

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-92

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 20, 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-0499 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 20th day of May, 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

THOMAS SPONSER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

by



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Assistant County Counsel

### FINDINGS

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

1. The territory contains 16.5 acres, is vacant and is evaluated at \$8,650.
2. The applicant desires annexation in order to pursue inclusion in the regional Urban Growth Boundary and ultimately development of the property. This property has been tentatively included in the urban growth boundary. Metro approved a locational adjustment to the UGB in October, 1998. Because the territory is outside Metro's jurisdictional boundary such locational adjustments are done through a resolution expressing the Metro Council's intent to amend the UGB if and when the property is annexed to Metro.
3. The Metro boundary in Cornelius Pass 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 east half of the Cornelius Pass Road right-of-way. The tentative approval of the locational adjustment by Metro included the right-of-way,
4. The land is basically flat. The majority of the property is covered with a filbert orchard.
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). The URA's were identified by number and this property was a part of URA 64.

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. However, before Metro took this action the owners of

this particular piece of property applied for and received tentative approval of a locational adjustment of the regional Urban Growth Boundary. A locational adjustment is the method for making regular limited additions or deletions of 20 acres or less to the UGB.

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.

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 through the major amendments process or via the legislative amendment process 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. These requirements do not apply to the locational adjustments process.

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))*

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.

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.

8. 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.

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.

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's # 7 & 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.

Policy 14 establishes nine plan designations for the rural\natural resource area. This territory is designated as AF-5. This is Agriculture and Forest, 5 acre minimum lot size. Policies and implementing strategies relating to AF-5 are contained Policy 18.

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.

9. 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.
10. 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.
11. This territory is not covered by the Hillsboro Comprehensive Plan. The territory is adjacent to the City boundary (on the west side of Cornelius Pass Rd.) and the City has indicated a willingness to annex the site and provide any necessary services.
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. Most urban services are not 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.
14. This territory lies within Washington County R.F.P.D. # 2 which contracts with the City of Hillsboro for service in this general area. The site is also within the Tualatin Hills Park & Recreation District.

Hillsboro 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.

15. 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 through the processing of a locational adjustment for this property.

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 Board determined:

1. The proposed annexation should be modified to include the right-of-way of Cornelius Pass 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 Cornelius Pass 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 Hillsboro Argus newspaper; 4) notice by first class mail to every property owner within 250 feet and notice to the affected community planning organizations (CPO's # 7 & 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. 12 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. 15.
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. 2 the Metro Council (by resolution in October, 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-0499

A parcel of land located in the Southeast quarter of Section 14, Township 1 North, Range 2 West of the Willamette Meridian, Washington County, Oregon being more particularly described as:

Commencing at a point on the north line of the Stephen A. Holcomb DLC #67 in Township 1 North, Range 2 West of the Willamette Meridian 2.57 chains West of the Northwest corner of the East half of said DLC; thence S 21 40' W, 799 feet to the Center line of West Union Road (C.R. 1175), and the true point of beginning; thence continuing S 21 40' W, 740 feet more or less; thence S 87 59' W, 860 feet more or less to the Center line of NW Cornelius Pass Road (C.R. 1172); thence along the Center line N 25 05' E, 1250 feet more or less to the Center line of West Union Road (C.R. 1175); thence Southeasterly along the center of West Union Road 760 feet more or less to the point of beginning.

**EXHIBIT**

[illegible]

SEE MAP  
IN 2 13

PROPOSAL NO. MU-0499  
METRO  
Figure 2