

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-216

Approving the annexation of territory to Multnomah County R.F.P.D. # 14.

The Multnomah County Board of Commissioners Finds:

- (a) A request for annexation was received pursuant to procedures set forth in ORS 198.
- (b) A staff report which addressed factors mentioned in ORS 198 was presented to the Board 15 days prior to the hearing.
- (c) A public hearing was held before the Board of County Commissioners on November 4, 1999 to determine whether the boundary change was appropriate as required by ORS 198.

The Multnomah County Board of Commissioners Orders:

- 1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. MU-0599 is approved.
- 2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Multnomah County R.F.P.D. # 14.
- 3. The staff is directed to file this document with the required parties.

ADOPTED this 4th day of November, 1999.



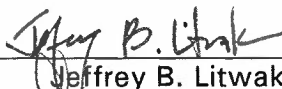
Reviewed:

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 465.11 acres, 24 single family units, a church, a post office, a state park, a population of 54 and is valued at \$5,343,484.
2. The petitioners stated the following in their application for annexation:

Residential properties located in the subject area currently have no fire protection. Corbett Fire District # 14 often passes through the subject area to access properties within the District. Additionally, the subject properties are considered part of the greater Corbett community, are included within the area served by the Northeast Multnomah County Community Association, and are part of the Corbett School District. Phone services are provided by Cascade Utilities, the same company that serves Corbett.

Corbett Fire District # 14 currently has a contract to provide emergency medical services to the subject area. The proposed addition will add fire protection and tax revenue to the District.

Because the area is currently not included in the District for fire protection, it is often confusing to dispatchers, 911 operators and district personnel. The addition of the subject area will clarify this by adding all structures of the Corbett/ Bridal Veil area to the fire district.

3. 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

The area to be annexed does not fall within the boundaries of Metro. Therefore the criteria spelled out in Metro Code 3.09 are not applicable here.

4. The land slopes northerly toward the River and rises to the south. Land to the south is in the Mt. Hood National Forest.

5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).
6. 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 4 of the Plan 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 17 calls for the County to identify communities and develop and maintain community plans. The County has not created a community plan which covers this area.

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.

This section sets a policy to be followed when the County is reviewing a land use action such as subdivision review. The section really does not provide any guidance on the issue of rural fire protection district annexations.

There is no County plan designation for this area because the Columbia Gorge National Scenic Area Plan covers the area. County zoning designations for this area include: GSF-40 - Special Management Agriculture, 40 acre minimum lot size; GSPR - Special Management, Public Recreation; GSO - Special Management, Open Space; GGR5 - General Management, Residential, 5 acre minimum lot size.

The applicants note that there are no development plans associated with this request and that in fact there are only three developable single family residential sites within the area to be annexed.

7. This area is within the Columbia Gorge National Scenic Area. The Columbia Gorge National Scenic Area Plan displaces the County Plan in this area. Multnomah County has adopted and administers zoning for the area.

A Scenic Management Area Goal in the Plan is to, "Protect and enhance forest lands for forest uses." Policy 16 under this Goal states:

16. Fire protection siting guidelines and standards for dwellings shall be developed by the county to protect forest resources from wildfires.

Scenic Management Area Guidelines include a listing of uses which are allowed outright and uses which require review. Under "Review Uses" one use is listed as follows:

- J. One dwelling on a parcel of 40 contiguous acres or larger if an approved forest management plan demonstrates that such a dwelling is necessary for and accessory to forest uses. The forest management plan shall demonstrate the following:

...

- (5) The dwelling complies with county dwelling, siting and state/county fire protection guidelines.

Reviewable uses under the Scenic Area Plan also include:

- N. Towers and fire stations for forest fire protection.

8. The District has three fire stations, one in Corbett towards the east side of the District, one in Springdale near the west side of the District and one in Aims in the southeast part of the District.

The closest station to the area to be annexed is the main station in Corbett. This station houses one engine with a 1,000 gallon tank, a 3500 gallon tanker, a rescue rig, a brush rig and a separate vehicle equipped with ropes and other equipment for rescue work in the Gorge.

At Springdale the District has another 1,000 gallon engine and a brush rig. The Aims station houses a third 1,000 gallon engine and a 3300 gallon tanker.

9. This District is entirely a volunteer operation. The District employs one half-time

clerical person. There are currently 46 active volunteers.

10. Within the District response is made to both fire and emergency medical calls. Outside the existing District but within portions of the territory to be annexed, the District responds to emergency medical calls. They do this via a contract with Multnomah County. The area of response is along I-84, Old Columbia River Highway and Larch Mountain Road. Thus District manpower and equipment have been traversing at least some of the area to be annexed already as a result of this contractual obligation. If the area proposed for annexation is annexed the area covered by the contract will simply be reduced by that amount of territory.
11. The District like all other fire, police and emergency medical agencies in the County is dispatched from the regional 911 center.
12. The Insurance Services Office (which is an organization provided by fire insurance carriers) provides universally accepted fire ratings to all fire agencies in the Country. These ratings are used by the industry in determining fire insurance costs for given areas. The rating is 1 thru 10 with 1 being the best (and virtually unattainable) rating and 10 meaning essentially no service. Factors in the rating include manpower & equipment, water availability, command structure, fire loss history, etc. A portion of the Multnomah County R.F.P.D. # 14 is within the Corbett Water District. Areas within the Water District have a Class 5 rating while those areas in the Fire District but outside the Water District have a Class 8 rating. None of the territory to be annexed is within the Water District.
13. Except for the Corbett Water District other services are provided generally in this area by Multnomah County (planning & zoning, for instance) and the State of Oregon (state police along I-84, for example).

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. ORS 198.805 requires the Board to determine, in accordance with the criteria prescribed in ORS 199.462, whether the area could be benefitted by the annexation. As noted in Finding No. 3 consideration of comprehensive planning for the area is one factor the Board may use in determining benefit. The Comprehensive Plan does call for services to this area to be sufficient to support the allowed uses. Scattered rural residential dwellings and public facilities such as parks and highways are the allowed uses. The District provides adequate service to





similar facilities and uses within its existing boundary and has adequate manpower and equipment to provide this same level of service to the area to be annexed.

The Board may also consider "economic, demographic and sociological trends and projections pertinent to the area" and "past and prospective physical development of the land that would directly be affected by the proposed boundary change" in determining whether the area can be benefitted by the extension of fire service. It is noted that little additional development would be allowed in the area. Thus it will not grow and put additional demand on the District. Emergency medical calls may increase as population and recreation use increase in the area, but the District has already shown in its execution of the contract for EMS service that it is able to serve the area. The fourth criteria laid out in ORS 199.462 is consideration of the LCDC Goals. The Board has already considered the LCDC Goals as part of the process of adopting the Comprehensive Plan for the area.

2. The Board also notes that this proposal was initiated by consent petitions of owners of more than half the land area in the area to be annexed and petitions of more than half the registered voters in the territory. In fact the record shows that owners of 57.1 percent of the land and 67.9 percent of the registered voters signed the petitions. This indicates a strong desire for the service by the area residents and voters. Furthermore the Board of the District supports the annexation and has stated so through its official endorsement of the proposal.
3. ORS 198.805 also says: "In determining the boundaries of the . . . district, the board shall consider the benefit . . . [the proposal] will have in or out of the . . . district." The District now travels within the proposed annexation area in execution of its EMS contract but is not legally obligated to handle fire calls in this area. This potentially can cause confusion and raise false expectations on the part of that area's residents. With annexation the District will be able to answer all calls in the area. This will reduce confusion on the part of area residents.

Multnomah Co. RFPD #14

Figure 2
Proposed Annexation

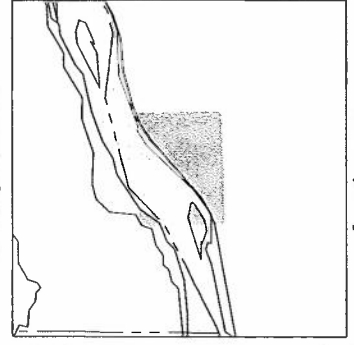
-  Proposed Annexation
-  County lines
-  Multnomah Co. RFPD #14
-  Railroad

Scale 1" = 1610'
0 1000 2000



METRO

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



Location map

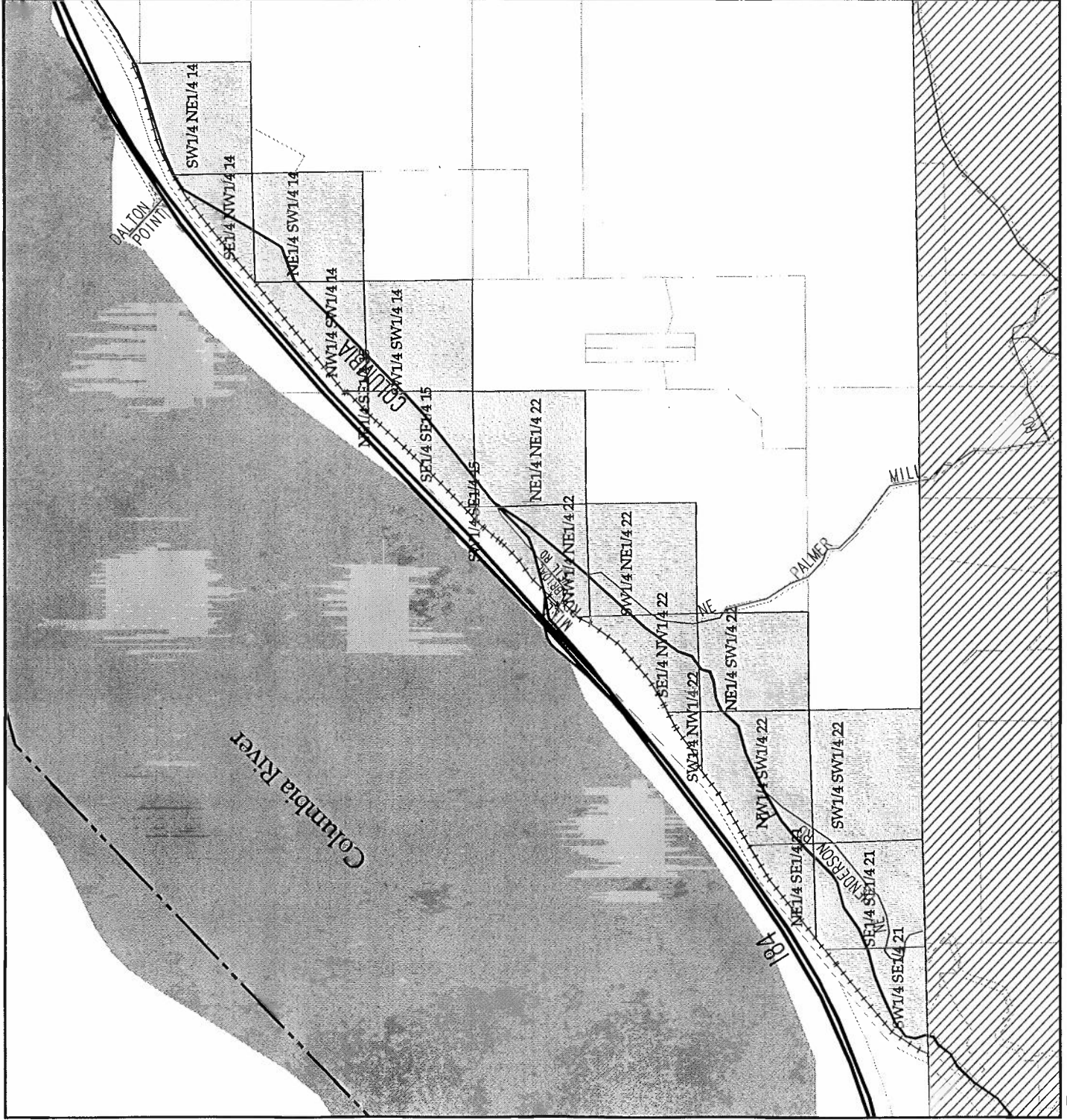


EXHIBIT B

Proposal No. MU-0599

The property to be annexed is described as follows:

Those portions of Sections 21, 22, 14, & 15 of Township 1 North, Range 5 East of the Willamette Meridian, in the County of Multnomah and the State of Oregon, described as follows:

Beginning at a point at the SW corner of the SE quarter of Sec 21 and the Southeasterly R/W line of the O.-W. R. & N. Co. (Railroad); then E 4127 feet, more or less, to the SE corner of the SW quarter of the SW quarter of Sec 22; then N 1320 feet to the NE corner of the SW quarter of the SW quarter of Sec 22; then E 1320 feet to the SE corner of the NE quarter of the SW quarter of Sec 22; then N 1320 feet to the NE corner of the NE quarter of the SW quarter of Sec 22; then E 1320 feet to the SE corner of the SW quarter of the NE quarter of Sec 22; then N 1320 feet to the NE corner of the SW quarter of the NE quarter of Sec 22; then E 1320 feet to the SE corner of the NE quarter of the NE quarter of Sec 22, a point on the West line of Sec 23; then N 1320 feet to the NE corner of Sec 22, then E 1320 feet to the SE corner of the SW quarter of the SW quarter of Sec 14; then N 1320 feet to NE corner of the SW quarter of the SW quarter of Sec 14; then E 1320 feet to the SE corner of the NE quarter of the SW quarter of Sec 14; then N 1320 feet to the NE corner of the SW quarter of Sec 14; then E 1320 feet to the SE corner of the SW quarter of the NE quarter of Sec 14, then N 1320 feet to the NE corner of the SW quarter of the NE quarter of Sec 14; then N 20 feet, more or less, to the intersection of the Southeasterly R/W line of the O.-W. R. & N. Co.; then Westerly, following the Southeasterly line of said R/W to the point of beginning. (Note: some sections in this area are disproportional in size).

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VICKI K. ERVIN
DIRECTOR OF ELECTIONS