

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.

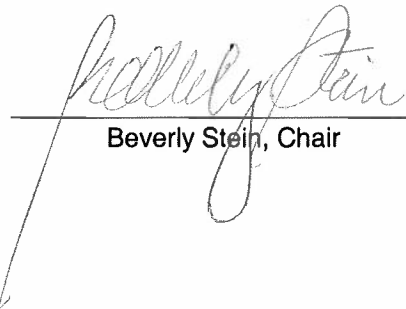
ADOPTED this 13th day of May, 1999.



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.

## SW1/4 SECTION 17 TIN RIW W.M.

**SEC1**

NW

**C.R. 1037**

10729

132868

328.68

328.68

328

600  
23.83 Ac.

501  
6.74 Ac.

328  
DLC  
IC  
14

AREA TO BE  
ANNEXED

5

R

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G

518.47

24

25

493.02

26

7

500  
17.26 Ac.

FR

A

701.53 M/L

01-53 M/1 V

SEE MAP  
IN 1 18

AREA TO BE ANNEXED

140.25'

32868

328 68'

32868

2258

797.61

1320

52-46

470 M/L

1390 M/1

**METRO**

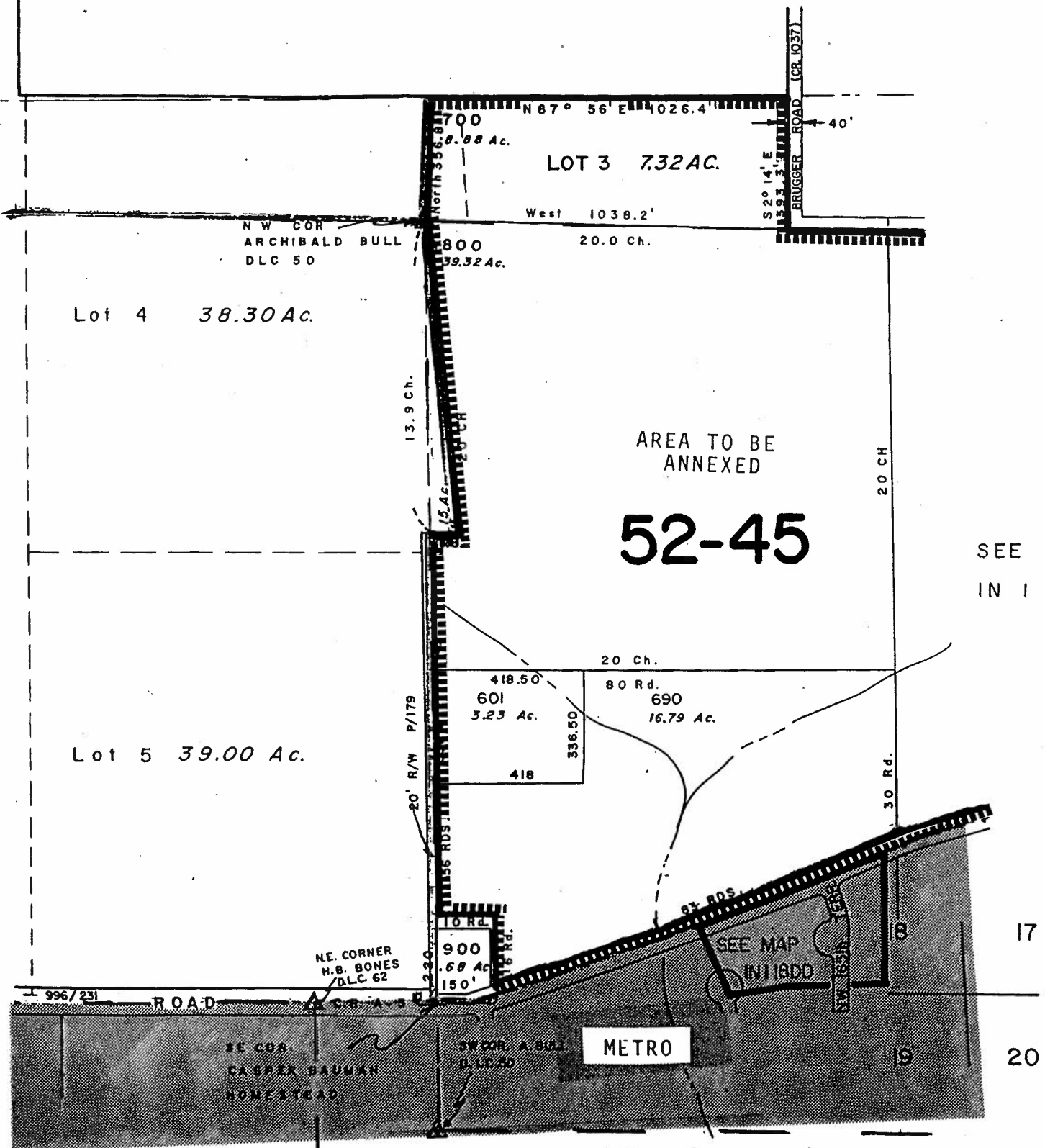
N.W.

PROPOSAL NO. MU-0299  
METRO ANNEXATION  
FIGURE 2A



# Proposal No. MU0299

SECTION 18 TIN RIW W.M.



SEE MAP  
IN 1 17C

PROPOSAL NO. MU-0299  
METRO ANNEXATION  
FIGURE 2B