EFFECTIVE AND EFFICIENT MANNER.

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning;
- b. Continue to provide the following facilities and services as resources permit:

Public Health

County-wide

| | |
|-------------------------------|---------------------------|
| Sheriff Patrol | County-wide (limited) |
| Assessment and Taxation | County-wide |
| Land Development Regulations | Unincorporated Areas Only |
| Solid Waste Collection System | Unincorporated Areas Only |
| Management (franchising) | |
| Solid Waste Disposal | Unincorporated Areas |
| Outside UGB | |
| Cooperative Library System | County-wide |
| Records and Elections | County-wide |

- c. Establish a coordination system with all cities, special districts and private companies that now or will provide services in the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:

- 1) Sanitary sewage collection and treatment,
- 2) Drainage management,
- 3) Fire protection,
- 4) Water distribution and storage,
- 5) Schools,
- 6) Libraries,
- 7) Utilities (electricity, telephone and cable communications, natural gas, etc.),
- 8) Solid waste disposal,
- 9) Roads and transportation facilities,
- 10) Parks and recreation facilities,
- 11) Police, and
- 12) Transit;

- d. If appropriate in the future, enter into agreements with service providers which address one or more of the following:

- 1) Process for review of development proposals,
- 2) Process for review of proposed service extension or facility expansion,
- 3) Service district or city annexation,
- 4) Planning of service extensions, new facilities, or facility expansions,
- 5) Procedures for amending the agreement,
- 6) Methods to be used to finance service and or facility improvements, operation and maintenance,
- 7) Standards to be used by the County and the service provider in assessing "adequate" service levels,
- 8) Area or clientele to be served now and in the future,
- 9) Consistency with Plan policies and strategies,
- 10) Coordination of capital improvements programs, and

11) Cost effectiveness of service provision;

- e. Not oppose proposed annexations which are in accord with an Urban Planning Area Agreement (UPAA);
- f. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during renegotiation of Urban Planning Area Agreements;
- g. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city; and
- h. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.

Summary Findings and Conclusions

Public facilities and services necessary for growth in Washington County historically have been provided by a variety of unrelated special districts, local governments, and other agencies. Cooperation and coordination between service providers in developing plans and programming capital facilities has been limited.

The County has the responsibility under state law to coordinate the timely provision of public facilities and services within the County. Due to the fact that the County itself does not provide a full range of urban services, the best means of fulfilling this responsibility -- which will result in a better living environment for county residents - is the formal establishments [sic] of a strong coordination system between the County and all service providers.

The County has the additional responsibility to its citizens of ensuring that the services needed to allow growth will be provided by the agency or agencies best able to do so in a coordinated, efficient and cost effective manner. Therefore, County review of and recommendations on annexation or incorporation proposals involving cities and special service districts is imperative.

The PUBLIC FACILITIES AND SERVICES element of the Washington County Comprehensive Framework Plan contains several policies which potentially relate to boundary changes.

Under the subheading "Sanitary Sewage Collection and Treatment" Policy 25 calls for all areas within the UGB to be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan, wherever feasible. Relevant implementing strategies for this policy include:

- b. Encourage adjustments in the U.S.A. boundary to enable the agency to eventually serve all unincorporated areas within the Urban Growth Boundary;
- c. Allow subsurface sewage disposal systems within the UGB where approved by the County on legally created lots of record, where USA does not now serve an or does not plan to serve in the future. Prior to issuance of a development permit, in such cases, the property owners will be required to sign a waiver of remonstrance against formation of a Local Improvement District for sanitary sewers; and
- d. Require properties with on-site disposal facilities to connect to the sewer network once sewer service becomes available.

Policy 26 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT ALL RESIDENCES AND BUSINESS BE SERVED WITH AN ADEQUATE SUPPLY OF POTABLE WATER FOR CONSUMPTION AND FIRE SUPPRESSION PURPOSES.

Implementation strategies

The County will:

- a. Work with all water providers, fire districts, and with the Watermaster and State Engineer's office, as appropriate, to ensure that:
 - (1) water service is available to new development at sufficient pressures for domestic consumption and fire suppression purposes;
 - (2) in areas identified by the State Engineer's office as "critical groundwater areas," the water demands of new development do not jeopardize supplies of groundwater to existing users;
 - (3) extension of water distribution facilities are coordinated with the provision of other public facilities such as sanitary sewers and drainage facilities;

Policy 27 covers drainage by saying that drainage should be managed through a system of coordinated activities of the county and other local government agencies. This approach

has been refined through creation a surface water element of the Unified Sewerage Agency.

Policy 31 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK CLOSELY WITH APPROPRIATE SERVICE PROVIDERS TO ASSURE THAT ALL AREAS OF THE COUNTY CONTINUE TO BE SERVED WITH AN ADEQUATE LEVEL OF POLICE AND FIRE PROTECTION.

Implementing Strategies

The County will:

- a. Require in the Community Development Code that:
 - (1) . . .
 - (2) water service is available to new developments at sufficient pressures for both domestic consumption and fire protection purposes; and
 - (3) the appropriate fire district and the County Department of Public Safety have the opportunity to review and comment on all development proposals subject to the growth management standards.

The RECREATION element of the Comprehensive Framework Plan contains several subheadings and various policies. Under the subheading "Quantity and Quality of Recreation Facilities and Services," Policy 33 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT RESIDENTS OF ITS UNINCORPORATED AREAS ARE PROVIDED WITH ADEQUATE OPEN SPACE AND PARK FACILITIES AND SERVICES.

Policy 34 which appears under the subheading of "Open Space and Recreation Facilities Location," declares that the County will identify potential future park and recreation areas in the Community Plans. The County strategies for pursuing this policy will include attempting to get the developers of projects to dedicate park sites to the County or Tualatin Hills Park & Recreation District. The County in doing this say they will:

- c. Give priority to the preservation of lands with:
 - 1) significant natural features, urban forests, scenic views, natural hazards, or significant fish and wildlife habitats;

- 2) the potential for linkage into open space corridors, especially for trail systems (hiking, jogging, bicycling, horseback riding);
 - 3) access to streams and rivers, particularly the Tualatin River;
 - 4) easy access by pedestrians, bicyclists, transit riders, and those with limited mobility and finances;
 - 5) close proximity to existing or planned higher density population areas; and
 - 6) value in defining the edges or boundaries of communities; and
- d. Consider future acquisition and development programs which take into account:
- 1) areas of substantial need;
 - 2) how well a site meets the relative recreation needs of the service area;
 - 3) the suitability of environmental conditions;
 - 4) fiscal feasibility;
 - 5) threat of loss of a valuable resource; and
 - 6) opportunity for cooperative projects.

Policy 35 with a subheading of "Agency Roles and Responsibilities In Meeting Recreation Needs" says:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH THPRD AND THE CITIES AND SCHOOL DISTRICTS IN COMPREHENSIVE PLANNING FOR OPEN SPACE AND RECREATION FACILITIES AND SERVICES FOR THE COUNTY.

Implementing Strategies

The County will:

- a. Encourage THPRD to expand its boundaries to be responsible for providing neighborhood and community scale recreations [sic] facilities and services is [sic] all urban unincorporated areas of the county, with the possible exception of the Metzger Local Improvement District and areas subject to annexation by cities with parks programs. Should the THPRD Board decide not to expand district boundaries to the limits just described, the County

should attempt to form a special service district to provide recreation facilities and services in appropriate areas outside the THPRD;

The **County Resource Document** is the second component of the Washington County Comprehensive Plan. The Resource Document contains information on the County's natural and cultural resources. This is the basic inventory of information on which all comprehensive plans depend. Nothing in this document relates specifically to annexation.

The third component of the Plan is the **Rural\Natural Resource Element**. "The Rural\Natural Resources element of the Washington County Comprehensive Plan provides the framework for guiding future land use decisions in Washington County in areas outside the established urban growth boundaries." (Side 1, Rural Natural\ Resources Element)

The Rural\Natural Resources Plan is broken down into "policies" which contain "implementing strategies." Policy 1 describes the planning process including amendment procedures. Of interest in the implementing strategies section of this policy is the statement that the County will "Comply with procedures established by the Metropolitan Service District [Metro] for requesting amendments to the regional Urban Growth Boundary." (Section j. of Policy 1)

Policy 2 states the County's commitment to citizen involvement in all facets of the planning process. While this annexation may be considered to be at best tangentially related to the County planning process, it should be noted that extensive notice inviting citizen involvement has been given. This includes affected local governments, surrounding property owners and CPO # 7.

Plan Policy 3, Intergovernmental Coordination, calls on the County to:

- a. "Coordinate planning activities with appropriate federal, state, regional and local government units, and with affected special districts by:
 - (1) Providing affected agencies with information on proposed land use actions for review and comment.
...
 - (3) Notifying affected agencies of time limits for responses to proposed land use actions, and consider that no response within the given time means concurrence with the proposal.
- b. Establish and maintain "Planning Area Agreements" with cities.

County Plan Policies 6 (Water Resources), 10 (Fish and Wildlife Habitat) and 11 (Significant Natural Resources) are identified with overlays on the Rural\Natural Resources Plan. The drainageway which runs through the territory to be annexed from east to west is identified as "Water Areas And Wetlands & Fish And Wildlife Habitat." The County

strives to protect these areas with regulations limiting development and alteration of the natural vegetation.

Policy 14 establishes nine plan designations for the rural\natural resource area. A portion of this territory (TL's 601, 690, 700 & 800 - Fig. 2B) is designated as AF-20. This is Agriculture and Forest, 20 acre minimum lot size. Tax lots 500 and 600 on Figure 2A are designated Exclusive Farm Use (EFU). Policies and implementing strategies relating to EFU are contained Policy 15. Policy 15 does note that exceptions to the policy of maintaining these lands in agricultural use can be allowed pursuant to LCDC Goals, Rules and the County Plan amendment process. Policies relating to AF-20 lands are contained in Policy 17 of the Rural\natural Resource Plan.

Policy 22, the Public Facilities and Services policy, says public facilities in rural\natural resource areas should be limited to what is necessary for maintaining rural type development.

The last policy in the Rural\natural Resource Plan is Policy 27, Urbanization. This policy says Washington County intends to provide for urban uses within urban growth boundaries. It says:

The County will:

...

- b. Cooperate with the Metropolitan Service District [Metro] in the establishment and maintenance of the Regional Urban Growth Boundary

The fourth element of Washington County Comprehensive Plan is the **Community Plans & Background Document**. The area being proposed for annexation to Metro is not covered by a Washington County community plan.

The last three elements of the County Comprehensive Plan are the **Community Development Code** [zoning ordinance], the **Transportation Plan** and the **Unified Capital Improvement Program**. These have been reviewed and found not to contain any specific directly applicable standards or criteria for boundary changes.

County 2000

In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and county-wide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

Urban Growth Management Agreement

Since this territory has been outside the regional Urban Growth Boundary it is not within a dual interest area covered by a City/County urban growth management agreement.

CITY PLANNING

This territory is not covered by the Beaverton Comprehensive Plan.

As a part of the Urban Growth Boundary adjustment process the City of Beaverton and Washington County signed a Memorandum of Understanding relative to the preparation of urban reserve plans. This document lays out the roles of the City and the County concerning the preparation of the urban reserve area plans which must precede any actual changes in the Urban Growth Boundary.

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

Urban Services. No urban services are currently available to this site. The territory is not yet within the regional urban growth boundary. Annexation to Metro will not alter this situation. Only after the territory is within the Metro jurisdictional boundary can it be included within the UGB. Annexation to Metro would not make urban services available because the services which Metro offers are not what would generally be described as *urban services*. After annexation to Metro and after successful inclusion of the property within the UGB, the availability of urban services will be addressed through annexation to a city and/or special districts capable of providing those services.

Other Services. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is on N.W. 185th just north of the Sunset Highway.

Beaverton School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

All other services are provided generally at a rural level by Washington County. This includes police protection, transportation, tax collection, etc.

Metro Services. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of identifying urban reserve areas and determining which parcels are currently appropriate for inclusion in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt. For the 1998-99 fiscal year the Zoo operating levy was \$.0966 per \$1,000 assessed value (A.V.) and the bonded debt levies were a combined \$.2676 for a total tax levy of \$.3642 per \$1,000 A.V..

RECOMMENDATION.

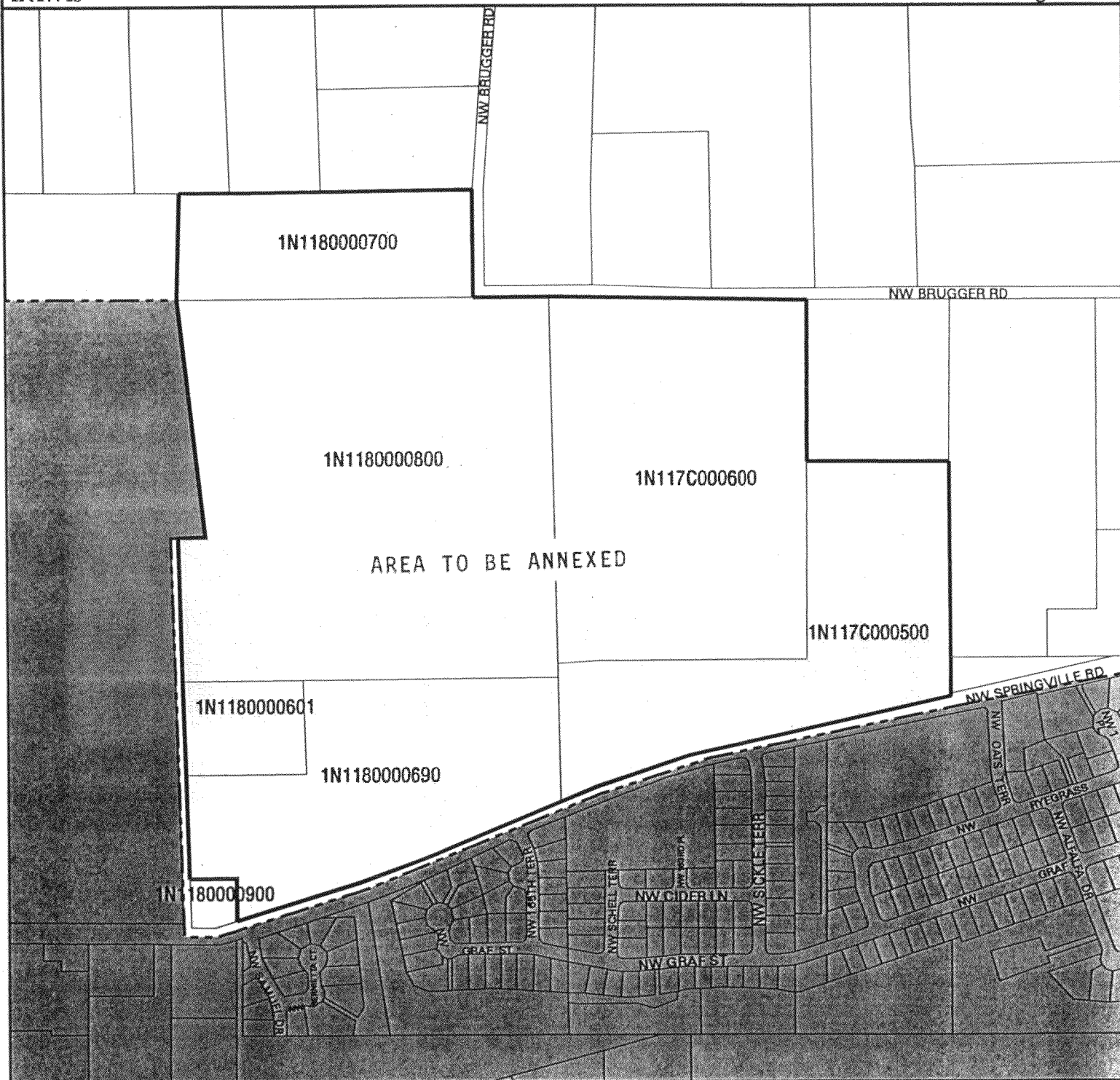
Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit D, the staff recommends Proposal No. MU-0299 be modified to include the adjacent right-of-way of Springville Road and then *approved*.

Proposal No. MU0299

1N1W18

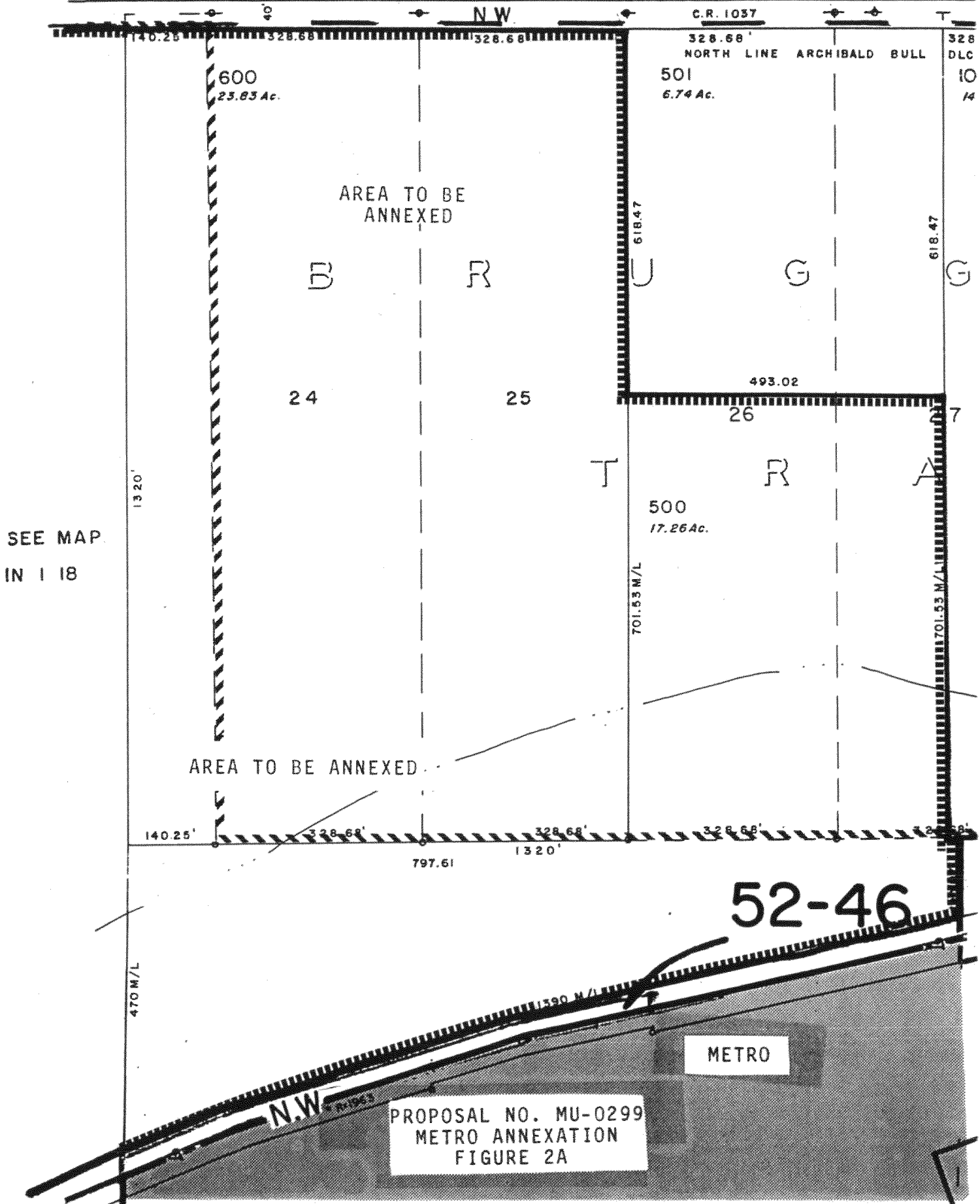
Annexation to Metro

Washington Co.



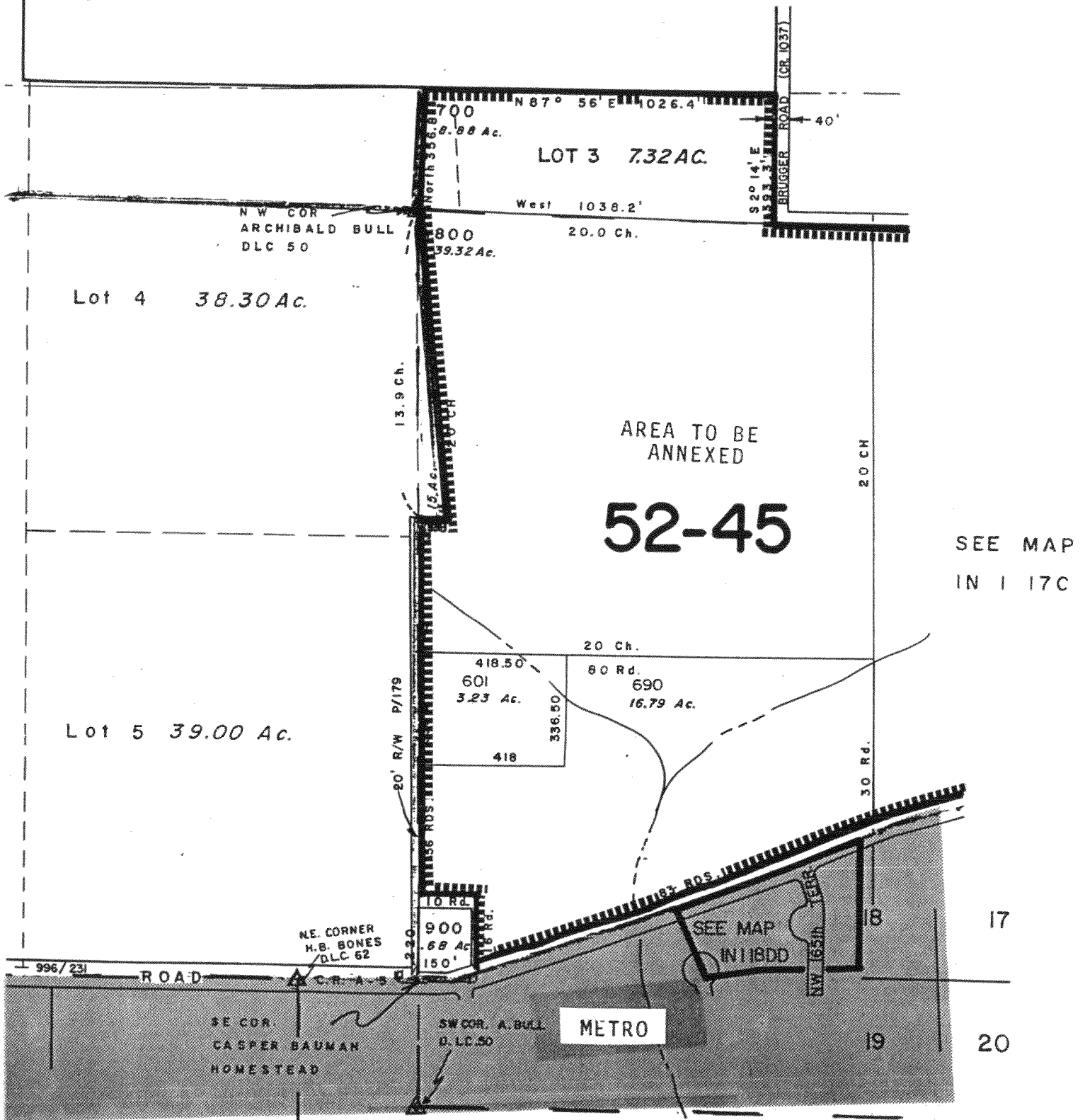
Proposal No. MU0299

SW1/4 SECTION 17 TIN RIW W.M.



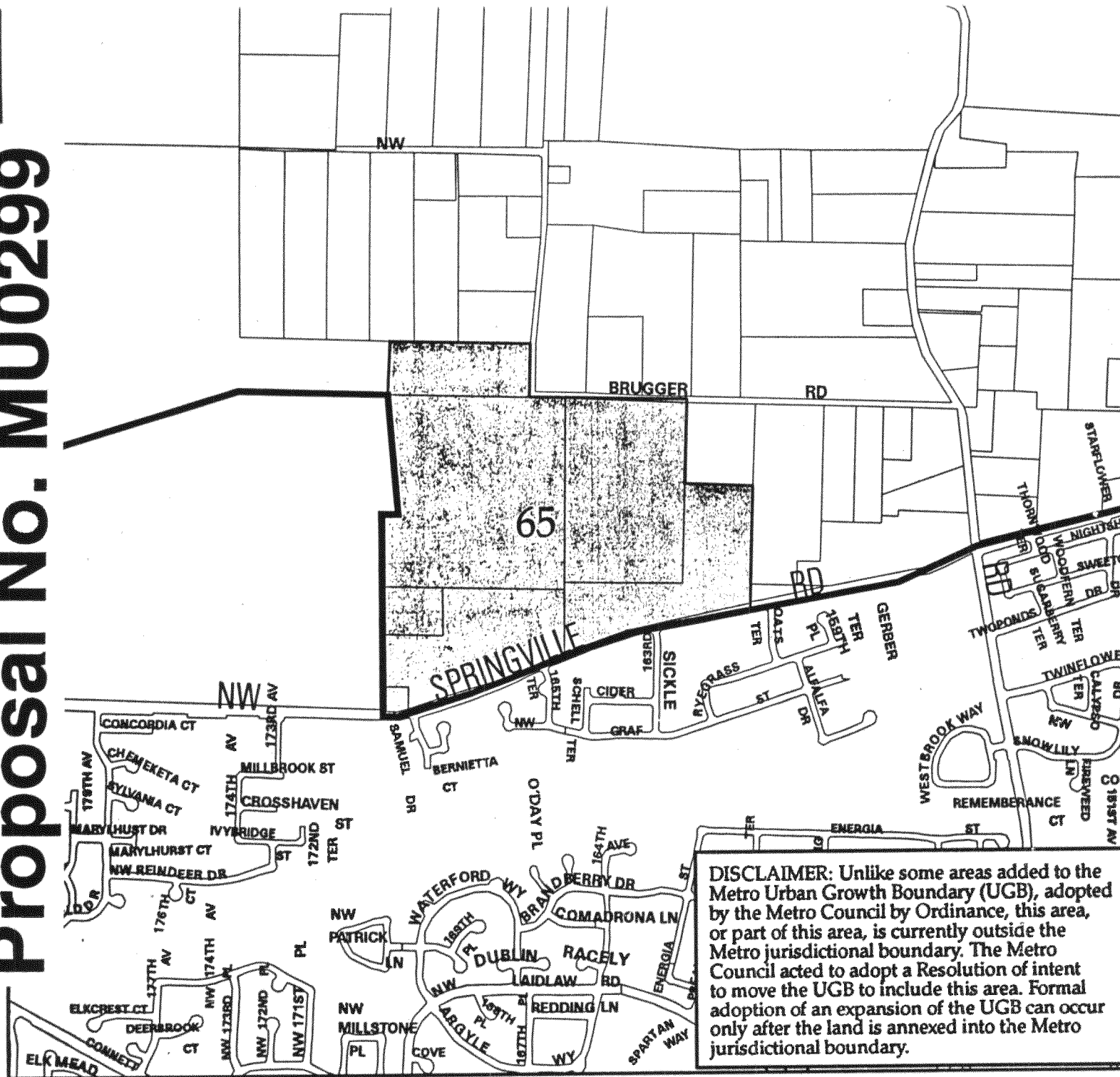
Proposal No. MU0299

SECTION 18 TIN RIW W.M.



PROPOSAL NO. MU-0299
METRO ANNEXATION
FIGURE 2B

Proposal No. MU0299





METRO

March 12, 1999

Lee Alan Grunes & Susan Marie Nolte
17055 N.W. Springville Road
Portland, OR 97229

Dear Mr. Grunes and Mrs. Nolte:

The Multnomah County Board of Commissioners is holding a public hearing on April 29, 1999 at 9:30 AM in Room 602 of the Multnomah County Court House, 1021 S.W. 4th Avenue, Portland on a proposal -- No. Proposal No. MU-0299 -- to annex certain property to Metro.

The territory to be annexed is indicated on the attached map. As shown, your property -Tax Lot 900 -- is **NOT** included in this proposal. If the proposal is approved as submitted, your property would become completely surrounded by the District.

This annexation will only place the territory within Metro's jurisdictional boundary. It will not change the planning or zoning designation on the property. Any action to make urban services available to this site and/or to change the planning and zoning designation for this area would come through subsequent public processes and decisions. Placing your property within Metro would subject you to Metro's tax levy. For 1998-99 this levy was \$.39 Per \$1,000 Assessed Value. These funds pay for the acquisition of green spaces, for the Oregon Convention Center and the Zoo.

We are sending you this letter to alert you to this situation and to give you an opportunity to respond:

If you want your property to be included in this annexation, please contact our office and we will advise you of the steps to take.

*If you **DO NOT** want your property to be included, you may*

1. Choose not to respond;
2. Attend the public hearing mentioned above;
3. Contact our office to express your concerns or request more information. The staff will inform the Commission of your comments so that they can consider your position in deciding on the proposal.

If you have any questions about the impact of this proposal on your property or about the procedures of the Board, please let me know.

Sincerely,

Kenneth S. Martin

CRITERIA FOR DECISION-MAKING

There are two more-or-less separate sets of criteria for making decisions on boundary changes. One set is found in the statutes and relates strongly to what the boundary of the proposed change should be. The second set of criteria is found in the Metro Code.

Oregon Revised Statute 198 directs the Board to utilize the criteria found in a particular section of the boundary commission statute (ORS 199.462) to decide whether property has been improperly left out of or included within, the proposed change. These criteria can be summarized as:

1. Consideration of local comprehensive planning for the area
2. Consideration of economic, demographic and sociological trends and projections pertinent to the area
3. Consideration of past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change
4. Consideration of the LCDC Goals

A second set of criteria can be extracted from the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address four minimum criteria:

1. Compliance with applicable ORS 195 agreements [These are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place.]
2. Consistency with directly applicable standards for boundary changes contained in:
 - a. Comprehensive land use plans
 - b. Public facility plans
 - c. Regional framework and functional plans
 - d. Urban planning agreements and similar agreements of the affected entity and necessary parties
3. Assurance that the affected entity can provide urban service[s] now or soon directly or by contract
4. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria

The Metro Code also contains a second set of 11 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party.

The first set of criteria gives the Board authority to consider a broad range of factors in deciding whether the proposed boundary change should be enlarged or contracted. On the other hand the nothing in ORS 198 nor the criteria in ORS 199.462 mandates changing the boundary under certain conditions. "Consideration" can consist of a detailed study or a cursory glance.

The second set of criteria consists of two major elements - land use planning consistency and service availability and adequacy.

1.9.3 Urban Growth Boundary Amendment Process – Criteria for amending the UGB shall be adopted based on statewide planning goals 2 and 14, other applicable state planning goals and relevant portions of the RUGGOs and this Plan:

- **Major Amendments.** Proposals for major amendment of the UGB may be made through a quasi-judicial or a legislative process using Metro's regional forecasts for population and employment growth. The legislative amendment process will be initiated by a Metro finding of need, and involve local governments, special districts, citizens and other interests.
- **Locational Adjustments.** Locational adjustments of the UGB shall be brought to Metro by cities, counties and/or property owners based on public facility plans in adopted and acknowledged comprehensive plans.

1.9.4 Urban Reserve Plans – A conceptual land use plan and concept map coordinated among affected jurisdictions shall be required for all quasi-judicial and legislative amendments of the Urban Growth Boundary which add more than twenty net acres to the UGB. The Metro Council shall establish criteria for urban reserve plans coordinated among affected local governments and districts which shall address the following issues:

- Annexation to a city prior to development whenever feasible.
- Establishment of a minimum average residential density to ensure efficient use of land.
- Requirements to ensure a diversity of housing stock and meet needs for affordable housing.
- Ensure sufficient commercial and industrial land to meet the needs of the area to be developed and the needs of adjacent land inside the Urban Growth Boundary consistent with 2040 Growth Concept design types.
- A conceptual transportation plan to identify large scale problems and establish performance standards for city and county comprehensive plans.
- Identification of natural resource areas for protection from development.
- A conceptual public facilities and services plan including rough cost estimates and a financing strategy for the provision of sewer, water, storm drainage, parks, transportation, fire and police protection.
- A conceptual plan estimating the amount of land and improvements needed for school facilities.
- A concept map showing the general locations of major roadways, unbuildable lands, commercial and industrial lands, single and multi-family housing, open space and established or alternative locations for any needed school, park and fire hall sites.

The actual specific criteria will be adopted as part of the Metro Code.

FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 109 acres, 2 single family residences, a population of 4 and is evaluated at \$520,810.
2. The applicant desires annexation in order to pursue inclusion in the regional Urban Growth Boundary and ultimately development of the property. This property was included in an urban reserve area and has been provisionally included in the UGB. However, Metro cannot take official action on the UGB amendment until the property is within the Metro jurisdictional boundary.
3. Tax lot 900 lies adjacent to the area to be annexed at its southwest corner. If the territory is annexed this tax lot would be almost completely surrounded by the Metro boundary. Only a thin strip of the Springville Rd. right-of-way prevents total encirclement. The owners of this lot were contacted by staff about the possibility of joining this annexation. These owners are firmly opposed to their inclusion in the proposal.

The Metro boundary in Springville Rd. runs along the centerline of the road. In order to simply and clarify the boundary it would make sense to modify the proposed annexation to take in the north half of the Springville Road right-of-way.

4. The land slopes gently toward the south and west and is mostly open farmland.
5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).

Metro was required by state law to designate areas outside its boundary which would be suitable for supplying a 10-30 year supply of developable land beyond the 20 year supply within the boundary. The area was included within an "urban reserve study area" in 1995 (by Metro Resolution 95-2244). Further study and action by the Metro Council in March of 1997 resulted in designation of this territory as an "urban reserve area" (URA).

Additionally Metro was required to inventory buildable lands within the existing UGB and analyze the adequacy of the supply by January 1, 1998. If the supply was found wanting Metro was required to accommodate one half of the mandated 20 year supply inside the UGB within one year of completion of the analysis - in other words, by January 1, 1998. They were given two years to accommodate the entire 20 year buildable lands supply within the UGB (that is, by January 1, 1999).

Metro completed the required analysis, determined that they needed to expand the UGB and did so by bringing into the UGB (by ordinance or provisionally by

resolution) certain lands in the identified Urban Reserve Areas. This action was taken in December, 1998 and the territory to be annexed to Metro in the current proposal was included. The URA's had been identified by numbers, in this case Number 65.

Thus the status of the territory to be annexed is that it is provisionally approved for inclusion in the regional Urban Growth Boundary pending approval of its inclusion in Metro's jurisdictional boundary.

6. The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept. Each of these elements of the Regional Framework Plan is discussed in subsequent findings.
7. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

8. The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan does not contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives) including one titled "Urban/Rural Transition" (p. 32, RFP). This policy states there should be a clear transition between urban and rural land. The policy then goes on to list some factors to be considered when determining where the break should be between urban and rural lands. It also gives guidance for determining which areas should be included in "urban reserves."

The property under consideration in the current boundary change proposal is clearly

in a transition mode. However, this policy speaks to the larger issues of deciding what areas should be included in urban reserves and ultimately the UGB. The policy does not give direction on the more specific notion of annexation into the Metro jurisdictional boundary which includes both rural and urban lands.

Chapter 1 also contains a policy on the Urban Growth Boundary (pp. 33-34). This policy, like the previous one, addresses issues of changing the UGB but does not speak to the changing of the District's jurisdictional boundary. This policy does lay out the details of a requirement that conceptual land use plans must be done for urban reserve areas prior to their being considered for inclusion in the Urban Growth Boundary. These requirements are also formalized in the Metro Code (Chapter 3.01). These requirements of an urban reserve plan are not directly related to the current proposal. However it can be noted that the applicant met these requirements through submission to the Metro Council as a part of the process of having this territory provisionally approved for inclusion in the UGB.

Policy 1.12 of Chapter 1 calls for protection of agricultural and resource lands outside the UGB. The goal goes on to say that:

Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter does not contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter does not contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter does not contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not

include any specific applicable criteria relative to boundary changes.

9. The territory to be annexed is currently outside the regional Urban Growth Boundary and therefore subject to Washington County's Rural and Natural Resources Plan. However, since Metro has provisionally decided it should be placed within the UGB where it would fall under the County's Comprehensive Framework Plan For The Urban Area, both plans were examined.

In the GENERAL element of the Plan the Intergovernmental Coordination Policy calls for the County to "effectively coordinate its planning and development efforts with . . . other local governments and special districts." 3.1.11, Intergovernmental Coordination Policy No. 3. The summary of that section notes that " . . . the specific responsibilities of cities and special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan." To the extent that boundary changes to cities and districts can be considered to be "plans and programs" it could be asserted that such boundary changes need to be consistent with the plan.

One of the implementing strategies of this element calls for establishment and maintenance of Urban Planning Area Agreements (UPAA's) between the cities and the County. These documents are to aid in the coordination between the County and cities on land use planning and development matters. These documents may contain guidelines relative to boundary changes and if so, by virtue of this element, they would need to be considered when reviewing compliance of a boundary change with the Comprehensive Framework Plan.

In the URBANIZATION element of the Plan under the subheading "Reasons for Growth" (3.3.1), Policy 13 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH A GROWTH MANAGEMENT SYSTEM FOR THE UNINCORPORATED AREAS WITHIN THE UGB WHICH PROMOTES:

- (1) EFFICIENT, ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES;
- (2) INFILL DEVELOPMENT IN ESTABLISHED AREAS WHILE PRESERVING EXISTING NEIGHBORHOOD CHARACTER;
- (3) DEVELOPMENT NEAR OR CONTIGUOUS TO EXISTING URBAN DEVELOPMENT WHERE SERVICES AREA AVAILABLE;
- (4) PARCELIZATION OF LAND SUCH THAT FUTURE DEVELOPMENT AT URBAN DENSITIES CAN TAKE PLACE;

- (5) DEVELOPMENT WHICH IS COMPATIBLE WITH EXISTING LAND USES;
- (6) AGRICULTURAL USE OF AGRICULTURAL LAND UNTIL SERVICES ARE AVAILABLE TO ALLOW DEVELOPMENT;
- (7) DEVELOPMENT IN CONCERT WITH ADOPTED COMMUNITY PLANS; AND
- (8) UTILIZATION OF THE EXISTING CAPITAL INFRASTRUCTURE.

Policy 14, under the subheading of Managing Growth, says:

IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH ON UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.

Policy 15 of the URBANIZATION element, under the subheading "Roles and Responsibilities for Servicing Growth," states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH SERVICE PROVIDERS, INCLUDING CITIES AND SPECIAL DISTRICTS, AND THE PORTLAND METROPOLITAN AREA BOUNDARY COMMISSION, TO INSURE THAT FACILITIES AND SERVICES REQUIRED FOR GROWTH WILL BE PROVIDED WHEN NEEDED BY THE AGENCY OR AGENCIES BEST ABLE TO DO SO IN A COST EFFECTIVE AND EFFICIENT MANNER.

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning;
- b. Continue to provide the following facilities and services as resources permit:

Public Health
Sheriff Patrol
Assessment and Taxation
Land Development Regulations
Solid Waste Collection System
Management (franchising)

County-wide
County-wide (limited)
County-wide
Unincorporated Areas Only
Unincorporated Areas Only

Solid Waste Disposal
Outside UGB
Cooperative Library System
Records and Elections

Unincorporated Areas
County-wide
County-wide

- c. Establish a coordination system with all cities, special districts and private companies that now or will provide services in the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:

- 1) Sanitary sewage collection and treatment,
- 2) Drainage management,
- 3) Fire protection,
- 4) Water distribution and storage,
- 5) Schools,
- 6) Libraries,
- 7) Utilities (electricity, telephone and cable communications, natural gas, etc.),
- 8) Solid waste disposal,
- 9) Roads and transportation facilities,
- 10) Parks and recreation facilities,
- 11) Police, and
- 12) Transit;

- d. If appropriate in the future, enter into agreements with service providers which address one or more of the following:

- 1) Process for review of development proposals,
- 2) Process for review of proposed service extension or facility expansion,
- 3) Service district or city annexation,
- 4) Planning of service extensions, new facilities, or facility expansions,
- 5) Procedures for amending the agreement,
- 6) Methods to be used to finance service and or facility improvements, operation and maintenance,
- 7) Standards to be used by the County and the service provider in assessing "adequate" service levels,
- 8) Area or clientele to be served now and in the future,
- 9) Consistency with Plan policies and strategies,
- 10) Coordination of capital improvements programs, and
- 11) Cost effectiveness of service provision;

- e. Not oppose proposed annexations which are in accord with an Urban Planning Area Agreement (UPAA);
- f. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during renegotiation of Urban Planning Area Agreements;
- g. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city; and
- h. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.

The PUBLIC FACILITIES AND SERVICES element of the Washington County Comprehensive Framework Plan contains several policies which potentially relate to boundary changes.

Under the subheading "Sanitary Sewage Collection and Treatment" Policy 25 calls for all areas within the UGB to be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan, wherever feasible.

Policy 26 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT ALL RESIDENCES AND BUSINESS BE SERVED WITH AN ADEQUATE SUPPLY OF POTABLE WATER FOR CONSUMPTION AND FIRE SUPPRESSION PURPOSES.

Policy 27 covers drainage by saying that drainage should be managed through a system of coordinated activities of the county and other local government agencies. This approach has been refined through creation a surface water element of the Unified Sewerage Agency.

Policy 31 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK CLOSELY WITH APPROPRIATE SERVICE PROVIDERS TO ASSURE THAT ALL AREAS OF THE COUNTY CONTINUE TO BE SERVED WITH AN ADEQUATE LEVEL OF POLICE AND FIRE PROTECTION.

The RECREATION element of the Comprehensive Framework Plan contains several subheadings and various policies. Under the subheading "Quantity and Quality of Recreation Facilities and Services," Policy 33 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT RESIDENTS OF ITS UNINCORPORATED AREAS ARE PROVIDED WITH ADEQUATE OPEN SPACE AND PARK FACILITIES AND SERVICES.

The **County Resource Document** is the second component of the Washington County Comprehensive Plan. The Resource Document contains information on the County's natural and cultural resources. This is the basic inventory of information on which all comprehensive plans depend. Nothing in this document relates specifically to annexation.

The third component of the Plan is the **Rural\Natural Resource Element**. "The Rural\Natural Resources element of the Washington County Comprehensive Plan provides the framework for guiding future land use decisions in Washington County in areas outside the established urban growth boundaries." (Side 1, Rural Natural Resources Element)

The Rural\Natural Resources Plan is broken down into "policies" which contain "implementing strategies." Policy 1 describes the planning process including amendment procedures. Of interest in the implementing strategies section of this policy is the statement that the County will "Comply with procedures established by the Metropolitan Service District [Metro] for requesting amendments to the regional Urban Growth Boundary." (Section j. of Policy 1)

Policy 2 states the County's commitment to citizen involvement in all facets of the planning process. While this annexation may be considered to be at best tangentially related to the County planning process, it is noted that extensive notice inviting citizen involvement was given. This included affected local governments, surrounding property owners and CPO # 7.

Plan Policy 3, Intergovernmental Coordination, calls on the County to:

- a. "Coordinate planning activities with appropriate federal, state, regional and local government units, and with affected special districts by:

- (1) Providing affected agencies with information on proposed land use actions for review and comment.
- ...
- (3) Notifying affected agencies of time limits for responses to proposed land use actions, and consider that no response within the given time means concurrence with the proposal.

b. Establish and maintain "Planning Area Agreements" with cities.

County Plan Policies 6 (Water Resources), 10 (Fish and Wildlife Habitat) and 11 (Significant Natural Resources) are identified with overlays on the Rural\Natural Resources Plan. The drainageway which runs through the territory to be annexed from east to west is identified as "Water Areas And Wetlands & Fish And Wildlife Habitat." The County strives to protect these areas with regulations limiting development and alteration of the natural vegetation.

Policy 14 establishes nine plan designations for the rural\natural resource area. A portion of this territory (TL's 601, 690, 700 & 800) is designated as AF-20. This is Agriculture and Forest, 20 acre minimum lot size. Tax lots 500 and 600 are designated Exclusive Farm Use (EFU). Policies and implementing strategies relating to EFU are contained Policy 15. Policy 15 does note that exceptions to the policy of maintaining these lands in agricultural use can be allowed pursuant to LCDC Goals, Rules and the County Plan amendment process. Policies relating to AF-20 lands are contained in Policy 17 of the Rural\Natural Resource Plan.

Policy 22, the Public Facilities and Services policy, says public facilities in rural\natural resource areas should be limited to what is necessary for maintaining rural type development.

The last policy in the Rural\Natural Resource Plan is Policy 27, Urbanization. This policy says Washington County intends to provide for urban uses within urban growth boundaries. It says:

The County will:

...

- b. Cooperate with the Metropolitan Service District [Metro] in the establishment and maintenance of the Regional Urban Growth Boundary

The fourth element of Washington County Comprehensive Plan is the **Community Plans & Background Document**. The area being proposed for annexation to Metro is not covered by a Washington County community plan.

The last three elements of the County Comprehensive Plan are the **Community**

Development Code [zoning ordinance], the Transportation Plan and the Unified Capital Improvement Program. These elements do not contain any specific directly applicable standards or criteria for boundary changes.

10. In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and county-wide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.
11. Since this territory has been outside the regional Urban Growth Boundary it is not within a dual interest area covered by a City/County urban growth management agreement.
12. This territory is not covered by the Beaverton Comprehensive Plan.

As a part of the Urban Growth Boundary adjustment process the City of Beaverton and Washington County signed a Memorandum of Understanding relative to the preparation of urban reserve plans. This document lays out the roles of the City and the County concerning the preparation of the urban reserve area plans which must precede any actual changes in the Urban Growth Boundary.

13. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.
14. No urban services are currently available to this site. The territory is not yet within the regional urban growth boundary. Annexation to Metro will not alter this situation. Only after the territory is within the Metro jurisdictional boundary can it be included within the UGB. Annexation to Metro would not make urban services available because the services which Metro offers are not what would generally be described as *urban services*. After annexation to Metro and after successful inclusion of the property within the UGB, the availability of urban services will be addressed through annexation to a city and/or special districts capable of providing those services.
15. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is on N.W. 185th just north of the Sunset Highway.

Beaverton School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

All other services are provided generally at a rural level by Washington County. This includes police protection, transportation, tax collection, etc.

16. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of identifying urban reserve areas and determining which parcels are currently appropriate for inclusion in the UGB. Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt. For the 1998-99 fiscal year the Zoo operating levy was \$.0966 per \$1,000 assessed value (A.V.) and the bonded debt levies were a combined \$.2676 for a total tax levy of \$.3642 per \$1,000 A.V.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission determined:

1. The proposed annexation should be modified to include the right-of-way of Springville Road which lies adjacent to the territory to be annexed. The Board notes that ORS 198.805 obligates them to consider whether the boundary of the proposal should be modified. In order to simplify and clarify the boundary along Springville Road, the Board chooses to include the entire adjacent right-of-way at this time.
2. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . . " To the very limited extent that any directly applicable standards and criteria can be identified, the Board finds its decision to approve this annexation is consistent with them. There are no directly applicable criteria in Metro's only adopted functional plan, the Urban Growth Management Functional Plan. This Plan requires that cities and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to annexation to a District which does not provide any

services that directly facilitate development. The Functional Plan also lays out requirements for additions to the regional Urban Growth Boundary but these requirements do not affect annexations to the district. Metro includes both urban and non-urban lands and changes to its boundary may or may not result in subsequent changes in the urban growth boundary.

The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Board notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days prior to the hearing; 2) mailed notice to necessary parties 45 days prior; 3) two published notices in the Valley Times newspaper; 4) notice by first class mail to every property owner within 500 feet and notice to the affected community planning organization (CPO # 7). The Board concludes this hearing and notice is consistent with this section of the Regional Framework Plan.

3. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Policy 1 of the Rural\Natural Resources Element of the County Comprehensive Plan notes that the County will comply with the procedures established by Metro for changing the UGB. To the extent that the County did participate in the process of [provisionally] changing the UGB in this area the Board finds its decision consistent with this portion of the Plan.

Policy 2 of the Rural\Natural Resources Element states the County's commitment to citizen involvement. Given the public hearing and notice process described in No. 2 above, the Board finds consistency between its decision and this portion of the Plan.

Policy 22 of this element of the Plan says that the County will cooperate with Metro in establishment and maintenance of the UGB. To the extent that Washington County was involved in the recent [provisional] UGB change in this area, this section of the Plan and the Board's decision are consistent.

This area is not covered by any city-county urban planning area agreements. Therefore no consistency between this decision and those agreements is required.

4. The Metro Code also requires that these conclusions address consistency between this decision and any urban service agreements under ORS 195. As noted in Finding No. 13 there are no ORS 195 agreements in place in this area. Therefore

this criteria is inapplicable.

5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is that "The affected entity [Metro] can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others." The Board finds that mostly this criteria also is inapplicable since Metro is not a provider of urban services. However, the Board does believe that the principal behind this criteria, adequacy of services, should be addressed. For the services which the affected district, Metro, does deliver, the Board finds they are adequate to serve this area. Those services and the financing thereof are covered in more detail in Finding No. 16.
6. Metro Code 3.09.050 (e) (4) says: "If the proposed boundary change is for an annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval.

As noted in Finding No. 8 the applicant has met the Metro requirement for a conceptual land use plan which must precede a decision to add the property to the regional Urban Growth Boundary. As noted in Findings No. 2 & 5 the Metro Council (by resolution in December, 1998) did express their intent to bring this area into the Urban Growth Boundary.

The Board therefore finds that the criteria expressed above is met and that the decision to annex this property into Metro is appropriate.

4/29/99
HEARING

4900 N. W. 140th Avenue
Portland, Oregon 97229
April 11, 1999

Chmn. Tom Brian
Washington County Board of Commissioners
155 N. First Street
Hillsboro, Oregon 97124

Dear Chairman Brian:

At our regular CPO 7 meeting held on April 5th the following motion was made:

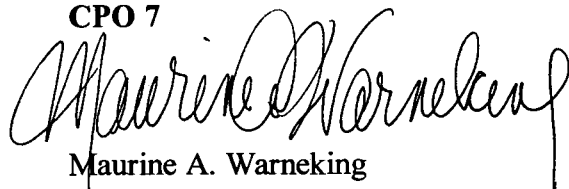
Greg Malinowski moved and Norm Rose seconded the following motion, which passed unanimously with 10 for and none against.

CPO 7, the State and Washington County chartered public involvement organization for the area of concern under State land use planning goals, opposes Boundary Change Proposal MU-0299 because:

1. The proposal is not consistent with the Regional Framework Plan. (Draft plan is presently under appeal for non-compliance with Oregon law, especially statutory protection of farm lands.)
2. Area in question is rural farm land under Washington County comprehensive plans; County has **NOT** supported Urban Reserve Status for this area.
3. Contrary to the Metro Staff report, Washington County **cannot** assure urban services can be made available to the area. Washington County cannot supply adequate transportation and education services to urban areas in UGB south of the site in question until 2020 or later.
4. Portland and Multnomah County cannot provide needed transportation services either.

Regards,

CPO 7



Maurine A. Warneking
Secretary

Cc: Metropolitan Service District, Attn: Ken Martin
✓ Multnomah County, Attn: Chmn. Beverly Stein

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 APR 21 AM 8:52

COPELAND, LANDYE, BENNETT AND WOLF, LLP

ATTORNEYS AT LAW

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1300 S. W. FIFTH AVENUE
PORTLAND, OREGON 97201

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STUART K. COHEN, P.C.
MARK G. COPELAND, P.C.**
JAMES S. CRANE, P.C.**
DAVID N. GOULDER, P.C.
ROBERT B. HOPKINS, P.C.
ROBERT H. HUME, JR., INC.**
THOMAS M. LANDYE, P.C.

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P. STEPHEN RUSSELL III, P.C.
RICHARD L. SADLER, P.C.*
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ALISON S. BROWDIE
KATHERINE A. DREYFUS**
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KARNA R. GUSTAFSON
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ALASKA OFFICE

701 WEST EIGHTH AVENUE
SUITE 1200
ANCHORAGE, ALASKA 99501
(907) 276-5152

April 27, 1999

*ALASKA STATE BAR
**ALASKA AND OREGON STATE BARS
***WASHINGTON AND OREGON STATE BARS
****ALASKA AND WASHINGTON STATE BARS
ALL OTHERS OREGON STATE BAR ONLY

VIA MESSENGER

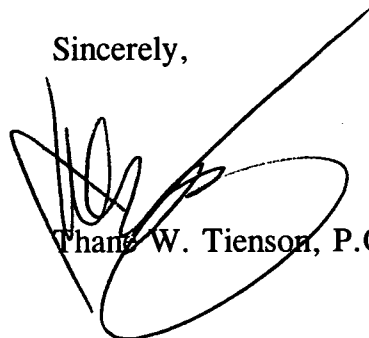
Ms. Beverly Stein
Multnomah County Commission Chair
1120 SW Fifth Avenue, Room 1515
Portland, OR 97204

Dear Chair Stein:

This serves to confirm our recent telephone conversation in which I requested that the vote by the County Commission on whether to annex Urban Reserve Site 65 to Metro presently scheduled for April 29, 1999, be continued for two weeks until Thursday, May 13, 1999, in order to allow this matter to come to a vote before the full Commission. Further, this would allow me and my client to make additional preparations for the hearing (assuming it is needed).

Thank you for your cooperation in this request. I would appreciate it if I could be informed as soon as possible whether my request for an extension will be granted and please advise whether I need to appear at the Commission hearing on Thursday to reiterate my request for an extension.

Sincerely,



Thane W. Tienson, P.C.

*jz

cc: Serena Cruz
Diane Linn
Lisa Naito
Sharron Kelley

RECEIVED
COUNTY COMMISSIONER
99 APR 27 PM 4:47
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Approving the annexation of territory to Metro.

The Multnomah County Board of Commissioners Finds:

- (a) A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.
- (b) A staff report which addressed factors mandated in the Metro Code was presented to the Board 30 days prior to the hearing as required by the Metro Code.
- (c) A public hearing was held before the Board of County Commissioners on April 29 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

- 1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. MU-0299 is approved as modified.
- 2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Metro.
- 3. The staff is directed to file this document with the required parties.

ADOPTED this 29th day of April, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

Reviewed:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

by



Jeffrey B. Litwak

Assistant County Counsel



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation & Development

800 NE Oregon St. # 18
Portland, OR 97232
(503) 731-4065
FAX (503) 731-4068

May 12, 1999

5/13/99
R-8

Ms. Beverly Stein, Chair
Multnomah Board of County Commissioners
1120 SW Fifth Avenue, Suite 1515
Portland, OR 97204-1914

SUBJECT: Consideration of an ORDER Approving the Annexation of Territory to
Metro [Boundary Change Proposal No. MU-0299 Annexing Property within
Washington County to Metro]
Metro Urban Reserve Areas 62 and 63

Dear Ms. Stein:

The Oregon Department of Land Conservation and Development (DLCD) appreciates the opportunity to comment on the above proposal to annex certain territory to the METRO jurisdictional boundary, with respect to Urban Reserve Areas # 64 and 65. We respectfully request that this letter become part of the official record for the above proceedings.

The Department has reviewed the decision or proposed order you may make May 13 regarding the above. We are not taking a position on the proposal, based on our understanding that the decision before the County is completely independent of any future decision that might come before the Metro Council regarding expansion of the Metropolitan Area Urban Growth Boundary.

Thank you for the opportunity to comment.

Sincerely yours,

Meg Fernekees
Portland Metro Area Regional Representative

cc: Richard Benner, Director
Richard Whitman, State DOJ
Jim Sitzman, Urban Program Coordinator

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 MAY 12 PM 12:24



**CITY of BEAVERTON**

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97078 TEL: (503) 526-2481 V/TDD FAX: (503) 526-2571

BCC✓
5/13/99
R-8**ROB DRAKE**
MAYOR

May 12, 1999

Board of Commissioners
Multnomah County
1021 SW Fourth Avenue
Portland, OR 97204RE: Urban Reserve Area 65
Metro Council Boundary Annexation

Dear Board Members:

On behalf of the City of Beaverton, the City endorses the Metro Council boundary annexation affecting the 106-acre area of Urban Reserve Area 65 (URA 65), which is north of Springfield Road and west of 185th Avenue. On December 17, 1998, the Metro Council adopted Resolution 98-2726 stating the Council's intent to bring this portion of URA 65 into the Urban Growth Boundary (UGB) based upon the approved concept plan and related conditions.

Both the City of Beaverton and Washington County have worked with Ryland Homes to prepare a concept plan for the site in order to be responsive to housing densities, transportation modes, environmental protection, and school capacity. In addition, the City of Beaverton and Washington County have a memorandum of agreement, which commits the City as the "lead" agency for local governance, and future planning and development review. As such, in the future, the City of Beaverton will be annexing URA 65 into our community.

It is the City's understanding that the Board of County Commissioners is, in effect, presiding as the old Portland area Boundary Commission to determine amendments to Metro's jurisdictional boundary. The key approval standard for the Board is found in Metro Code 3.09.050(e)(4), which states:

If the proposed boundary change is for annexation of territory to Metro, a determination by Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval.

CITY OF
COUNTY COMMISSIONERS
99 MAY 12 PM 1:25
MULTNOMAH COUNTY
OREGON

Board of Commissioners
May 12, 1999
Page 2

It is the City of Beaverton's request that the Board views this issue as a jurisdictional boundary change and not an urban growth boundary amendment. The City believes that UGB amendments remain the sole responsibility of the Metro Council through detailed analysis and a separate formal public hearing process. The City requests the Board of Commissioners to approve Metro's jurisdictional boundary change for URA 65.

Respectfully,



Rob Drake
Mayor

RD/JG/pal

c: Joe Grillo, Community Development Director

g:/patty/mayor/URA65



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 TEL: (503) 526-2481 V/TDD FAX: (503) 526-2571

ROB DRAKE
MAYOR

May 12, 1999

Board of Commissioners
Multnomah County
1021 SW Fourth Avenue
Portland, OR 97204

RE: Urban Reserve Area 65
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Board of Commissioners
May 12, 1999
Page 2

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Respectfully,

A handwritten signature in black ink, appearing to read "Rob Drake", written over a horizontal line.

Rob Drake
Mayor

RD/JG/pal

c: Joe Grillo, Community Development Director

g:/patty/mayor/URA65

DAVID P. MILLER
16415 NW Brugger Road
Portland, OR 97229
(503) 614-8384

May 13, 1999

Ms. Beverly Stein, Chairperson
Multnomah County Board of Commissioners
1120 SW Fifth, Room 1515
Portland, OR 97204

Re: Metro Annexation Proposal No. MU-0299

Dear Ms. Stein:

The Multnomah County Commission is holding a hearing to consider the proposed annexation to the Metropolitan Service District boundary of the parcel shown on the attached map. The stated purpose of the annexation is to allow completion of the process of changing the Regional Urban Growth Boundary ("UGB") to include this territory.

The area in question is a portion of what was formerly designated by Metro as Urban Reserve Study Area No. 65. In its Decision dated February 25, 1999, the Land Use Board of Appeals ("LUBA") ruled that Urban Reserve Area No. 65, along with other urban reserve areas, had erroneously been selected by Metro, and the issue of designating urban reserves was remanded to Metro for reconsideration in light of the LUBA opinion. The LUBA opinion is currently on appeal by Metro as to other areas, but not as to Area 65. Thus, it has been finally determined by LUBA that Area 65 was not properly designated as an urban reserve.

In discussing the reasons why Area 65 was not properly designated as an urban reserve, LUBA focused on the lack of an adequate showing by Metro why it was necessary to bring the resource lands portion of Area 65 within the UGB. Metro had argued that it was necessary to bring in the resource lands in order to provide services to other lands in Area 65. LUBA said that it was not necessary to bring in all the resource lands for this purpose.

The proposal now before the Commissioners involves the identical resource lands from Area 65 that were the basis for LUBA rejecting Area 65! These are large parcels of relatively level land just outside the current Urban Growth Boundary; it is tempting to expand the boundary onto such lands because they will be easy to develop. However, these lands are also productive farmlands and have already been ruled by LUBA to be inappropriate for inclusion at this time in the UGB because the land use goals assign a low priority for expanding the UGB onto resource lands such as these.

It is interesting that the Staff report supporting this expansion repeatedly refers to the area having been "provisionally" included in the UGB. Given that Area 65 is no longer a valid urban

Ms. Beverly Stein, Chairperson
Multnomah County Board of Commissioners
May 13, 1999
Page 2

reserve, any action by the Metro Council in relation to these lands that was taken prior to the LUBA appeal is no longer effective. Thus, the reference to their provisional inclusion within the UGB is meaningless and should be ignored.

The standard this Board must follow in making a decision regarding expression of the Metro Services Boundary are set out in Metro Code Section 3.09.050 which requires that the following form criteria be met by any boundary expansion:

1. Compliance with urban services provider agreements. None of these currently exist in relation to the lands in question.
2. The decision is consistent with applicable land use planning standards. As discussed above, LUBA has ruled that these lands do not meet the criteria for inclusion in the UGB.
3. Urban services are now available or can be made available. There are no urban services available now and no agreements between providers as to who will provide the services in the future.
4. The Metro Council must have decided that the territory in question is suitable for inclusion in the Urban Growth Boundary. As explained above, the Metro decision in this regard was made before LUBA invalidated Area 65 and is of no effect because it was premised on an invalid urban reserve decision.

It seems clear that the Metro Code's criteria are not met for approval of this proposal. Approval will only engender further litigation and certain defeat for the proponents based upon the principles set out in the LUBA decision on urban reserves. The appropriate procedure is for Metro to revisit the issue of an urban reserve in this area in accordance with LUBA's decision and then propose a UGB expansion within an appropriately established and planned urban reserve. It would be the height of folly to support a direct addition to the UGB of the very same lands that caused LUBA to declare the urban reserve containing those lands invalid.

Yours truly



David P. Miller

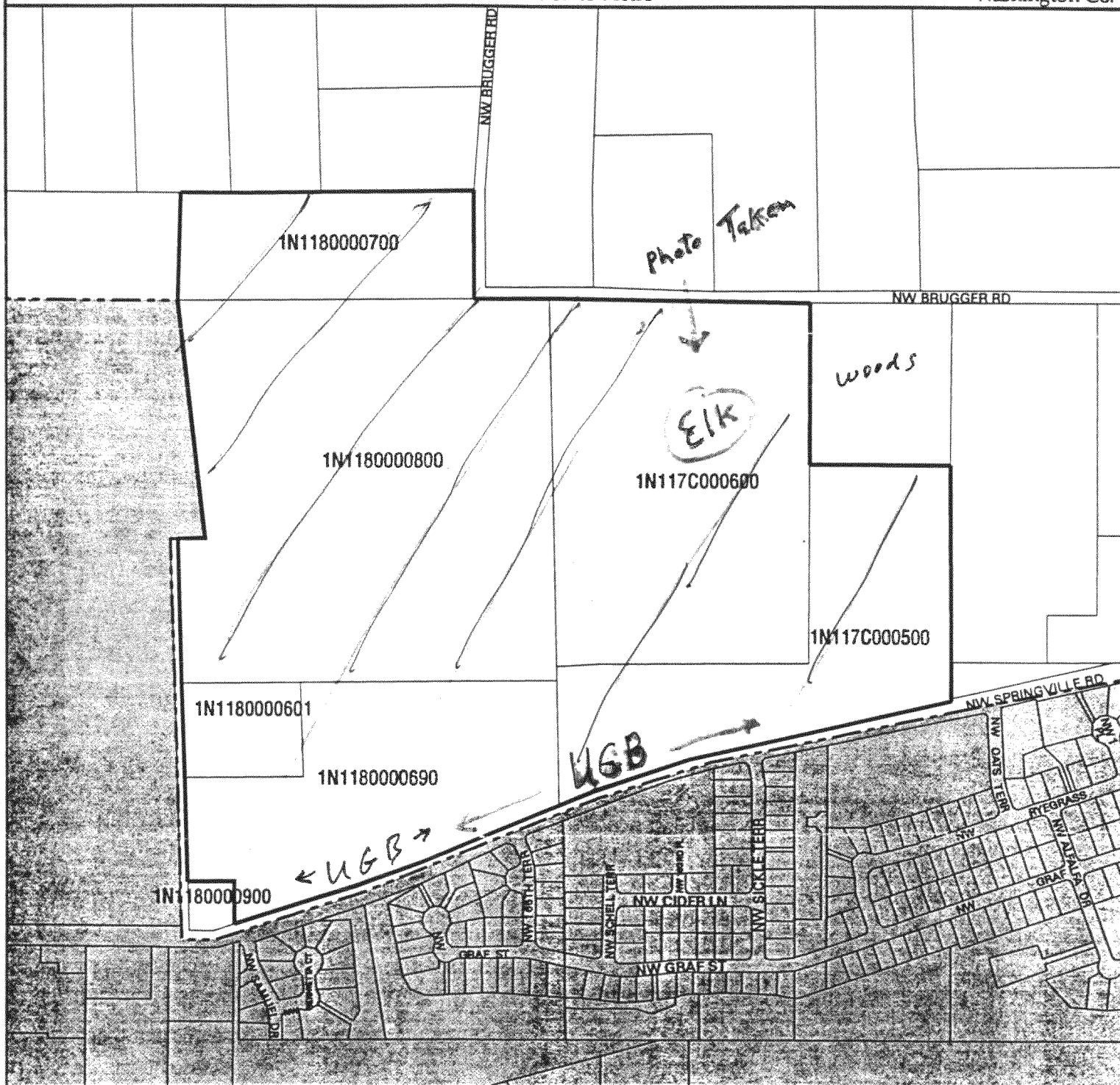
DPM:d-p
cc: County Commissioners

Proposal No. MU0299

1N1W18

Annexation to Metro

Washington Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1908
Email dro@metro-region.org

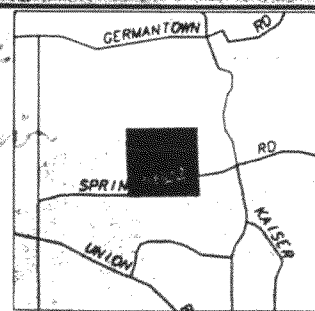
METRO

The information on this map was derived from digital databases on Metro's GIS. Can use taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. These are not warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- Metro boundary
- Annexation boundary
- Area to be annexed

Scale: 1" = 500'

0 500 1000



MALINOWSKI FARM

13450 NW SPRINGVILLE LN
PORTLAND, OREGON, 97229

May 12, 1999

To: Multnomah County Commission

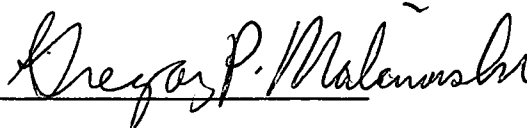
This to confirm that Malinowski Farms is opposed to the addition of the land North of Springville Rd to the Metro Boundary. We have several concerns.

- The entire proposed area is EFU resource lands, why put strictly resource lands into a boundary designed to manage Urban Growth?
- There has been no explanation as to how this will enhance and protect this Farm Land from urban encroachment.
- There is non-resource land available in the area that could be added to Metro instead of the EFU.
- Why randomly add EFU land around the outside of the Metro boundary? What is the logic? Why here and not someplace else?
- This land has been in the past, part of a Urban Reserve approved by Metro, but that was Appealed, Remanded back to Metro with a host of areas, and Metro has decided not to Appeal this area to another level. So Metro seems to be in agreement with LUBA that this area should not be a urban reserve.
- Springville Rd provides a logical Boundary for the Metro Boundary, which if you look at a current Map Has long straight lines that are not Gerrymandered along lot lines, and in this case around a individual house on the east side.

We ask the Multnomah County Commission to decline this rather unexplainable annexation to the Metro boundary.

Malinowski Farm is a Certified Organic Farm which has been farming at this location for over 50 years. We protect the wetlands, wildlife, and resources, while producing Hay and Beef, and are home to a CSA which provides weekly fresh organic vegetables for 60 families in the Metropolitan area.

Thank You,



Gregory P. Malinowski for Malinowski Farm



BCC ✓
R-8
5/13/99

CLERK OF
COUNTY COMMISSIONERS
99 MAY 12 PM 5:23
MULTNOMAH COUNTY
OREGON

May 12, 1999

Chairperson Beverly Stein
Multnomah County Board of Commissioners
County Courthouse
1120 SW Fifth Avenue, Suite 1515
Portland, OR 97204

Re: Annexation to Metro; Boundary Change Proposal No. MU-0299

Dear Chair Stein and Board Members:

Before the Board on May 13 will be a request to expand the jurisdictional boundary of Metro to include 109 acres of land, which is mostly zoned for exclusive farm use, north of Springville Road in Washington County. This land is part of a larger area, often known as Urban Reserve Study Area no. 65, or "URSA 65," which Metro designated as an urban reserve in March 1997. Metro then passed a resolution of intent to consider bringing a portion of URSA 65 into the urban growth boundary, if the land is first brought into the Metro jurisdictional boundary. We understand that at the time of UGB amendment, Metro will apply the statewide planning goals and other relevant criteria.

1000 Friends of Oregon participated in every stage of the urban reserve and UGB decision-making processes. We oppose this expansion, and request that you deny the application.

The primary reason to deny this application is that the underlying premise is no longer valid. That is, as a practical matter, this land is no longer in an urban reserve. Metro's urban reserve decision was appealed to the Land Use Board of Appeals by 1000 Friends and many others. Among other things, we argued that the specific grounds on which Metro justified designating the farm land portion of URSA 65 - i.e., the land at issue in this annexation proposal - were invalid.

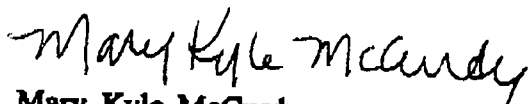
The Land Use Board of Appeals sustained our argument. See *D.S. Parklane v. Metro*, LUBA No. 40, slip op. at pp. 92-96, 102-04 (Feb. 29, 1999). Portions of the LUBA decision was appealed to the Court of Appeals, where a decision is now pending. However, no party appealed LUBA's holding regarding the farm land in

URSA 65. Although LUBA's opinion is now on appeal to the Court, regardless of how the Court decides that appeal, the outcome for this area will not change: when the decision returns to LUBA and ultimately to Metro, this area will not be an urban reserve.

State law, ORS 197.298, requires that when expanding an urban growth boundary, lands designated as urban reserves must be given first priority, and lands designated as resource land must be given last priority. And, as pointed out in your staff report, Metro's Regional Framework Plan, Chapter 1, Policy 1.12, directs that UGB expansions "shall occur in urban reserves." (Staff report, p. 9) At the time Metro considers any UGB expansion, this land will not be in the urban reserves Metro has designated. Rather, it will be in the last priority lands, resource lands. There is no point in going through the exercise of expanding Metro's jurisdictional boundary in order to ultimately expand the UGB to include this area, when the underlying premise for doing so is gone. If in the future Metro wishes to expand its UGB in this area, it will have to do so through another decision-making process.

It is premature for you to consider annexing this land into Metro's jurisdictional boundary; we ask that you deny this proposal. Thank you for consideration of our views.

Sincerely,



Mary Kyle McCurdy
Staff Attorney
Urban Growth Management Program

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-82

Approving the annexation of territory to Metro.

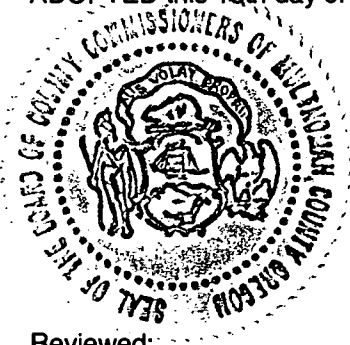
The Multnomah County Board of Commissioners Finds:

- (a) A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.
- (b) A staff report which addressed factors mandated in the Metro Code was presented to the Board 30 days prior to the hearing as required by the Metro Code.
- (c) A public hearing was held before the Board of County Commissioners on May 13 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

- 1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. MU-0299 is approved as modified.
- 2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Metro.
- 3. The staff is directed to file this document with the required parties.

ADOPTED this 13th day of May, 1999.



Reviewed:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

By 
Jeffrey B. Litwak, Assistant County Counsel

FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 109 acres, 2 single family residences, a population of 4 and is evaluated at \$520,810.
2. The applicant desires annexation in order to pursue inclusion in the regional Urban Growth Boundary and ultimately development of the property. This property was included in an urban reserve area and has been provisionally included in the UGB. However, Metro cannot take official action on the UGB amendment until the property is within the Metro jurisdictional boundary.
3. Tax lot 900 lies adjacent to the area to be annexed at its southwest corner. If the territory is annexed this tax lot would be almost completely surrounded by the Metro boundary. Only a thin strip of the Springville Rd. right-of-way prevents total encirclement. The owners of this lot were contacted by staff about the possibility of joining this annexation. These owners are firmly opposed to their inclusion in the proposal.

The Metro boundary in Springville Rd. runs along the centerline of the road. In order to simply and clarify the boundary it would make sense to modify the proposed annexation to take in the north half of the Springville Road right-of-way.

4. The land slopes gently toward the south and west and is mostly open farmland.
5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).

Metro was required by state law to designate areas outside its boundary which would be suitable for supplying a 10-30 year supply of developable land beyond the 20 year supply within the boundary. The area was included within an "urban reserve study area" in 1995 (by Metro Resolution 95-2244). Further study and action by the Metro Council in March of 1997 resulted in designation of this territory as an "urban reserve area" (URA).

Additionally Metro was required to inventory buildable lands within the existing UGB and analyze the adequacy of the supply by January 1, 1998. If the supply was found wanting Metro was required to accommodate one half of the mandated 20 year supply inside the UGB within one year of completion of the analysis - in other words, by January 1, 1998. They were given two years to accommodate the entire 20 year buildable lands supply within the UGB (that is, by January 1, 1999).

Metro completed the required analysis, determined that they needed to expand the UGB and did so by bringing into the UGB (by ordinance or provisionally by

resolution) certain lands in the identified Urban Reserve Areas. This action was taken in December, 1998 and the territory to be annexed to Metro in the current proposal was included. The URA's had been identified by numbers, in this case Number 65.

Thus the status of the territory to be annexed is that it is provisionally approved for inclusion in the regional Urban Growth Boundary pending approval of its inclusion in Metro's jurisdictional boundary.

6. The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include "... compliance with adopted regional urban growth goals and objectives, functional plans ... and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept. Each of these elements of the Regional Framework Plan is discussed in subsequent findings.
7. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries.
(p.7, Regional Framework Plan (RFP))

8. The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan does not contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives) including one titled "Urban/Rural Transition" (p. 32, RFP). This policy states there should be a clear transition between urban and rural land. The policy then goes on to list some factors to be considered when determining where the break should be between urban and rural lands. It also gives guidance for determining which areas should be included in "urban reserves."

The property under consideration in the current boundary change proposal is clearly

in a transition mode. However, this policy speaks to the larger issues of deciding what areas should be included in urban reserves and ultimately the UGB. The policy does not give direction on the more specific notion of annexation into the Metro jurisdictional boundary which includes both rural and urban lands.

Chapter 1 also contains a policy on the Urban Growth Boundary (pp. 33-34). This policy, like the previous one, addresses issues of changing the UGB but does not speak to the changing of the District's jurisdictional boundary. This policy does lay out the details of a requirement that conceptual land use plans must be done for urban reserve areas prior to their being considered for inclusion in the Urban Growth Boundary. These requirements are also formalized in the Metro Code (Chapter 3.01). These requirements of an urban reserve plan are not directly related to the current proposal. However it can be noted that the applicant met these requirements through submission to the Metro Council as a part of the process of having this territory provisionally approved for inclusion in the UGB.

Policy 1.12 of Chapter 1 calls for protection of agricultural and resource lands outside the UGB. The goal goes on to say that:

Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter does not contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter does not contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter does not contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not

include any specific applicable criteria relative to boundary changes.

9. The territory to be annexed is currently outside the regional Urban Growth Boundary and therefore subject to Washington County's Rural and Natural Resources Plan. However, since Metro has provisionally decided it should be placed within the UGB where it would fall under the County's Comprehensive Framework Plan For The Urban Area, both plans were examined.

In the GENERAL element of the Plan the Intergovernmental Coordination Policy calls for the County to "effectively coordinate its planning and development efforts with . . . other local governments and special districts." 3.1.11, Intergovernmental Coordination Policy No. 3. The summary of that section notes that " . . . the specific responsibilities of cities and special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan." To the extent that boundary changes to cities and districts can be considered to be "plans and programs" it could be asserted that such boundary changes need to be consistent with the plan.

One of the implementing strategies of this element calls for establishment and maintenance of Urban Planning Area Agreements (UPAA's) between the cities and the County. These documents are to aid in the coordination between the County and cities on land use planning and development matters. These documents may contain guidelines relative to boundary changes and if so, by virtue of this element, they would need to be considered when reviewing compliance of a boundary change with the Comprehensive Framework Plan.

In the URBANIZATION element of the Plan under the subheading "Reasons for Growth" (3.3.1), Policy 13 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH A GROWTH MANAGEMENT SYSTEM FOR THE UNINCORPORATED AREAS WITHIN THE UGB WHICH PROMOTES:

- (1) EFFICIENT, ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES;
- (2) INFILL DEVELOPMENT IN ESTABLISHED AREAS WHILE PRESERVING EXISTING NEIGHBORHOOD CHARACTER;
- (3) DEVELOPMENT NEAR OR CONTIGUOUS TO EXISTING URBAN DEVELOPMENT WHERE SERVICES AREA AVAILABLE;
- (4) PARCELIZATION OF LAND SUCH THAT FUTURE DEVELOPMENT AT URBAN DENSITIES CAN TAKE PLACE;

- (5) DEVELOPMENT WHICH IS COMPATIBLE WITH EXISTING LAND USES;
- (6) AGRICULTURAL USE OF AGRICULTURAL LAND UNTIL SERVICES ARE AVAILABLE TO ALLOW DEVELOPMENT;
- (7) DEVELOPMENT IN CONCERT WITH ADOPTED COMMUNITY PLANS; AND
- (8) UTILIZATION OF THE EXISTING CAPITAL INFRASTRUCTURE.

Policy 14, under the subheading of Managing Growth, says:

IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH ON UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.

Policy 15 of the URBANIZATION element, under the subheading "Roles and Responsibilities for Servicing Growth," states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH SERVICE PROVIDERS, INCLUDING CITIES AND SPECIAL DISTRICTS, AND THE PORTLAND METROPOLITAN AREA BOUNDARY COMMISSION, TO INSURE THAT FACILITIES AND SERVICES REQUIRED FOR GROWTH WILL BE PROVIDED WHEN NEEDED BY THE AGENCY OR AGENCIES BEST ABLE TO DO SO IN A COST EFFECTIVE AND EFFICIENT MANNER.

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning;
- b. Continue to provide the following facilities and services as resources permit:

Public Health
Sheriff Patrol
Assessment and Taxation
Land Development Regulations
Solid Waste Collection System
Management (franchising)

County-wide
County-wide (limited)
County-wide
Unincorporated Areas Only
Unincorporated Areas Only

Solid Waste Disposal
Outside UGB
Cooperative Library System
Records and Elections

Unincorporated Areas
County-wide
County-wide

- c. Establish a coordination system with all cities, special districts and private companies that now or will provide services in the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:
- 1) Sanitary sewage collection and treatment,
 - 2) Drainage management,
 - 3) Fire protection,
 - 4) Water distribution and storage,
 - 5) Schools,
 - 6) Libraries,
 - 7) Utilities (electricity, telephone and cable communications, natural gas, etc.),
 - 8) Solid waste disposal,
 - 9) Roads and transportation facilities,
 - 10) Parks and recreation facilities,
 - 11) Police, and
 - 12) Transit;
- d. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
- 1) Process for review of development proposals,
 - 2) Process for review of proposed service extension or facility expansion,
 - 3) Service district or city annexation,
 - 4) Planning of service extensions, new facilities, or facility expansions,
 - 5) Procedures for amending the agreement,
 - 6) Methods to be used to finance service and or facility improvements, operation and maintenance,
 - 7) Standards to be used by the County and the service provider in assessing "adequate" service levels,
 - 8) Area or clientele to be served now and in the future,
 - 9) Consistency with Plan policies and strategies,
 - 10) Coordination of capital improvements programs, and
 - 11) Cost effectiveness of service provision;

- e. Not oppose proposed annexations which are in accord with an Urban Planning Area Agreement (UPAA);
- f. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during renegotiation of Urban Planning Area Agreements;
- g. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city; and
- h. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.

The PUBLIC FACILITIES AND SERVICES element of the Washington County Comprehensive Framework Plan contains several policies which potentially relate to boundary changes.

Under the subheading "Sanitary Sewage Collection and Treatment" Policy 25 calls for all areas within the UGB to be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan, wherever feasible.

Policy 26 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT ALL RESIDENCES AND BUSINESS BE SERVED WITH AN ADEQUATE SUPPLY OF POTABLE WATER FOR CONSUMPTION AND FIRE SUPPRESSION PURPOSES.

Policy 27 covers drainage by saying that drainage should be managed through a system of coordinated activities of the county and other local government agencies. This approach has been refined through creation a surface water element of the Unified Sewerage Agency.

Policy 31 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK CLOSELY WITH APPROPRIATE SERVICE PROVIDERS TO ASSURE THAT ALL AREAS OF THE COUNTY CONTINUE TO BE SERVED WITH AN ADEQUATE LEVEL OF POLICE AND FIRE PROTECTION.

The RECREATION element of the Comprehensive Framework Plan contains several subheadings and various policies. Under the subheading "Quantity and Quality of Recreation Facilities and Services," Policy 33 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT RESIDENTS OF ITS UNINCORPORATED AREAS ARE PROVIDED WITH ADEQUATE OPEN SPACE AND PARK FACILITIES AND SERVICES.

The **County Resource Document** is the second component of the Washington County Comprehensive Plan. The Resource Document contains information on the County's natural and cultural resources. This is the basic inventory of information on which all comprehensive plans depend. Nothing in this document relates specifically to annexation.

The third component of the Plan is the **Rural\Natural Resource Element**. "The Rural\Natural Resources element of the Washington County Comprehensive Plan provides the framework for guiding future land use decisions in Washington County in areas outside the established urban growth boundaries." (Side 1, Rural Natural\ Resources Element)

The Rural\Natural Resources Plan is broken down into "policies" which contain "implementing strategies." Policy 1 describes the planning process including amendment procedures. Of interest in the implementing strategies section of this policy is the statement that the County will "Comply with procedures established by the Metropolitan Service District [Metro] for requesting amendments to the regional Urban Growth Boundary." (Section j. of Policy 1)

Policy 2 states the County's commitment to citizen involvement in all facets of the planning process. While this annexation may be considered to be at best tangentially related to the County planning process, it is noted that extensive notice inviting citizen involvement was given. This included affected local governments, surrounding property owners and CPO # 7.

Plan Policy 3, Intergovernmental Coordination, calls on the County to:

- a. "Coordinate planning activities with appropriate federal, state, regional and local government units, and with affected special districts by:

- (1) Providing affected agencies with information on proposed land use actions for review and comment.
- (3) Notifying affected agencies of time limits for responses to proposed land use actions, and consider that no response within the given time means concurrence with the proposal.

b. Establish and maintain "Planning Area Agreements" with cities.

County Plan Policies 6 (Water Resources), 10 (Fish and Wildlife Habitat) and 11 (Significant Natural Resources) are identified with overlays on the Rural\Natural Resources Plan. The drainageway which runs through the territory to be annexed from east to west is identified as "Water Areas And Wetlands & Fish And Wildlife Habitat." The County strives to protect these areas with regulations limiting development and alteration of the natural vegetation.

Policy 14 establishes nine plan designations for the rural\natural resource area. A portion of this territory (TL's 601, 690, 700 & 800) is designated as AF-20. This is Agriculture and Forest, 20 acre minimum lot size. Tax lots 500 and 600 are designated Exclusive Farm Use (EFU). Policies and implementing strategies relating to EFU are contained Policy 15. Policy 15 does note that exceptions to the policy of maintaining these lands in agricultural use can be allowed pursuant to LCDC Goals, Rules and the County Plan amendment process. Policies relating to AF-20 lands are contained in Policy 17 of the Rural\Natural Resource Plan.

Policy 22, the Public Facilities and Services policy, says public facilities in rural\natural resource areas should be limited to what is necessary for maintaining rural type development.

The last policy in the Rural\Natural Resource Plan is Policy 27, Urbanization. This policy says Washington County intends to provide for urban uses within urban growth boundaries. It says:

The County will:

...

- b. Cooperate with the Metropolitan Service District [Metro] in the establishment and maintenance of the Regional Urban Growth Boundary

The fourth element of Washington County Comprehensive Plan is the **Community Plans & Background Document**. The area being proposed for annexation to Metro is not covered by a Washington County community plan.

The last three elements of the County Comprehensive Plan are the **Community**

Development Code [zoning ordinance], the Transportation Plan and the Unified Capital Improvement Program. These elements do not contain any specific directly applicable standards or criteria for boundary changes.

10. In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and county-wide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.
11. Since this territory has been outside the regional Urban Growth Boundary it is not within a dual interest area covered by a City/County urban growth management agreement.
12. This territory is not covered by the Beaverton Comprehensive Plan.

As a part of the Urban Growth Boundary adjustment process the City of Beaverton and Washington County signed a Memorandum of Understanding relative to the preparation of urban reserve plans. This document lays out the roles of the City and the County concerning the preparation of the urban reserve area plans which must precede any actual changes in the Urban Growth Boundary.

13. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.
14. No urban services are currently available to this site. The territory is not yet within the regional urban growth boundary. Annexation to Metro will not alter this situation. Only after the territory is within the Metro jurisdictional boundary can it be included within the UGB. Annexation to Metro would not make urban services available because the services which Metro offers are not what would generally be described as *urban services*. After annexation to Metro and after successful inclusion of the property within the UGB, the availability of urban services will be addressed through annexation to a city and/or special districts capable of providing those services.
15. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is on N.W. 185th just north of the Sunset Highway.

Beaverton School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

All other services are provided generally at a rural level by Washington County. This includes police protection, transportation, tax collection, etc.

16. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of identifying urban reserve areas and determining which parcels are currently appropriate for inclusion in the UGB. Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt. For the 1998-99 fiscal year the Zoo operating levy was \$.0966 per \$1,000 assessed value (A.V.) and the bonded debt levies were a combined \$.2676 for a total tax levy of \$.3642 per \$1,000 A.V.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission determined:

1. The proposed annexation should be modified to include the right-of-way of Springville Road which lies adjacent to the territory to be annexed. The Board notes that ORS 198.805 obligates them to consider whether the boundary of the proposal should be modified. In order to simplify and clarify the boundary along Springville Road, the Board chooses to include the entire adjacent right-of-way at this time.
2. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . . " To the very limited extent that any directly applicable standards and criteria can be identified, the Board finds its decision to approve this annexation is consistent with them. There are no directly applicable criteria in Metro's only adopted functional plan, the Urban Growth Management Functional Plan. This Plan requires that cities and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to annexation to a District which does not provide any

services that directly facilitate development. The Functional Plan also lays out requirements for additions to the regional Urban Growth Boundary but these requirements do not affect annexations to the district. Metro includes both urban and non-urban lands and changes to its boundary may or may not result in subsequent changes in the urban growth boundary.

The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Board notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days prior to the hearing; 2) mailed notice to necessary parties 45 days prior; 3) two published notices in the Valley Times newspaper; 4) notice by first class mail to every property owner within 500 feet and notice to the affected community planning organization (CPO # 7). The Board concludes this hearing and notice is consistent with this section of the Regional Framework Plan.

3. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Policy 1 of the Rural\Natural Resources Element of the County Comprehensive Plan notes that the County will comply with the procedures established by Metro for changing the UGB. To the extent that the County did participate in the process of [provisionally] changing the UGB in this area the Board finds its decision consistent with this portion of the Plan.

Policy 2 of the Rural\Natural Resources Element states the County's commitment to citizen involvement. Given the public hearing and notice process described in No. 2 above, the Board finds consistency between its decision and this portion of the Plan.

Policy 22 of this element of the Plan says that the County will cooperate with Metro in establishment and maintenance of the UGB. To the extent that Washington County was involved in the recent [provisional] UGB change in this area, this section of the Plan and the Board's decision are consistent.

This area is not covered by any city-county urban planning area agreements. Therefore no consistency between this decision and those agreements is required.

4. The Metro Code also requires that these conclusions address consistency between this decision and any urban service agreements under ORS 195. As noted in Finding No. 13 there are no ORS 195 agreements in place in this area. Therefore

this criteria is inapplicable.

5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is that "The affected entity [Metro] can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others." The Board finds that mostly this criteria also is inapplicable since Metro is not a provider of urban services. However, the Board does believe that the principal behind this criteria, adequacy of services, should be addressed. For the services which the affected district, Metro, does deliver, the Board finds they are adequate to serve this area. Those services and the financing thereof are covered in more detail in Finding No. 16.
6. Metro Code 3.09.050 (e) (4) says: "If the proposed boundary change is for an annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval.

As noted in Finding No. 8 the applicant has met the Metro requirement for a conceptual land use plan which must precede a decision to add the property to the regional Urban Growth Boundary. As noted in Findings No. 2 & 5 the Metro Council (by resolution in December, 1998) did express their intent to bring this area into the Urban Growth Boundary.

The Board therefore finds that the criteria expressed above is met and that the decision to annex this property into Metro is appropriate.

EXHIBIT B

Proposal No. MU-0299

A TRACT OF LAND WITHIN THE SOUTHWEST ONE QUARTER OF SECTION 17, AND THE SOUTHEAST ONE QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON:

COMMENCING AT THE SOUTHWEST CORNER OF THE J. BRUGGER DONATION LAND CLAIM NUMBER 52;

THENCE S 46°38'09" W, 28.22 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF NW BRUGGER ROAD (CR 1037) TO THE TRUE POINT OF BEGINNING;

THENCE S 88°13'56" E, 1,084.46 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF NW BRUGGER ROAD (CR 1037) TO A POINT COMMON TO LOT 25 AND LOT 26 OF THE "BRUGGER TRACT" AND THE SOUTH RIGHT OF WAY LINE OF BRUGGER ROAD (CR 1037);

THENCE S 01°30'14" W, 596.47 FEET ALONG THE LINE BETWEEN LOT 25 AND LOT 26 OF THE "BRUGGER TRACT" TO A POINT;

THENCE LEAVING SAID COMMON LINE S 88°29'46" E, 493.02 FEET TO A POINT:

THENCE S 01°30'14" W, 703.01 FEET TO A POINT;

THENCE S 88°25'44" E, 13.75 FEET TO A POINT:

THENCE S 01°49'10" W, 135.09 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF NW SPRINGVILLE ROAD (CR A-3);

THENCE S 79°42'31" W, 790.85 FEET ALONG THE NORTH RIGHT OF WAY LINE OF NW SPRINGVILLE ROAD (CR A-3) TO A POINT ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2,030.00 FEET:

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°20'08" (THE LONG CHORD OF WHICH BEARS S 74°02'27" W, 400.97 FEET) 401.62 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG THE NORTH RIGHT OF WAY LINE OF NW SPRINGVILLE ROAD (CR A-3), S 68°22'23" W, 607.75 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS 3,970.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°30'59" (THE LONG CHORD OF WHICH BEARS S 70°37'53" W, 312.85 FEET) 312.94 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG THE NORTH RIGHT OF WAY LINE OF NW SPRINGVILLE ROAD (CR A-3) S 72°53'22" W, 324.56 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1,170.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7°33'57" (THE LONG CHORD OF WHICH BEARS S 76°40'21" W, 154.39 FEET) 154.50 FEET TO A POINT;

THENCE LEAVING SAID NORTH LINE OF NW SPRINGVILLE ROAD (CR A-3), N 02°02'28" E, 218.97 FEET TO A POINT;

THENCE N 87°57'32" W, 165.00 FEET, TO A POINT ON THE WEST LINE OF THE ARCHIBALD BULL DONATION LAND CLAIM NUMBER 50.

THENCE ALONG SAID WEST LINE N 02°02'28" E, 1,127.58 FEET ALONG SAID WEST LINE TO A POINT ON SAID WEST LINE;

THENCE LEAVING SAID WEST LINE, S 87°57'32" E, 64.50 FEET TO A POINT;

THENCE N 01°58'50" W, 919.67 FEET TO THE NORTHWEST CORNER OF THE ARCHIBALD BULL DONATION LAND CLAIM NUMBER 50;

THENCE N 03°11'33" E, 336.96 FEET TO A POINT;

THENCE S 88°39'44" E, 1,008.04 FEET TO A POINT ON THE WEST LINE OF BRUGGER ROAD (CR 1037);

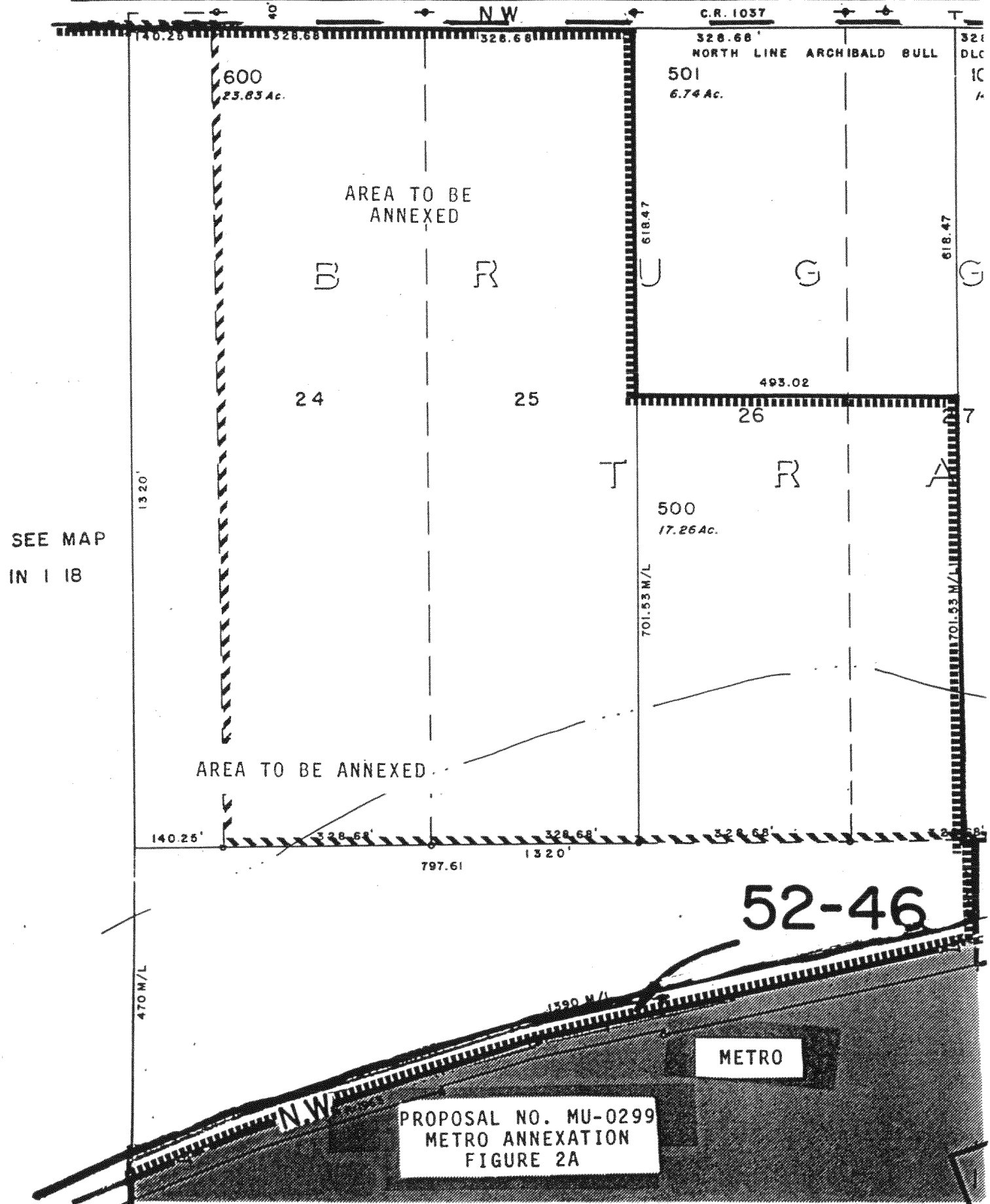
THENCE S 01°30'14" W, 390.24 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 4,764,302 SQ. FT. OR 109.4 ACRES MORE OR LESS

AND INCLUDING THE ADJACENT ROAD R-O-W OF SPRINGVILLE ROAD.

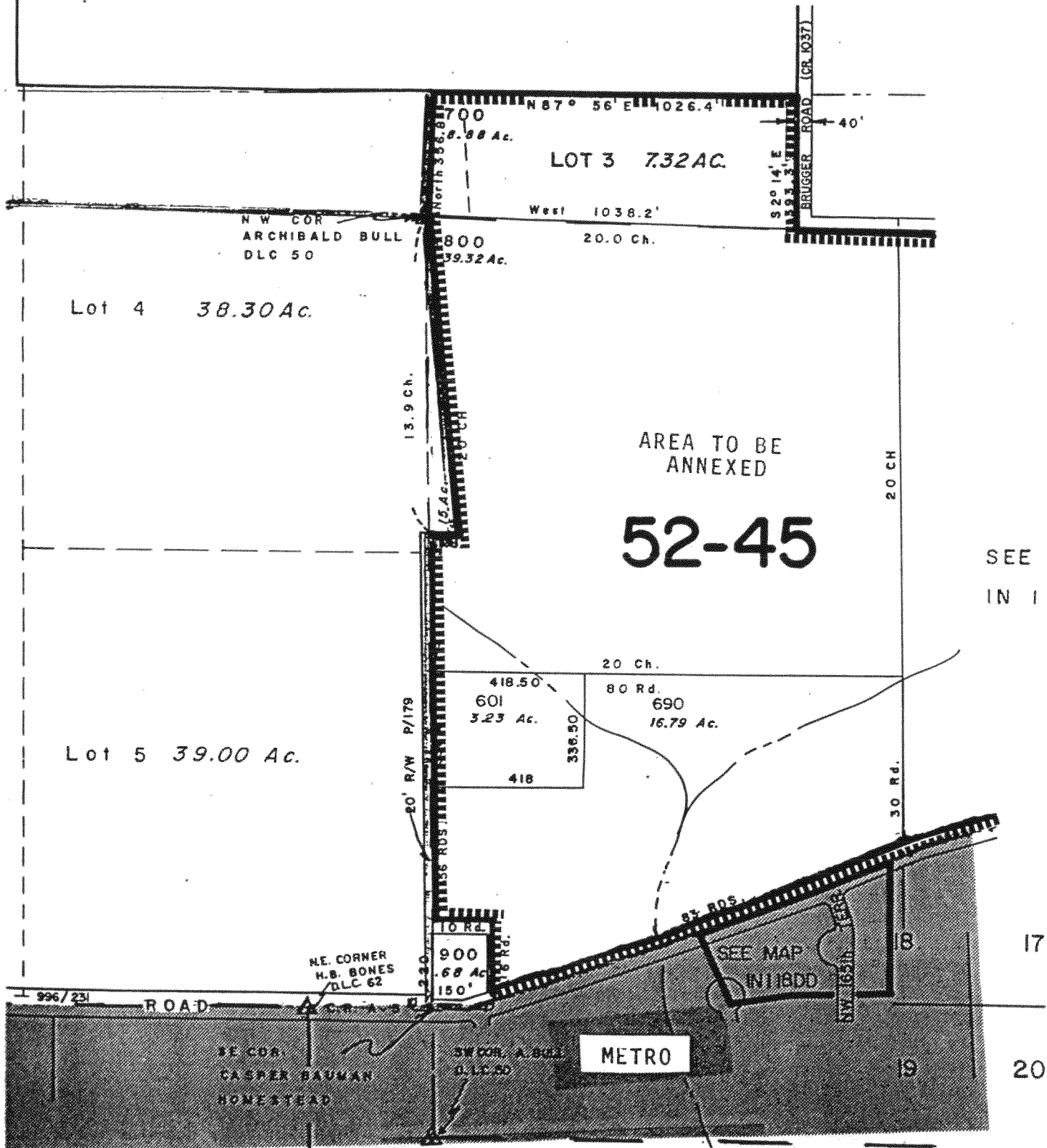
Proposal No. MU0299

SW1/4 SECTION 17 T1N R1W W.M.



Proposal No. MU0299

SECTION 18 TIN RIW W.M.



PROPOSAL NO. MU-0299
METRO ANNEXATION
FIGURE 2B

MEETING DATE: MAY 13 1999
AGENDA NO: R-9
ESTIMATED START TIME: 10:30 AM

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Boundary Change Proposal No. MU-0399, Annexation to Dunthorpe-Riverdale County Service District for Sewers

BOARD BRIEFING:

DATE REQUESTED:
REQUESTED BY:
AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: May 13, 1999
AMOUNT OF TIME NEEDED: 15 Minutes

DEPARTMENT: DES

DIVISION: Administration

CONTACT: Larry Nicholas

TELEPHONE #: 83355
BLDG/ROOM #: 455/224

PERSON(S) MAKING PRESENTATION Ken Martin, Local Government Boundary Change Manager

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Boundary Change Proposal No. MU-0399, Annexation To Dunthorpe-Riverdale County service District for Sewers

5/13/99 copies to Ken Martin & Larry Nicholas

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT MANAGER:

Larry Nicholas

LOCAL GOVT
COUNTY COMMISSIONERS
99 APR 27 AM 7:27
MULTI-COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

TO: Board of County Commissioners

FROM: Dept. of Environmental Services - Local Government Boundary Office

Date: April 8, 1999

RE: Boundary Change Proposal No. MU-0399, Annexation to Dunthorpe-Riverdale County Service District for Sewers

1. **Recommend./Action Requested:** Approval
2. **Background/Analysis:** See Attached Staff Report
3. **Financial Impact:** None
4. **Legal Issues:** None
5. **Controversial Issues:** None
6. **Link to Current County Policies:** The relationship to the Multnomah County Comprehensive Framework Plan is covered in the attached staff report.
7. **Citizen Participation:** Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice in the County Courthouse 45 days prior to the hearing; 2) Publishing notice twice in the Daily Journal of Commerce; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.
8. **Other Government Participation:** The Dunthorpe-Riverdale County Service District is a county service district for sewers for which the Multnomah County Board serves as the board of Directors.

NOTES ON STAFF REPORT AND PROPOSED ORDER

Because the boundary review process is new, the following notes will be included with the first few proposals presented to the Board.

Legal Framework

The legal framework for review of boundary change proposals by the Board is composed of three parts. Oregon Revised Statutes Chapter 198 (ORS 198) lays out the general process including the minimum requirements for initiating a proposal, components of the initiating petition, notice requirements and timelines for processing and filing approved boundary changes. Some criteria for decision-making, particularly with regard to possible modifications, are specified in ORS 198.

Metro Code Chapter 3.09 provides additional, and generally speaking, more detailed rules and criteria for boundary change review. These rules and criteria are in addition to the ORS 198 requirements. Also these rules and criteria only apply to boundary changes (such as the current proposal) which are inside the Metro boundary or identified urban reserve areas. The Metro code calls for wider notice of hearings and decisions and longer periods of time between the notice and the event. The Code requires a staff report which addresses specific factors such as compliance with regional and local plans. Also mandated are approval orders with findings of fact and conclusions based on those facts. Finally the Metro Code sets up an appeal panel which may hear appeals of county decisions if those appeals are made by a necessary party. A necessary party is a unit of government which directly or indirectly delivers one of the following services to the area in the proposed boundary change: sewer, water, fire, parks\recreation\open space, roads and mass transit.

The third part of the legal framework for your review of boundary changes is Oregon Revised Statute Chapter 197, specifically ORS 197.763. While there could be exceptions, it is generally believed that most annexation decisions should be considered to be land use decisions. Thus to be on the safe side legally, the requirements for noticing and conducting local quasi-judicial land use hearings should be followed when deciding boundary changes. These notice requirements are more detailed and the notice itself is more widely distributed than is required by ORS 198 or the Metro Code.

Staff Report

The staff report will provide information on the proposed boundary change. It will cover the *reasons* the change is being proposed, *geographical information*, *land use planning* relative to the site and *services* availability & cost.

There may be instances where modification of a proposed boundary change should be considered. If these are known about in advance they will be covered in the staff report.

Modifications may take the form of petitions from adjacent property owners for inclusion in a proposed boundary change or perhaps suggestions by staff for inclusion of public rights-of-way.

Attached to the staff report you will find a proposed set of findings of fact and conclusions from those findings. These may be used as *is* to adopt an order or modified as a result of information gathered at the hearing.

May 13, 1999 Hearing

PROPOSAL NO. MU-0399 - DUNTHORPE-RIVERDALE CSD - Annexation

Petitioners: Property Owners - *Seller* Martin Kehoe, *Buyers* Catherine & D'Mark Mick

Proposal No. MU-0399 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal and there are no objections from necessary parties, the boundary change could become effective immediately if the Board chooses to put an emergency clause on it. Without an emergency clause the change would become effective 30 days following approval. If a necessary party has objected to the boundary change it will become effective 30 days after the date of approval [and most likely the objecting party would then appeal to the Metro Appeals Commission.]

The territory to be annexed is located on the southwest edge of the District, on the north side of S.W. Iron Mountain Blvd. at its intersection with S.W. Terwiliger Blvd. The territory contains 1.33 acres, is vacant and is evaluated at \$139,600.

REASON FOR ANNEXATION

The applicant desires annexation to obtain sewer service from the district to facilitate development of one single-family dwelling.

CRITERIA FOR DECISION-MAKING

The criteria for making decisions on boundary changes are summarized in Exhibit A of this report. These criteria generally fall into two broad categories - land use planning compatibility and services adequacy. The next two sections of this report provide information on these two subjects.

LAND USE PLANNING

SITE CHARACTERISTICS

The land slopes gently toward Iron Mt. Blvd. on the south. Much of the lot is cleared. There are deciduous trees along the south and east side and mixed deciduous and evergreens on the north edge.

REGIONAL PLANNING

General Information

This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Regional Framework Plan

The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept.

The Regional Framework Plan And Boundary Changes. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter was

reviewed and found not to contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter was reviewed and found not to contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. No specific applicable criteria for boundary changes are to be found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter has been reviewed and found not to contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes.

COUNTY PLANNING

Multnomah County Comprehensive Plan

The Multnomah County Comprehensive Framework Plan is broken into three main parts - The Framework Plan, The Development Plan and The Operations Plan.

The Framework Plan delineates broad land use classifications and contains policies and strategies. The Development Plan consists of functional plans and community plans. The community plans provide more detailed guidelines for decision-making and generally control if there is conflict between them and the Framework Plan. The Operations Plan is comprised of any documents and processes designed to implement the Framework and Community Plans. This would include the zoning code, capital improvements plans, etc.

Policy 1 of the Comprehensive Framework Plan states:

POLICY 1 PLAN RELATIONSHIPS

* * *

- E. In areas designated by this comprehensive framework plan as urban, and where an applicable community plan has not been adopted, the pre-existing plan and county zoning shall remain in effect. Any change in such designations shall be consistent with this comprehensive framework plan. Where a proposed use is permitted by both the pre-existing plan and the zoning map, required permits may be issued, notwithstanding a conflict with this comprehensive framework plan.

* * *

Policy 4 deals with intergovernmental coordination.

POLICY 4 INTERGOVERNMENTAL COORDINATION

It is the County's policy to participate in intergovernmental coordination efforts with federal, state and local governments and with special service districts. The County will ensure that the responsibility and support for land use planning will be coordinated with adjacent jurisdictions through the adoption of urban planning area agreements which will recognize:

- A. That it is not the County's primary role to provide urban services, and
- B. That the County's comprehensive framework plan and component community plans and implementing ordinances will be the primary plan for unincorporated areas until and during any jurisdictional transition, and
- C. The County has a responsibility to support the planning process for unincorporated areas and,
- D. Establish and participate in a cooperative process to address the future of urban service provision issues.

In addition, it is the County's policy to support:

- 1. Accountability and responsiveness to regional and county-wide needs, and
- 2. The identification and maintenance of the urban growth boundary as adopted by Metro, and
- 3. The delivery of services necessary county-wide and in the areas outside the urban growth boundary, and

* * *

Policy 13 of the Framework Plan covers air, water and noise quality.

POLICY 13 AIR, WATER AND NOISE QUALITY

Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water, and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore it is Multnomah County's policy to:

- A. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.
- B. Support and participate in the implementation of state and regional plans and

programs to reduce pollution levels.

C. . . . to maintain and healthful ground and surface water resources; . . .

* * *

Furthermore it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.

* * *

Policy 17 calls for the County to identify communities and develop and maintain community plans. No County community plan covering this area has been developed.

Policy 21 deals with housing choice.

POLICY 21 HOUSING CHOICE

The County's policy is to support and assist in the provision of an adequate number of housing units at price ranges and rent levels affordable to the region's households and to allow for a variety in housing location, type and density.

* * *

Policy 32 deals extensively with capital improvements.

POLICY 32 CAPITAL IMPROVEMENTS

A. Give first priority to capital maintenance and existing facility replacement and upgrading excluding:

1. Sanitary sewer system management where first priority will be given to elimination of expanded use of private disposal systems and

* * *

C. Encourage the creation of a unified long range public facilities and services plan by all service providers in the County which coordinates long term capital resource and expenditure analysis and capital improvements programming.

* * *

F. Coordinate plans for public services and facilities with plans for designation of urban growth boundaries, urbanizable land, rural uses, and for the transition of rural to urban uses.

* * *

Policy 37 of the County's Comprehensive Plan relates to Utilities.

POLICY 37 UTILITIES

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

Water And Disposal System

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface disposal system; or
- D. There is an adequate private water system, and a public sewer with adequate capacity.

Drainage

- E. There is adequate capacity in the storm water system to handle the run-off; or
- F. The water run-off can be handled on the site or adequate provisions can be made; and
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.

Policy 38 of the County Comprehensive Framework speaks to facilities.

POLICY 38 FACILITIES

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

School

- A. The appropriate school district has had an opportunity to review and comment on the proposal.

Fire Protection

- B. There is adequate water pressure and flow for fire fighting purposes; and
- C. The appropriate fire district has had an opportunity to review and comment on

the proposal.

Police Protection

- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

County zoning on this property is R-30, residential.

Urban Growth Management Agreements

LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban planning area agreements (UPAA's) between each city and county.

Multnomah County - In Multnomah County these jointly adopted agreements do the following:

- A. Establish an area of mutual planning interest . . .
- B. Acknowledge the City's acceptance of the County's Plan for the area, establishing the County's plan as the primary plan with the City's plan serving as a complementary plan;
- C. Initiate a cooperative process to determine future service and annexation boundaries;
- D. Establish a notification process for land use and annexation actions.

The City of Portland-Multnomah County UPAA calls for the County to notify the City of any legislative changes to the Comprehensive Plan " . . . and any quasi-judicial or administrative decisions pursuant to the Comprehensive Plan that may substantially affect the City."

Clackamas County - Clackamas County and the City of Portland entered into the LCDC required land use planning coordination agreement. In Clackamas County these agreements were called Dual Interest Area Agreements (as opposed to the term UPAA used in Mult. County) and it was first entered into by the two entities in June of 1980. The agreement was modified in April of 1985 to make the dual interest area boundary coterminous with the City's newly adopted Urban Services Boundary. In the area of this annexation proposal, the new boundary is along the Multnomah-Clackamas County line. Thus the territory proposed for annexation to the District is clearly within the ultimate service area of the City of Portland.

Multnomah County Resolution A

During the late 1950s and through the 1960s, the national economy was growing and increasing revenues were available to all levels of government throughout the Country. During the 1970s the revenue picture began to turn around. Like other governments, Multnomah County began to experience declining revenues from federal and state sources and increasing costs of service provision due to growing population and inflation.

By the early 1980s, Multnomah County was facing substantial budgetary shortfalls and was increasingly concerned about tax equity issues. Consequently, on March 15, 1983, the Multnomah County Board of Commissioners passed Resolution A. Resolution A stated the County's policy that it's revenues should be spent for County-wide services available to all residents of the County and announced that it's resources were insufficient to continue current municipal service levels. The County recognized that a full range of municipal services is needed within the urban unincorporated area. To provide time to transition from municipal services provided by the County to urban services provided by cities the County phased out its provision of municipal services over a three year period. The County's expectation was that over that period, unincorporated areas within the Urban Growth Boundary would annex to cities which could plan for the provision of municipal services. While the urban area of east Multnomah County did not all get annexed to cities within the three year period, the policy established by Resolution A is still generally considered to be the County's policy.

CITY PLANNING

This territory is within the Service Area Boundary established by the City of Portland as part of its Comprehensive Plan. Areas within the boundary are assumed to be eventually most logically served by the City. Ultimately annexation of these areas to the City is also assumed. In the interim the City acknowledges that these areas will continue to receive services from existing sources. In this particular area the City agrees to sewer service being provided by the District so long as the applicants agree to the ultimate annexation of the property to the City. This agreement takes the form of a signed document which is recorded and runs with the property. In it the property owners agree to ultimate annexation and waive the right to remonstrate against annexation. The property owners in this instance have signed and recorded such a document.

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

Sewers - The property owners requested and received an evaluation of the site for possible use of a septic system. The site was rejected as unsuitable in a January 20, 1999 report.

The District has an 8 inch sewer line running northwest to southeast along the northeast side of Lot 15 of Strahorn Addition. The applicants will access this line with a pressure line which will run in an easement granted by the owner of the two lots to the south (TL's 1800 & 1900 on Figure 2). Because of the low density in this area the District has not and will not likely in the future run a gravity line along Iron Mountain Blvd.. Consequently service to lots such as this one will be provided by private pumps and pressure mains feeding to the aforementioned District line.

The Dunthorpe-Riverdale Service District is a Multnomah County county service district. The District receives sewage treatment services from Portland's Tryon Creek Wastewater Treatment Plant. The District also contracts with Portland for operation and maintenance of its facilities. The Dunthorpe-Riverdale Service District purchased capacity for the District's use from the Tryon Creek plant by means of a tax levy and general obligation bonds. This capacity was reserved for those properties within the original District. The City of Portland has agreed to sell the District additional units of capacity for newly annexed areas at a cost of \$1390 per residential unit.

The District's single family unit connection fee is \$2500, and permit fee is \$120. The District charges a monthly user fee of approximately \$20.92 for storm water management and sanitary sewage services.

Water. The territory receives water service from the Palatine Hill Water District. The Water District has a 10 inch line in Iron Mt. Blvd. adjacent to the site.

Fire. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

Other Services. The Riverdale School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met, Metro and the Port of Portland also cover the territory.

Other services are provided generally by Multnomah County. This includes police protection, transportation, tax collection, etc.

RECOMMENDATION.

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit B, the staff recommends Proposal No. MU-0399 be ***approved***.

Proposal No. MU0399

1S1E34

Annexation to the Dunthorpe-Riverdale Service District

Multnomah Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the accuracy of north-south or distance for a particular purpose, accompanying this product. However, certification of any errors will be appreciated.

600 NE Grand Ave.
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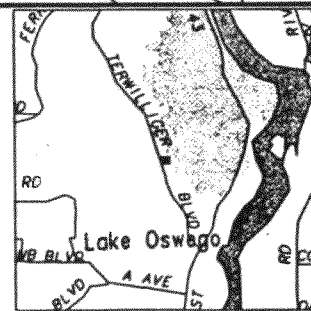
~ District boundary

~ Annexation boundary

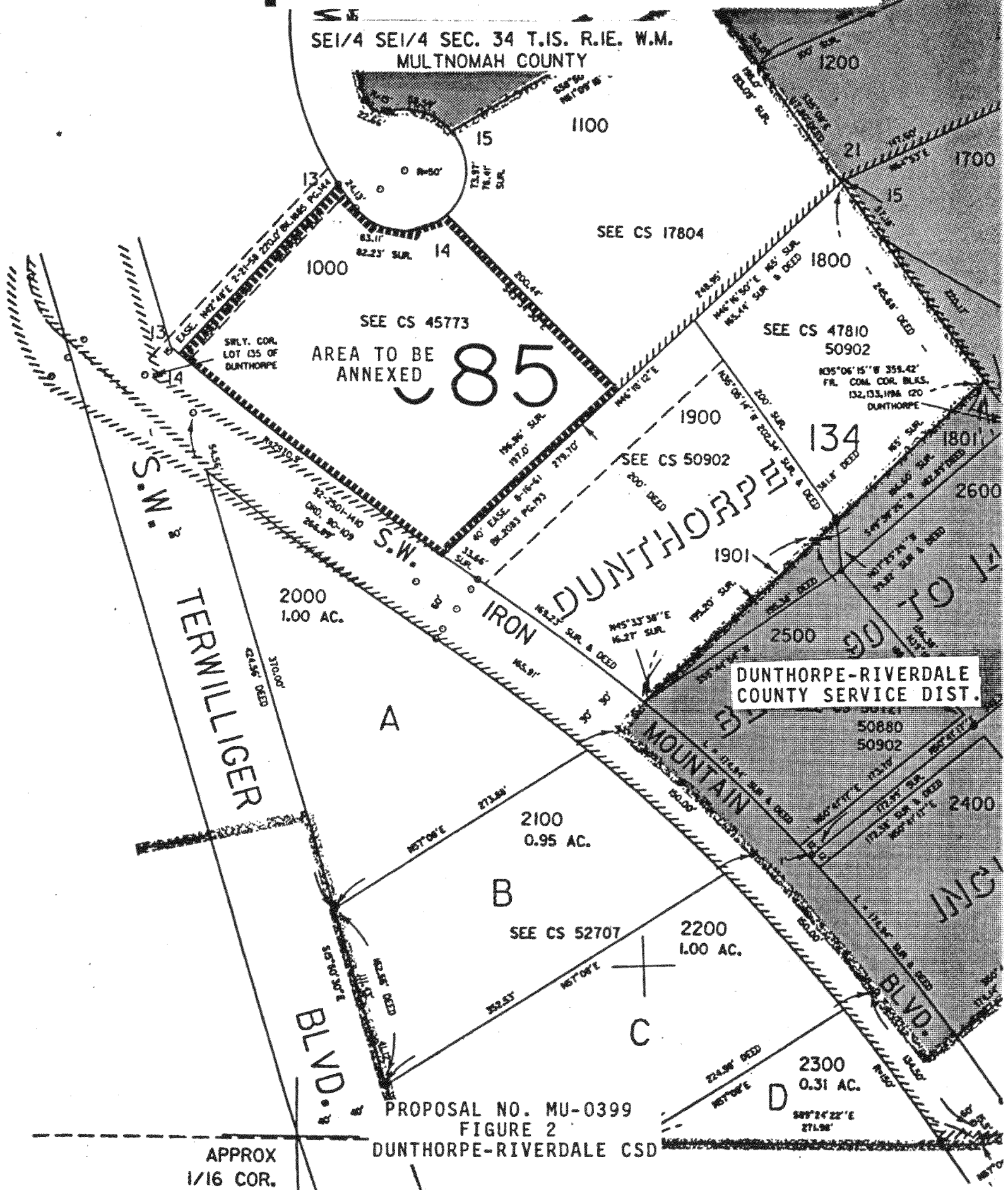
PROPOSAL NO. MU-0399
FIGURE 1
DUNTHORPE-RIVERDALE CSD

Scale: 1" = 250'

0 200 400



Proposal No. MU0399



CRITERIA FOR DECISION-MAKING

There are two more-or-less separate sets of criteria for making decisions on boundary changes. One set is found in the statutes and relates strongly to what the boundary of the proposed change should be. The second set of criteria is found in the Metro Code.

Oregon Revised Statute 198 directs the Board to utilize the criteria found in a particular section of the boundary commission statute (ORS 199.462) to decide whether property has been improperly left out of or included within, the proposed change. These criteria can be summarized as:

1. Consideration of local comprehensive planning for the area
2. Consideration of economic, demographic and sociological trends and projections pertinent to the area
3. Consideration of past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change
4. Consideration of the LCDC Goals

A second set of criteria can be extracted from the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address four minimum criteria:

1. Compliance with applicable ORS 195 agreements [These are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place.]
2. Consistency with directly applicable standards for boundary changes contained in:
 - a. Comprehensive land use plans
 - b. Public facility plans
 - c. Regional framework and functional plans
 - d. Urban planning agreements and similar agreements of the affected entity and necessary parties
3. Assurance that the affected entity can provide urban service[s] now or soon directly or by contract
4. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria

The Metro Code also contains a second set of 11 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party.

The first set of criteria gives the Board authority to consider a broad range of factors in deciding whether the proposed boundary change should be enlarged or contracted. On the other hand nothing in ORS 198 nor the criteria in ORS 199.462 mandates changing the boundary under certain conditions. "Consideration" can consist of a detailed study or a cursory glance.

The second set of criteria consists of two major elements - land use planning consistency and service availability and adequacy.

Proposal No. MU0399

151E34

Annexation to the Dunthorpe-Riverdale Service District

Multnomah Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



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METRO

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District boundary



Annexation boundary

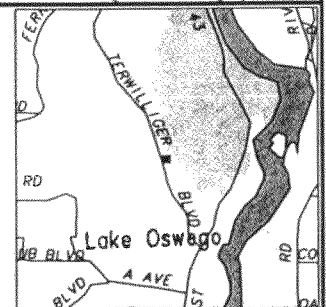


PROPOSAL NO. MU-0399

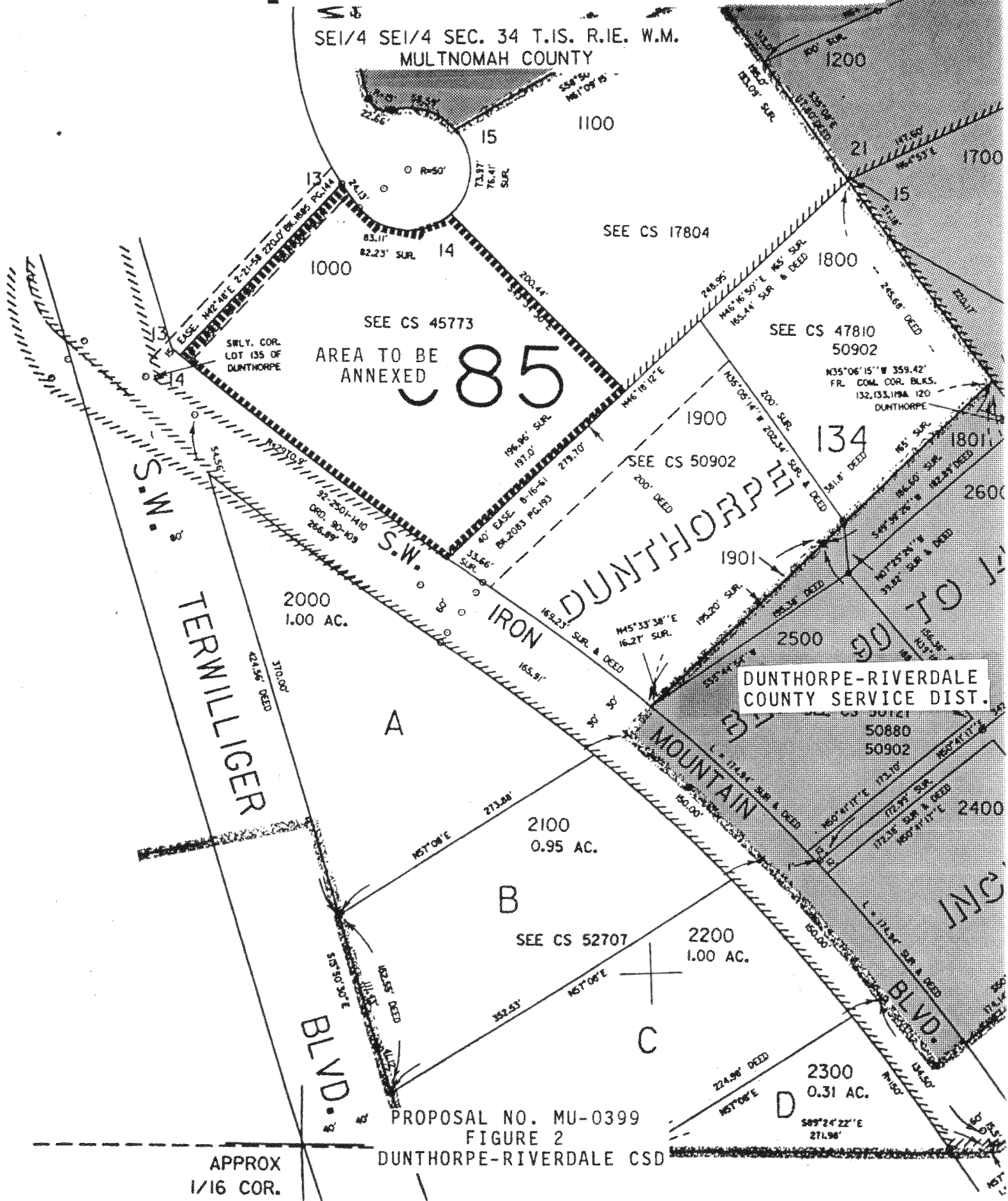
FIGURE 1

DUNTHORPE-RIVERDALE CSD

Scale: 1" = 250'



Proposal No. MU0399



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The first set of criteria gives the Board authority to consider a broad range of factors in deciding whether the proposed boundary change should be enlarged or contracted. On the other hand nothing in ORS 198 nor the criteria in ORS 199.462 mandates changing the boundary under certain conditions. "Consideration" can consist of a detailed study or a cursory glance.

The second set of criteria consists of two major elements - land use planning consistency and service availability and adequacy.

FINDINGS

Based on the study and the public hearing the Board found:

1. The territory contains 1.33 acres, is vacant and is evaluated at \$139,600.
2. The applicant desires annexation to obtain sewer service from the district to facilitate development of one single-family dwelling.
3. The land slopes gently toward Iron Mt. Blvd. on the south. Much of the lot is cleared. There are deciduous trees along the south and east side and mixed deciduous and evergreens on the north edge.
4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
5. The "Introduction" section of the Regional Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries.
(p.7, Regional Framework Plan (RFP))

6. The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

The remaining chapters of the Regional Framework Plan were reviewed and found not to contain specific directly applicable criteria for boundary changes.

7. Policy 1 of the Multnomah Comprehensive Framework Plan states:

POLICY 1 PLAN RELATIONSHIPS

* * *

- E. In areas designated by this comprehensive framework plan as urban,

and where an applicable community plan has not been adopted, the pre-existing plan and county zoning shall remain in effect. Any change in such designations shall be consistent with this comprehensive framework plan. Where a proposed use is permitted by both the pre-existing plan and the zoning map, required permits may be issued, notwithstanding a conflict with this comprehensive framework plan.

* * *

Policy 4 deals with intergovernmental coordination.

POLICY 4 INTERGOVERNMENTAL COORDINATION

It is the County's policy to participate in intergovernmental coordination efforts with federal, state and local governments and with special service districts. The County will ensure that the responsibility and support for land use planning will be coordinated with adjacent jurisdictions through the adoption of urban planning area agreements which will recognize:

- A. That it is not the County's primary role to provide urban services, and
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In addition, it is the County's policy to support:

- 1. Accountability and responsiveness to regional and county-wide needs, and
- 2. The identification and maintenance of the urban growth boundary as adopted by Metro, and
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- B. Support and participate in the implementation of state and regional plans and programs to reduce pollution levels.
- C. . . . to maintain and healthful ground and surface water resources; . . .

* * *

Furthermore it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.

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The County's policy is to support and assist in the provision of an adequate number of housing units at price ranges and rent levels affordable to the region's households and to allow for a variety in housing location, type and density.

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POLICY 32 CAPITAL IMPROVEMENTS

- A. Give first priority to capital maintenance and existing facility replacement and upgrading excluding:
1. Sanitary sewer system management where first priority will be given to elimination of expanded use of private disposal systems and

* * *

- C. Encourage the creation of a unified long range public facilities and services plan by all service providers in the County which coordinates long term capital resource and expenditure analysis and capital improvements programming.

* * *

- F. Coordinate plans for public services and facilities with plans for designation of urban growth boundaries, urbanizable land, rural uses, and for the transition of rural to urban uses.

* * *

Policy 37 of the County's Comprehensive Plan relates to Utilities.

POLICY 37 UTILITIES

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- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface

- D. disposal system; or
There is an adequate private water system, and a public sewer with adequate capacity.

Drainage

- E. There is adequate capacity in the storm water system to handle the run-off; or
- F. The water run-off can be handled on the site or adequate provisions can be made; and
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.

Policy 38 of the County Comprehensive Framework speaks to facilities.

POLICY 38 FACILITIES

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

School

- A. The appropriate school district has had an opportunity to review and comment on the proposal.

Fire Protection

- B. There is adequate water pressure and flow for fire fighting purposes; and
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.

Police Protection

- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

- 8. The County zoning on this property is R-30.
- 9. LCDC required each jurisdiction requesting acknowledgement of their plan to include

in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban planning area agreements (UPAA's) between each city and county.

The City of Portland-Multnomah County UPAA calls for the County to notify the City of any legislative changes to the Comprehensive Plan " . . . and any quasi-judicial or administrative decisions pursuant to the Comprehensive Plan that may substantially affect the City."

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10. During the late 1950s and through the 1960s, the national economy was growing and increasing revenues were available to all levels of government throughout the Country. During the 1970s the revenue picture began to turn around. Like other governments, Multnomah County began to experience declining revenues from federal and state sources and increasing costs of service provision due to growing population and inflation.

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11. This territory is within the Service Area Boundary established by the City of

Portland as part of its Comprehensive Plan. Areas within the boundary are assumed to be eventually most logically served by the City. Ultimately annexation of these areas to the City is also assumed. In the interim the City acknowledges that these areas will continue to receive services from existing sources. In this particular area the City agrees to sewer service being provided by the District so long as the applicants agree to the ultimate annexation of the property to the City. This agreement takes the form of a signed document which is recorded and runs with the property. In it the property owners agree to ultimate annexation and waive the right to remonstrate against annexation. The property owners in this instance have signed and recorded such a document.

12. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.
13. The property owners requested and received an evaluation of the site for possible use of a septic system. The site was rejected as unsuitable in a January 20, 1999 report.

The District has an 8 inch sewer line running northwest to southeast along the northeast side of Lot 15 of Strahorn Addition. The applicants will access this line with a pressure line which will run in an easement granted by the owner of the two lots to the south. Because of the low density in this area the District has not and will not likely in the future run a gravity line along Iron Mountain Blvd.. Consequently service to lots such as this one will be provided by private pumps and pressure mains feeding to the aforementioned District line.

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The District's single family unit connection fee is \$2500, and permit fee is \$120. The District charges a monthly user fee of approximately \$20.92 for storm water management and sanitary sewage services.

14. The territory receives water service from the Palatine Hill Water District. The Water District has a 10 inch line in Iron Mt. Blvd. adjacent to the site.
15. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.
16. The Riverdale School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met, Metro and the Port of Portland also cover the territory.
17. Other services are provided generally by Multnomah County. This includes police protection, transportation, tax collection, etc.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Board notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days prior to the hearing; 2) mailed notice to necessary parties 45 days prior; 3) two published notices; 4) notice by first class mail to every property owner within 100 feet. The Board concludes this hearing and notice is consistent with this section of the Regional Framework Plan.
2. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the Multnomah County Comprehensive Plan and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Policy 4 of the County's Comprehensive Plan acknowledges that it is not the County's primary role to provide urban services and that it is the County's policy to deliver services that are necessary county-wide. The Board finds this decision to allow provision of an urban service by an entity other than the general County is in keeping with this policy.

Policy 13 calls for the County to "cooperate with citizens, businesses, utilities and public agencies to maintain and improve the quality of . . . water . . ." The Board believes annexing this property to an entity which provides sewage treatment is in

accord with this principle.

Policy 21 says it is the County's policy to support allowing for a variety of housing location, type and density. Without annexation to this District no housing would be allowed here because as noted in Finding No. 14 the property could not develop on a septic tank.

Policy 37, Utilities, calls for the County to find that water and sewer are available prior to making a quasi-judicial decision. Given the possibility that this annexation decision falls in this category, it can be found sewer and water service are available as noted in Findings No. 14 & 15. Drainage facilities are also available as provided by the Dunthorpe-Riverdale CSD.

Policy 38, Facilities, likewise calls for certain findings. With regard to the requirement for a finding that the appropriate school district has had an opportunity to respond, the Board notes that the Riverdale School District was sent an individual notice of this proceeding. On fire protection, the property is within the Multnomah County R.F.P.D. # 11 which contracts for service with the Lake Oswego city fire department. The District Board and the city department were both individually notified of this request. The Board also finds with regard to police protection that this area is served by County Sheriff's Department.

3. The Board finds that this proposal is consistent with Multnomah County-City of Portland UPAA which requires the County to notify the City of any quasi-judicial decisions which may affect the City. The Board notes that the record states the City was notified of this proposal. Furthermore it is noted that this territory is within the City's identified urban services area and that the property owners have agreed to ultimate annexation and this agreement has been recorded and runs with the property.
4. Multnomah County Resolution A established a county policy of emphasizing county-wide services and refraining from the delivery of urban services in the urban area. The Board finds this action to be consistent with the intent of Resolution A.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is that "The affected entity [the county service district] can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others." The Board finds the District's services are adequate to serve this area. Those services and the financing thereof are covered in more detail in Finding No. 14.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-80

Approving the annexation of territory to Dunthorpe-Riverdale County Service District.

The Multnomah County Board of Commissioners Finds:

- (a) A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.
- (b) A staff report which addressed factors mandated in the Metro Code was presented to the Board 30 days prior to the hearing as required by the Metro Code.
- (c) A public hearing was held before the Board of County Commissioners on May 13, 1999 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

- 1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. MU-0399 is approved.
- 2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Dunthorpe-Riverdale County Service District.
- 3. The staff is directed to file this document with the required parties.

ADOPTED this 13th day of May, 1999.

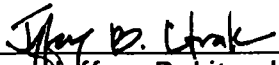


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

THOMAS SPONSER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

by


Jeffrey B. Litwak
Assistant County Counsel

FINDINGS

Based on the study and the public hearing the Board found:

1. The territory contains 1.33 acres, is vacant and is evaluated at \$139,600.
2. The applicant desires annexation to obtain sewer service from the district to facilitate development of one single-family dwelling.
3. The land slopes gently toward Iron Mt. Blvd. on the south. Much of the lot is cleared. There are deciduous trees along the south and east side and mixed deciduous and evergreens on the north edge.
4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
5. The "Introduction" section of the Regional Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

6. The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

The remaining chapters of the Regional Framework Plan were reviewed and found not to contain specific directly applicable criteria for boundary changes.

7. Policy 1 of the Multnomah Comprehensive Framework Plan states:

POLICY 1 PLAN RELATIONSHIPS

* * *

- E. In areas designated by this comprehensive framework plan as urban,

and where an applicable community plan has not been adopted, the pre-existing plan and county zoning shall remain in effect. Any change in such designations shall be consistent with this comprehensive framework plan. Where a proposed use is permitted by both the pre-existing plan and the zoning map, required permits may be issued, notwithstanding a conflict with this comprehensive framework plan.

* * *

Policy 4 deals with intergovernmental coordination.

POLICY 4 INTERGOVERNMENTAL COORDINATION

It is the County's policy to participate in intergovernmental coordination efforts with federal, state and local governments and with special service districts. The County will ensure that the responsibility and support for land use planning will be coordinated with adjacent jurisdictions through the adoption of urban planning area agreements which will recognize:

- A. That it is not the County's primary role to provide urban services, and
- B. That the County's comprehensive framework plan and component community plans and implementing ordinances will be the primary plan for unincorporated areas until and during any jurisdictional transition, and
- C. The County has a responsibility to support the planning process for unincorporated areas and,
- D. Establish and participate in a cooperative process to address the future of urban service provision issues.

In addition, it is the County's policy to support:

- 1. Accountability and responsiveness to regional and county-wide needs, and
- 2. The identification and maintenance of the urban growth boundary as adopted by Metro, and
- 3. The delivery of services necessary county-wide and in the areas outside the urban growth boundary, and

* * *

Policy 13 of the Framework Plan covers air, water and noise quality.

POLICY 13 AIR, WATER AND NOISE QUALITY

Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water, and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore it is Multnomah County's policy to:

- A. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.
- B. Support and participate in the implementation of state and regional plans and programs to reduce pollution levels.
- C. . . . to maintain and healthful ground and surface water resources; . . .

* * *

Furthermore it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.

* * *

Policy 17 calls for the County to identify communities and develop and maintain community plans. No County community plan covering this area has been developed.

Policy 21 deals with housing choice.

POLICY 21 HOUSING CHOICE

The County's policy is to support and assist in the provision of an adequate number of housing units at price ranges and rent levels affordable to the region's households and to allow for a variety in housing location, type and density.

* * *

Policy 32 deals extensively with capital improvements.

POLICY 32 CAPITAL IMPROVEMENTS

- A. Give first priority to capital maintenance and existing facility replacement and upgrading excluding:
1. Sanitary sewer system management where first priority will be given to elimination of expanded use of private disposal systems and

* * *

- C. Encourage the creation of a unified long range public facilities and services plan by all service providers in the County which coordinates long term capital resource and expenditure analysis and capital improvements programming.

* * *

- F. Coordinate plans for public services and facilities with plans for designation of urban growth boundaries, urbanizable land, rural uses, and for the transition of rural to urban uses.

* * *

Policy 37 of the County's Comprehensive Plan relates to Utilities.

POLICY 37 UTILITIES

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

Water And Disposal System

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface

- D. disposal system; or
There is an adequate private water system, and a public sewer with adequate capacity.

Drainage

- E. There is adequate capacity in the storm water system to handle the run-off; or
- F. The water run-off can be handled on the site or adequate provisions can be made; and
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.

Policy 38 of the County Comprehensive Framework speaks to facilities.

POLICY 38 FACILITIES

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

School

- A. The appropriate school district has had an opportunity to review and comment on the proposal.

Fire Protection

- B. There is adequate water pressure and flow for fire fighting purposes; and
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.

Police Protection

- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

8. The County zoning on this property is R-30.

9. LCDC required each jurisdiction requesting acknowledgement of their plan to include

in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban planning area agreements (UPAA's) between each city and county.

The City of Portland-Multnomah County UPAA calls for the County to notify the City of any legislative changes to the Comprehensive Plan " . . . and any quasi-judicial or administrative decisions pursuant to the Comprehensive Plan that may substantially affect the City."

Clackamas County and the City of Portland entered into the LCDC required land use planning coordination agreement. In Clackamas County these agreements were called Dual Interest Area Agreements (as opposed to the term UPAA used in Mult. County) and it was first entered into by the two entities in June of 1980. The agreement was modified in April of 1985 to make the dual interest area boundary coterminous with the City's newly adopted Urban Services Boundary. In the area of this annexation proposal, the new boundary is along the Multnomah-Clackamas County line. Thus the territory proposed for annexation to the District is clearly within the ultimate service area of the City of Portland.

10. During the late 1950s and through the 1960s, the national economy was growing and increasing revenues were available to all levels of government throughout the Country. During the 1970s the revenue picture began to turn around. Like other governments, Multnomah County began to experience declining revenues from federal and state sources and increasing costs of service provision due to growing population and inflation.

By the early 1980s, Multnomah County was facing substantial budgetary shortfalls and was increasingly concerned about tax equity issues. Consequently, on March 15, 1983, the Multnomah County Board of Commissioners passed Resolution A. Resolution A stated the County's policy that it's revenues should be spent for County-wide services available to all residents of the County and announced that it's resources were insufficient to continue current municipal service levels. The County recognized that a full range of municipal services is needed within the urban unincorporated area. To provide time to transition from municipal services provided by the County to urban services provided by cities the County phased out its provision of municipal services over a three year period. The County's expectation was that over that period, unincorporated areas within the Urban Growth Boundary would annex to cities which could plan for the provision of municipal services. While the urban area of east Multnomah County did not all get annexed to cities within the three year period, the policy established by Resolution A is still generally considered to be the County's policy.

11. This territory is within the Service Area Boundary established by the City of

Portland as part of its Comprehensive Plan. Areas within the boundary are assumed to be eventually most logically served by the City. Ultimately annexation of these areas to the City is also assumed. In the interim the City acknowledges that these areas will continue to receive services from existing sources. In this particular area the City agrees to sewer service being provided by the District so long as the applicants agree to the ultimate annexation of the property to the City. This agreement takes the form of a signed document which is recorded and runs with the property. In it the property owners agree to ultimate annexation and waive the right to remonstrate against annexation. The property owners in this instance have signed and recorded such a document.

12. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.
13. The property owners requested and received an evaluation of the site for possible use of a septic system. The site was rejected as unsuitable in a January 20, 1999 report.

The District has an 8 inch sewer line running northwest to southeast along the northeast side of Lot 15 of Strahorn Addition. The applicants will access this line with a pressure line which will run in an easement granted by the owner of the two lots to the south. Because of the low density in this area the District has not and will not likely in the future run a gravity line along Iron Mountain Blvd.. Consequently service to lots such as this one will be provided by private pumps and pressure mains feeding to the aforementioned District line.

The Dunthorpe-Riverdale Service District is a Multnomah County county service district. The District receives sewage treatment services from Portland's Tryon Creek Wastewater Treatment Plant. The District also contracts with Portland for operation and maintenance of its facilities. The Dunthorpe-Riverdale Service District purchased capacity for the District's use from the Tryon Creek plant by means of a tax levy and general obligation bonds. This capacity was reserved for those properties within the original District. The City of Portland has agreed to sell the District additional units of capacity for newly annexed areas at a cost of \$1390 per residential unit.

The District's single family unit connection fee is \$2500, and permit fee is \$120. The District charges a monthly user fee of approximately \$20.92 for storm water management and sanitary sewage services.

14. The territory receives water service from the Palatine Hill Water District. The Water District has a 10 inch line in Iron Mt. Blvd. adjacent to the site.
15. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.
16. The Riverdale School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met, Metro and the Port of Portland also cover the territory.
17. Other services are provided generally by Multnomah County. This includes police protection, transportation, tax collection, etc.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Board notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days prior to the hearing; 2) mailed notice to necessary parties 45 days prior; 3) two published notices; 4) notice by first class mail to every property owner within 100 feet. The Board concludes this hearing and notice is consistent with this section of the Regional Framework Plan.
2. The Metro Code at 3.09.050 (e) (2) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the Multnomah County Comprehensive Plan and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Policy 4 of the County's Comprehensive Plan acknowledges that it is not the County's primary role to provide urban services and that it is the County's policy to deliver services that are necessary county-wide. The Board finds this decision to allow provision of an urban service by an entity other than the general County is in keeping with this policy.

Policy 13 calls for the County to "cooperate with citizens, businesses, utilities and public agencies to maintain and improve the quality of . . .water . . ." The Board believes annexing this property to an entity which provides sewage treatment is in

accord with this principle.

Policy 21 says it is the County's policy to support allowing for a variety of housing location, type and density. Without annexation to this District no housing would be allowed here because as noted in Finding No. 14 the property could not develop on a septic tank.

Policy 37, Utilities, calls for the County to find that water and sewer are available prior to making a quasi-judicial decision. Given the possibility that this annexation decision falls in this category, it can be found sewer and water service are available as noted in Findings No. 14 & 15. Drainage facilities are also available as provided by the Dunthorpe-Riverdale CSD.

Policy 38, Facilities, likewise calls for certain findings. With regard to the requirement for a finding that the appropriate school district has had an opportunity to respond, the Board notes that the Riverdale School District was sent an individual notice of this proceeding. On fire protection, the property is within the Multnomah County R.F.P.D. # 11 which contracts for service with the Lake Oswego city fire department. The District Board and the city department were both individually notified of this request. The Board also finds with regard to police protection that this area is served by County Sheriff's Department.

3. The Board finds that this proposal is consistent with Multnomah County-City of Portland UPAA which requires the County to notify the City of any quasi-judicial decisions which may affect the City. The Board notes that the record states the City was notified of this proposal. Furthermore it is noted that this territory is within the City's identified urban services area and that the property owners have agreed to ultimate annexation and this agreement has been recorded and runs with the property.
4. Multnomah County Resolution A established a county policy of emphasizing county-wide services and refraining from the delivery of urban services in the urban area. The Board finds this action to be consistent with the intent of Resolution A.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is that "The affected entity [the county service district] can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others." The Board finds the District's services are adequate to serve this area. Those services and the financing thereof are covered in more detail in Finding No. 14.

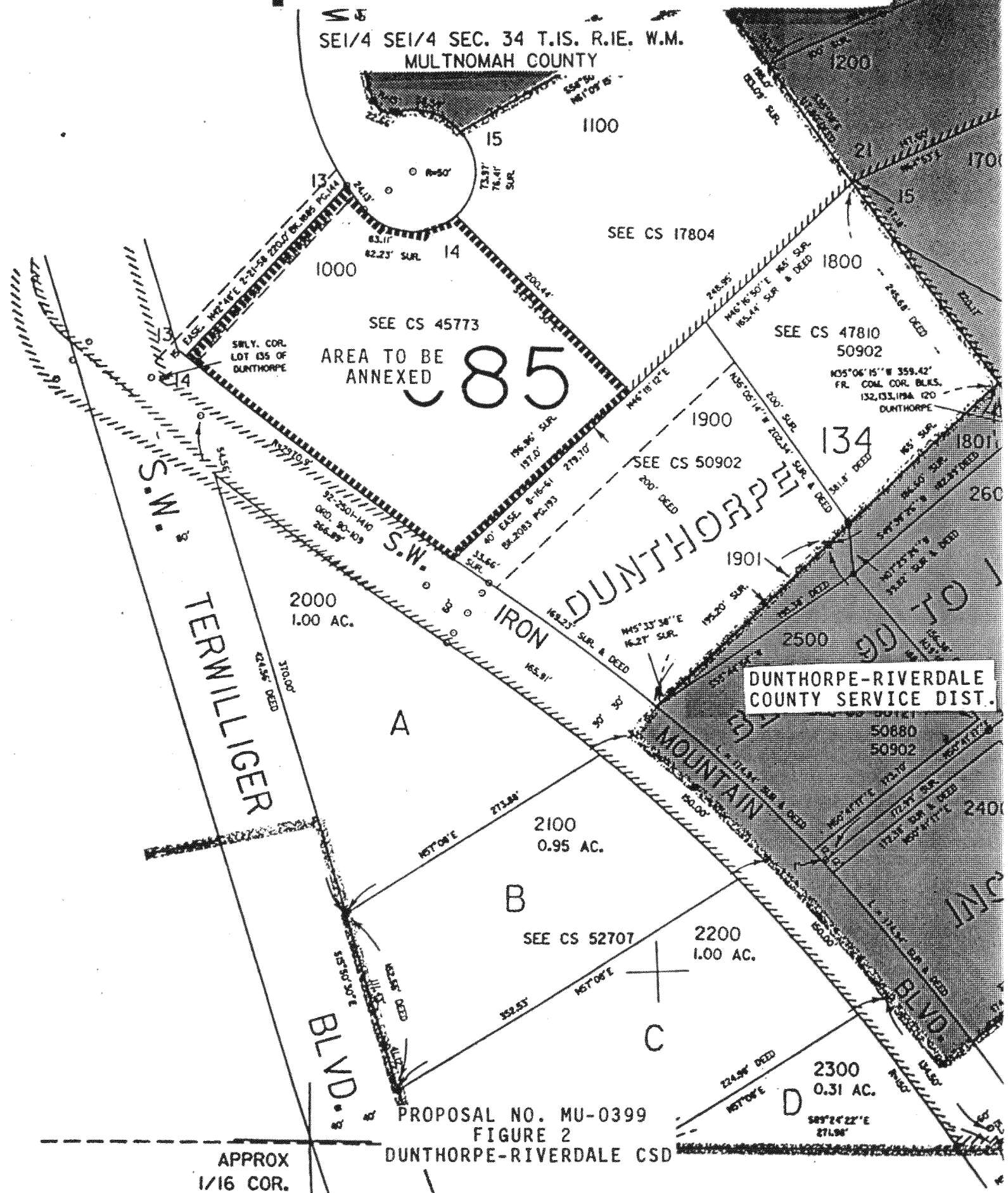
EXHIBIT B

Proposal No. MU-0399

LEGAL DESCRIPTION

Lot 14, Strahorn Addition, a duly
recorded subdivision in Mult. Co.,
Oregon. SE 1/4 SE 1/4 Sec. 34, T1S
R1E, W.M., Mult. Co., Oregon

Proposal No. MU0399





Capitol News

A source of legislative information for Multnomah County
by the Public Affairs Office



Board of County Commissioners Legislative Agenda Update - May 1999

Maintain Public Safety.

SB 555 is a policy framework that addresses issues within the juvenile crime prevention continuum. Sen. Neil Bryant (R-Bend) has developed this continuum along with a coalition of social service providers. Within the next week, this legislation will be voted out of Senate Judiciary. The Governor is requesting that this continuum include \$30 million for juvenile justice, \$20 million for alcohol and drug prevention, \$7 million for early childhood system improvements. These issues will be debated in Ways and Means.

HB 2723, sponsored by Rep. Dan Gardner (D-Portland) and Rep. Jo Ann Bowman (D-Portland) would **extend school days in all county juvenile detention facilities to 220 days**. Currently, some facilities offer 220 days, while others have 180 days. On Monday, April 19, HB 2723 passed House Education with a 9-1 vote. This legislation is pending in Ways and Means.

Several measures to **reduce gun violence** have been introduced this session. **SB 700** sponsored by Sen. Ginny Burdick (D-Portland), has received the most attention. It would require background checks for firearms purchases at gun shows. It is a controversial bill that passed the Senate with a 16-14 vote. It is currently waiting a hearing.

SB 686 amends ORS 137.630 and 181.610 to permit non-certified, non-sworn staff to conduct routine offender contacts and perform other duties that assist in case management of the offender population under the direction of probation and parole officers or supervisors. This bill **would clarify the duties of probation and parole officers**. On Friday, May 14, 1999 this bill will receive a public hearing in House Judiciary: Criminal Law. Representative Gary Hansen (Portland - D) at the request of the Oregon Community Correction Directors is drafting amendments to modify and recognize what specific functions probation officers and paraprofessionals should perform.

Funding of community corrections and 1145 local control. **SB 5506** is the Department of Corrections budget, which contains funds for 1145 local control. Public testimony is scheduled for Monday, May 17, 1999 in front of the Ways and Means Subcommittee on Public Safety. Counties are requesting an allocation of

\$7.7 million along with an additional \$2.1 million. Together these funds will reflect actual costs.

Continue Oregon Health Plan.

The Oregon Health Plan is included in HB 5029 the Department of Human Resources (DHR) Budget, and is presently under consideration by the Ways and Means Subcommittee on Human Resources. Legislative leadership has requested that the Department develop a 4% cut list. The Department's cut list is now being considered by leadership, and will be discussed in the subcommittee work session in the next few days.

Enhance Funding for Safety Net Clinics.

Last session \$3.1 million was allocated and early DHR budget documents show the Office of Medical Assistance Program (OMAP) identifying \$7.3 million for safety net clinics. On May 5 safety net providers and clients from both urban and rural communities presented public testimony. Their testimony focused on the ongoing funding needs of these clinics. Following this testimony health care, insurance, and health plan lobbyists have developed a letter to leadership stressing the importance of these clinics and the need for funding. The present strategy is to advocate for safety net clinics funding to be included in HB 5029.

Provide a Dedicated Funding Source for the Willamette River Bridges.

HB 2082 is presently being considered in House Revenue. An amendment (-17) is being crafted to accomplish the following:

- \$.02 gas tax increase bonded for 20 years for ODOT capital projects statewide;
- \$.04 gas tax increase to Counties and Cities (60/40 split) for two years, then split with ODOT, Counties and Cities (50/30/20);
- \$10 annual Vehicle Registration Fee (VRF) increase split 50-30-20;
- \$1 million small city program, \$750,000 small county program;
- \$3 million Eastern Oregon Safety Net;
- \$5-10 annual VRF for Growth Counties (Priority for WRB in Multnomah County);
- October 1, 1999 effective date; and
- Interim Road Finance Study to determine need and allocation recommendation to the 2001 Legislature.

A number of other bills are under consideration that address associated transportation issues such as ODOT efficiencies, elimination of the weight-mile tax, access management.

Secure Funding for Senior and Disabled Transit.

HB 3149 – The Oregon Mobility Act sponsored by Oregon Association of Area Agencies on Aging and Disabilities (O4AD) is awaiting hearing in Ways & Means Subcommittee on Transportation. SB 764 - The Governor's Commission on

Aging Bill has been sent to Human Resources; O4AD would prefer passage of HB 3149 to SB 764.

Increase School Funding.

HB 5018 is the K-12 education budget. This bill remains in Ways and Means Subcommittee on Education. Once the May Revenue Forecast is released on Friday, May 14, 1999 movement should begin on this legislation. The forecast determines how much additional money is available to fund elements of the state budget. Rumors on the forecast numbers range from \$50 to \$100 million. The Governor and Democrats continue to advocate for \$4.95 billion while Republicans remain at \$4.73 billion.

Enable Counties to Address Substantial Increase of PERS Liability.

SB 722 passed out of Senate Judiciary with amendments that address the following concerns (some technical changes still need to be made in the House):

- Allow lump sum withdrawal of employee account and matching employer account (*reduces the employer cost of COLA's, increases options for employees*);
- Allows pooling by local government employers;
- Correction of the "Variable Mismatch";
- Correction of the "Mid-year Earnings Distribution Bias";
- Opt out option for local governments;
- Establish Tier 3 – Pension plus annuity calculation for new hires.

Preserve Columbia River Gorge.

HB 5505 - The Gorge Commission budget will be before the Ways and Means Subcommittee on Natural Resources on May 18, 1999.

Support Living Wages.

SB 856 and 857 support living wages by requiring Senior and Disabled Services Division (SDSD) to establish a budget allocation process that ensures equitable ongoing funding for type B area agencies. On Friday May 7, 1999 **SB 857** was referred to Ways and Means. **SB 856** remains in Senate General Government. According to legislative leadership both bills require significant funding.

SB 625 did not receive a public hearing prior to the leadership's deadline, so more than likely this bill will not receive additional attention this session. This measure would prohibit local governments from setting minimum wage requirements and essentially remove Multnomah County's resolution for security and janitorial contracts.

Explore Tax Reform Initiatives.

HB 2039 that would require the State to fund property tax exemptions is seemingly dead.

Working In Partnership with the Association of Oregon Counties

Assessment and Taxation

HB 2139A which continues and expands A&T funding, awaits hearing in Senate Revenue.

HB 2050 provided a property tax exemption for intangibles that would significantly reduce property tax revenues and also awaits hearing in Senate Revenue.

District Attorneys SB 5510 and Court Facilities HB 2317 . AOC is lobbying to secure state funding for District Attorneys and Court Facilities. For the most recent update on these issues refer to the Association of Oregon Counties weekly Legislative Report.

Transportation. See previous section on ***Provide a Dedicated Funding Source for the Willamette River Bridges***

Economic Development. The Governor's Livability Initiative provides a number of mechanisms for economic development throughout the state. Several bills are associated with the initiative. For the latest update on Economic Development refer to the Association of Oregon Counties weekly Legislative Report.

Juvenile Crime Prevention Strategy. See section on ***Maintain Public Safety***



MULTNOMAH COUNTY 1999 LEGISLATIVE AGENDA



Provide a Dedicated Funding Source for the Willamette River Bridges. The County requests that the Legislature provides a funding source for the six Willamette River Bridges owned, maintained and operated by the County. Without funding from the Legislature, federal funding could be in jeopardy. The majority of these bridges are over 70 years old and in need of major capital improvements to extend the bridge service life. The cost to maintain these bridges is high; painting and rehabilitation of the Hawthorne Bridge alone exceeded \$21.8 million. The County has identified a \$195.1 million capital shortfall over the next 20 years.

What about the other bridges in Multnomah County? Other Multnomah County bridges are funded and maintained by the County share of state gas tax and vehicle registration fees and a small local gas tax. Other bridges do not have the traffic demands and unique operating characteristics of the Willamette River Bridges that call for a dedicated funding source.

SUPPORT HB2082A - Transportation Finance

House Bill 2082A increases the gas tax, vehicle registration fees, corresponding weight-mile tax, and provides for administrative improvements to the weight-mile filing system.

Support HB 2082A -17 Growth County Component

What is included in the Growth County Component? The -17 amendments include an additional vehicle registration fee in high growth counties, namely Clackamas, Marion, Multnomah and Washington Counties. This money will be used to address maintenance and preservation in congested areas. ODOT, the counties and cities in the counties will agree on a process of distribution; revenues may be shared to meet the specific needs of the county. **In Multnomah County, priority will be given to the Willamette River Bridges.**

Why are the Willamette River Bridges specifically named? The Willamette River Bridges are significant to both the regional economy as well as the state. Without these bridges that serve 179,600 vehicles, 2500 bicyclists, 1,500 pedestrians and 2000 buses daily, the interstate bridges would experience gridlock due to congestion. Since 1989, the bridges have had a fixed capital budget of only \$1.5 million per year. This is inadequate to match the \$31.6 million in federal dollars currently available for the bridges.

(continued on back)

Why are the bridges so expensive to maintain? These bridges are unique because of their size, age (most are over 70 years old) and because four of them are movable structures.

Growth in the region has impacted the bridges in several ways:

- Increased congestion makes it essential that the bridges stay in good operating order with a minimum of down time;
- More frequent and heavier loads add stress to the structures, causing more wear and damage and increasing maintenance needs; and
- Increased commercial river traffic requires more bridge openings.

Costs have risen because of the need to provide:

- Seismic retrofitting in the event of an earthquake;
- Regulations to protect the environment, the public and workers;
- Antique parts need to be custom-made;
- Requirements for in-depth inspections

What are the risks of not providing a dedicated funding source? The County could potentially lose a portion of the \$31.6 million in federal dollars secured for use on the bridges due to inadequate local match. Continued deterioration of the bridges would require weight restrictions, affecting freight movement in the region. In a worst case scenario, if the electrical and mechanical systems fail, the bridges would be locked in the upright position as mandated by federal regulation (river traffic has right-of-way).

How can the Legislature be ensured that Multnomah County will use the dollars efficiently? Multnomah County participates in annual cost-accounting reporting to the Department of Transportation. The County Transportation Division was part of both statewide and internal performance audits during 1998 and has implemented the recommendations of those reports. The Hawthorne Bridge Painting and Rehabilitation Project is an example of Multnomah County's ability to manage large bridge projects. The Federal Highway Administration presented the Oregon Transportation Quality Initiative Achievement Award in the Interagency Partnering category to the Hawthorne Bridge Project team led by Multnomah County. The \$21.8 million project was funded with approximately 80% Federal Highway Bridge Repair, Surface Transportation Program and Congestion Mitigation Air Quality funds; 6% Oregon gas taxes; and 14% local gas taxes. The project was delivered under budget.

Who else supports the -11 amendments? Association of Oregon Counties, Portland Chamber of Commerce, Gresham Chamber of Commerce, Gresham Sanitary Service, and others.



BOARD OF COUNTY COMMISSIONERS
1120 SW 5TH AVENUE, SUITE 1515
PORTLAND, OREGON 97204
(503) 248-3308

MULTNOMAH COUNTY OREGON

BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

May 10, 1999

Dear Colleagues:

The Multnomah Board of County Commissioners are writing in opposition of HB 2806 which would preempt local ordinances banning smoking in restaurants, bars, taverns, and cocktail lounges. This bill would have serious implications for public health efforts to reduce tobacco use. **We urge a no vote.**

- In Multnomah County, 21% of all deaths in 1996 were related to tobacco use, 28% of all non-smoking adults are exposed to secondhand smoke at home or in the workplace. The cost to taxpayers in Multnomah County for tobacco use in 1996 was \$276.9 million
- Any attempt to outlaw efforts by local communities to protect their citizens' health through tobacco control ordinances is unacceptable
- County-wide polls have shown that Multnomah County residents want to be in control of policies that affect their health

Local communities must retain the right to develop their own policies in order to address this serious public health problem.

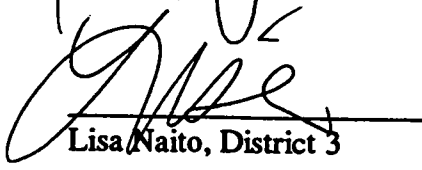
We strongly urge a no vote on HB 2806.

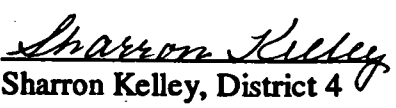
Sincerely,
MULTNOMAH COUNTY
BOARD OF COUNTY COMMISSIONERS


Beverly Stein, Chair


Diane Linn, District 1


Serena Cruz, District 2


Lisa Naito, District 3


Sharron Kelley, District 4

HB 2806 would pre-empt local ordinances banning smoking in restaurants, bars, taverns, and cocktail lounges.

The following legislators need phone calls urging them to vote no on HB 2806

| Names | Phone Numbers | Current Status |
|-----------------|---------------|------------------------------------|
| Chris Beck | 986-1412 | Leaning no – is moveable |
| Randall Edwards | 986-1415 | Leaning strongly to yes |
| Dan Gardner | 986-1413 | Working with supporters of HB 2806 |
| Deborah Kafoury | 986-1418 | Leaning yes |
| Randy Leonard | 986-1421 | Leaning yes – is moveable |

BOGSTAD Deborah L

From: LEE Susan E
Sent: Friday, May 14, 1999 3:37 PM
To: #CHAIR'S OFFICE; #DISTRICT 1; #DISTRICT 2; #DISTRICT 3; #DISTRICT 4; #ALL PAO USERS
Subject: Revenue Forecast

As discussed yesterday at the board briefing, the Revenue Forecast was presented today at a joint meeting of the Senate and House Revenue Committees. The projection is up from the March forecast by \$42.5 million for the 99-01 biennium. The 97-99 biennium is over by 2.03%. The .03% is apparently an average days revenue, so although they say the kicker will kick, it is really not sure at this time. No word at this time how the money may be spent, given there is so little change - presumably schools.

For a complete text of the Revenue Forecast, click here:

<http://www.oea.das.state.or.us/pdf/PRES0599.PDF>

To listen to the Revenue Committee presentation, click here (and go to archives, House Revenue Committee):

<http://landru.leg.state.or.us/listn/>

If you have any questions, call me at 66045.

Susan